



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 6 November 2018

Time: 6.30pm,

Location: Council Chamber

Contact: Lisa Jerome

Members: Councillors: D Cullen (Chair), M McKay (Vice-Chair), D Bainbridge, L Briscoe, M Downing, J Fraser, ME Gardner, J Hanafin, L Harrington, L Kelly, G Lawrence, J Lloyd and G Snell

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 11 SEPTEMBER 2018

To approve as a correct record the Minutes of the previous meeting held on 11 September 2018.

Pages 3 – 14

3. 62 BEDWELL CRESCENT, STEVENAGE

To consider the construction of a two-storey side and first floor rear extension and change of use of public amenity land to land associated with the dental surgery (Use Class D1) and creation of access ramp.

Pages 15 – 30

4. LAND AT SIX HILLS HOUSE, LONDON ROAD, STEVENAGE

To consider the variation of "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM.

Pages 31 – 38

5. 25 BUDE CRESCENT, STEVENAGE

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

Pages 39 – 44

6. 25 BUDE CRESCENT, STEVENAGE

To consider the erection of single storey side extension.

Pages 45 – 50

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 51 – 74

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 75 – 90

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, 11 September 2018

Time: 6.30pm

Place: Council Chamber

Present: Councillors: David Cullen (Chair), Maureen McKay (Vice Chair), Doug Bainbridge, Lloyd Briscoe, Michael Downing, James Fraser, Michelle Gardner, Jody Hanafin, Liz Harrington, Graham Lawrence, John Lloyd and Graham Snell

Start / End Start Time: 6.30pm
Time: End Time: 7.45pm

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

Apologies for absence were submitted on behalf of Councillor Lizzy Kelly.

There were no declarations of interest.

2 **MINUTES - 14 AUGUST 2018**

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 14 August 2018 are approved as a correct record and signed by the Chair.

3 **18/00045/FP - 18B BOULTON ROAD, STEVENAGE**

The Committee considered an application for the retrospective change of use from D1 (Training Centre) to D2 (Gymnasium).

The Development Manager gave an introduction and visual presentation to the Committee. The main issues for consideration in the determination of the application were its accessibility in land use policy terms, impact on visual amenity; impact on residential amenities; parking provision; means of access and highway safety.

The Development Manager reported that a number of representations in support of the application had been received relating to the benefit to the local area, support for local small businesses and improvement to lifestyles including health and fitness.

The Committee was advised that the application site was within the Pin Green Employment Area which the Stevenage District Plan seeks to protect for employment uses. The sequential test submitted by the applicant had also been reviewed and Officers advised that it had not demonstrated that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.

Officers advised that taking into account all assessments it was considered that the benefits that the existing use generates did not outweigh the loss of the premises which was considered to have a lawful B1(a) office use. This combined with the fact that there was likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period.

In response to a question, Officers confirmed there would be ongoing discussions with the applicant regarding alternative venues for the gym to relocate to within the town.

Following consideration of the issues by Members, it was **RESOLVED**:

That the planning application be **REFUSED** for the following reasons:

1. The benefits that the existing use generates do not outweigh the loss of this premises which is considered to have a lawful B1(a) office use. This combined with the fact that there is likely to be demand for office and commercial floorspace over the emerging local plan period would put increasing pressure on a limited supply of employment space to accommodate any future growth for the town over the local plan period. Therefore, the existing development fails to accord with Policies E2 and E4 of the Stevenage District Plan Second Review 1991 – 2011 (2004), Policies EC6 of the Stevenage Borough Local Plan 2011 – 2031 Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).
2. The existing gym is contrary to paragraphs 86, 87 and 90 of the National Planning Policy Framework July 2018, the Planning Practice Guidance (2014) and Policy TC13 of the Stevenage Borough Local Plan 2011 – 2031 publication draft, 2016 in that it has not been demonstrated through the sequential test that the existing use could not be accommodated in available premises within the town centre sites, edge of centre sites or other sequentially preferable sites.
3. That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation, subject to the Council's appointed solicitor being satisfied as to the evidence requiring the cessation of the use of 18b Boulton Road as a gymnasium. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
4. That subject to the Council's appointed solicitor being satisfied with 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.
5. 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 Enforcement Notice and any appeal against the refusal of planning permission.

In accordance with paragraph 22 of Part 4 of the Council's Constitution, Councillor Graham Snell requested that his vote against the recommendation be recorded in the minutes.

4 **17/00826/FPM - PLOT 2000, ARLINGTON BUSINESS PARK, STEVENAGE**

The Committee considered an application for the erection of four storey office building (Use Class B1a), petrol filling station with ancillary convenience store and coffee drive-thru outlet with associated access, parking and circulation arrangements, landscaping and associated works. The application was before the Committee because it was a major application.

The Development Manager gave an introduction to the Committee. It was considered that the proposal would generate an acceptable level of additional employment on the site and would also provide a high quality office building. The development would also help to support the ongoing operation of the employment area as well as bring back a vacant plot of land into operation.

In terms of retail impact, the development would not have a negative impact on the town centre and it had been adequately demonstrated that there were no sequentially preferable sites in the town centre.

Officers advised that through appropriate conditions, the proposal would not have a detrimental impact on residential amenity, biodiversity, ecology or the environment. There was sufficient cycle parking and car parking.

Hertfordshire County Council had been consulted as Highways Agency and subject to a condition on construction traffic and to secure parking across the site before the development is occupied and a financial contribution towards sustainable transport infrastructure, the proposed development would not prejudice the safety and operation of the highway network.

In response to questions from Members, Officers confirmed that there would be 52 new trees planted on the site as part of the new landscaping proposals and that the internal facilities within the office building would be designed in consultation with the end user once this had been confirmed.

It was **RESOLVED**:

- 1 That the planning application be **GRANTED** subject to:-
 - A) no intervention from the Secretary of State for Communities and Local Government following reference of the application under the Town and Country Planning (Consultation) (England) Direction 2009;
 - B) the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-
 - HCC Automatic Vehicle Location Departure Screens (£48,000)

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

The proposal be subject to the following conditions:-

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

16.139 001; 16.139 002 O; 16.139 007 B; 16.139 009; 16.139 012; 16.139 013; 16.139 014; 16.139 015; 16.139 016; 3358 01 D; 3358 02 D; 0066804-CUR-00-XX-DR-D-72001-P01;
- 3 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 4 No development, including site clearance, shall take place until a phasing plan, identifying the areas of the site to be developed under each phase, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the phasing plan.
- 5 No development, including site clearance, shall take place until samples of the materials to be used in the construction of the external surfaces of the building and hardsurfacing areas, including roads, footpaths and car parking areas, hereby permitted have been submitted to and approved in writing by the local planning authority. The external surfaces of the development shall be carried out in accordance with the approved details. Furthermore, all hard surfacing comprised in the details of shall be carried out within three months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
- 6 No development, including site clearance, shall take until details of the refuse store and area/facilities allocated for storing recyclable materials has been submitted to and approved in writing by the Local Planning Authority. The refuse and recycle stores shall be implemented in accordance the approved details and no refuse or recycling material shall be stored or placed for collection on the highway pavement, except of the day of collection.
- 7 No development, including site clearance, shall commence until a scheme of dust control measures as well as the methodology for the screening and enclosure of plant and machinery to be used during the construction period has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Department and shall be adhered to throughout the construction period. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.
- 8 No development, including site clearance, shall commence until a

Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of a construction phasing program (including any pre-construction, demolition or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of provisions for temporary public car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xii) Disposal of surplus materials; and
- (xiii) Post construction restoration/reinstatement of the working areas, reinstate construction access.

9 No part of the development hereby permitted shall be occupied until the relevant access and car parking areas have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

10 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

1. A preliminary risk assessment which has identified:

- All previous and proposed uses;
- Potential contaminants associated with those uses (e.g. historic and proposed fuel storage);
- A conceptual model of the site indicating sources, pathways and receptors, and
- Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation or mitigation strategy giving full details of the remediation or mitigation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation or mitigation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

- 11 Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority.
- 13 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 14 Piling using penetrative methods shall not be carried other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 15 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the permitted development.
- 16 The development hereby permitted may not commence until such time as a scheme to install underground tanks has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surrounds, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the local planning authority.

- 17 The development permitted by this planning permission shall be carried out in accordance with the approved Detailed Drainage Strategy dated 13 July 2018 produced by Curtins, including:
 1. Discharge of surface water to the Thames Water Utilities Ltd surface water sewer at not more than 2l/s;
 2. Provision of 656m³ of storage sufficient to manage surface water up to the 1 in 100 plus 40% for climate change rainfall event.
- 18 No development shall place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will be exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 1. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet feature including any connecting pipe runs.
 2. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 19 No development shall take place, including site clearance, until details for the maintenance and adoption plan for the underground surface water attenuation features for its lifetime shall be submitted to and approved in writing by the Local Planning Authority. The maintenance and adoption plan shall be implemented in accordance with the approved details.
- 20 No development shall take place, including site clearance, until details of secure cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The secure cycle storage facilities shall be installed in accordance with the approved details.
- 21 The soft landscaping shall be carried out in accordance with drawing numbers 3358 01 D; 3358 02 D unless otherwise agreed in writing by the Local Planning Authority.
- 22 All planting, seeding or turfing comprised in the approved details of

landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.

- 23 No tree shown on the approved soft landscaping plan 3358 01 D; 3358 02 D shall be cut down, uprooted or destroyed, nor shall any retained tree detailed on the aforementioned drawings be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
- 24 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 25 No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.
- 26 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
- 27 No development, including site clearance, shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.
- 28 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
- 29 No development shall commence, including site clearance, until a scheme for the provision of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the buildings, these boxes shall be installed in accordance with the approved scheme and retained thereafter.

5 **18/00427/FP - 38C QUEENSWAY, STEVENAGE**

The Committee considered an application for the installation of new extract ducting

to the rear of the building and on the flat roof area. The extract ducting would be to serve a takeaway and/or restaurant.

The application was before the Committee for determination as the applicant was Stevenage Borough Council. The Development Manager gave an introduction and visual presentation to the Committee. Officers advised that the main issues for consideration were the visual impacts on the conservation area and the impact on the environment and amenity which would be dealt with by way of appropriate conditions.

It was **RESOLVED** that planning permission be granted subject to the conditions as per the recommendations in the report and an additional condition 4 relating to hours of work:

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

BS13007-U5-01A; BS13007-U5-02; BS13005-U5-03

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The external plant, ducting, filters and extraction vents as detailed in the application submission shall be installed in accordance with the approved details prior to the first use of the premises. The external plant, ducting, filters and extraction vents shall also be maintained in accordance with the manufacturer's specification thereafter.
4. No construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. These times apply to work which is audible at the site boundary.

INFORMATIVE

Use of the premises as a Takeaway

This application does not grant planning permission for a change of use from Use Class A1 (shop) to A5 (takeaway). This will require separate planning permission from the Council as the Local Planning Authority.

6 18/00473/FP - SILKIN COURT, CAMPKIN MEAD, STEVENAGE

The Committee considered an application for a two storey infill extension, internal alterations and remodelling of the main entrance to facilitate the creation of 5no one bed flats.

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

The Development Manager gave an introduction and visual presentation to the Committee. The main issues for consideration in the determination was the principle of the creation of additional residential units, the impact of the proposal on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the adequacy of parking provision.

In response to a question, officers advised that the difference in distance to the residential units following the relocation of the bin store was not considered significant.

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: 615-C-002-300 Site location plan; 615-C-002-301 Existing floor plans; 615-C-002-302 Existing roof plan; 615-C-002-303 Existing elevations; 615-C-002-304 Proposed floor plans; 615-C-002-305 Proposed roof plan; 615-C-002-306A Proposed elevations; 615-C-002-307 Proposed bin store.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the canopy hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The materials to be used in the construction of the external surfaces of the two storey extension, external alterations and bin store hereby permitted shall match the materials used in the construction of the original development or as specified on the approved drawings to the satisfaction of the Local Planning Authority.
5. The additional parking spaces hereby approved shall be constructed of a porous material, or provision shall be made to direct surface water run-off from the hardstanding to a permeable or porous area or surface within the curtilage of the development, and shall be marked out and available for use prior to the occupation of the approved units. The parking shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

7 **INFORMATION REPORT - DELEGATED DECISIONS**

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

8 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

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

9 **URGENT PART I BUSINESS**

The Chair invited Councillor Fraser to address the Committee in respect of the application at 4 Fishers Green which had been considered at the last meeting.

Councillor Fraser informed the Committee that he had been advised that the Council could use Part II, Section B1(a) of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as a potential vehicle to protect the building at 4 Fishers Green and requested that officers be asked to investigate this possibility.

The Chair advised that the Council had already received legal advice relating to the site but that he would ask Officers to take further legal advice on the points raised by Councillor Fraser and come back with a detailed response to him and report back to the next meeting on the outcome.

It was **RESOLVED** that:

1. The Interim Assistant Director Planning and Regeneration take further legal advice on the implications of Section B1a of the Town and Country Planning General Permitted Development Order 2015 for the application at 4 Fishers Green and in consultation with the Chair of the Committee advise Councillor Fraser of the outcome.
2. That the outcome of the investigations be reported to the next meeting of the Planning and Development Committee.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

None.

CHAIR

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Meeting: Planning and Development Committee **Agenda Item:**

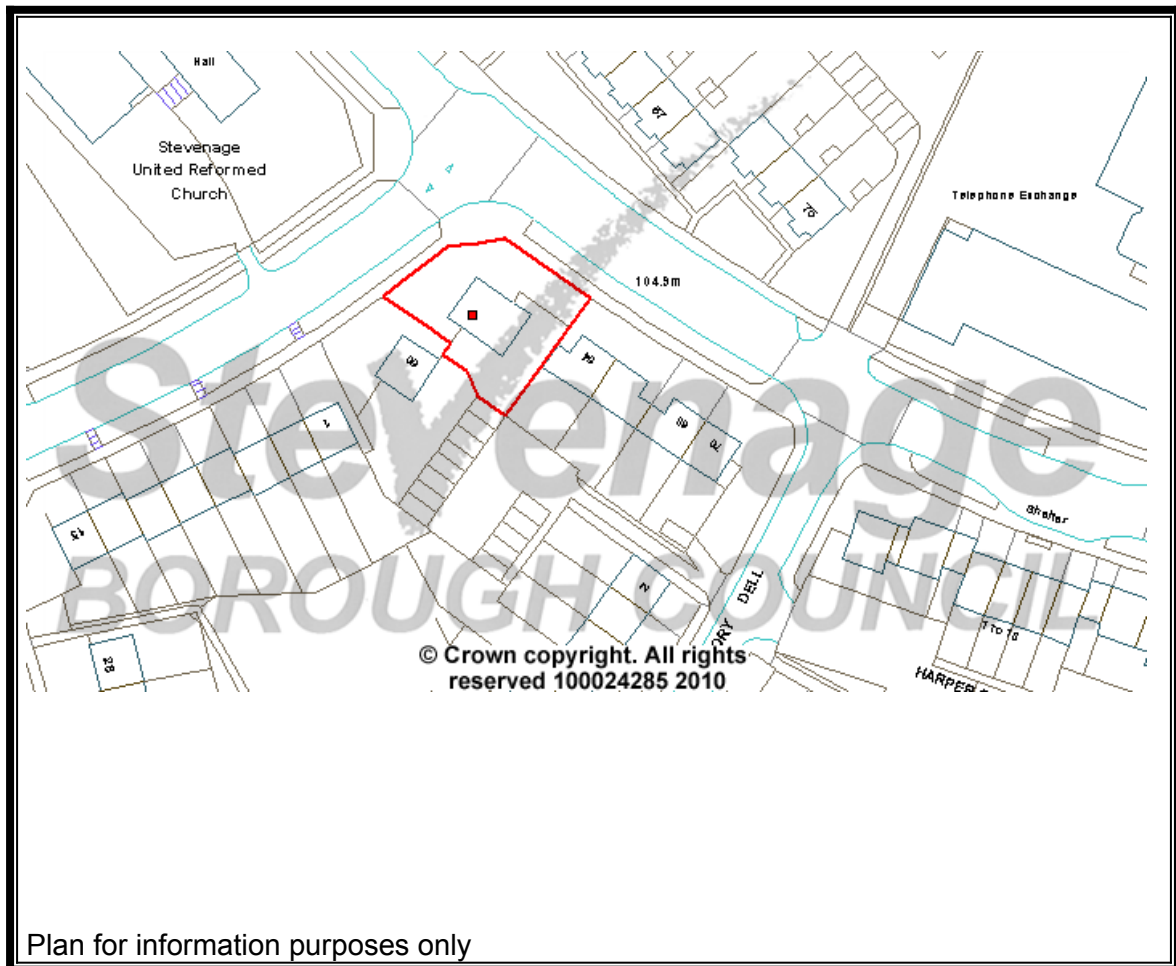
Date: 6 November 2018

Author: James Chettleburgh 01438 242266

Lead Officer: Chris Berry 01438 242257

Contact Officer: James Chettleburgh 01438 242266

Application Nos:	18/00528/FP
Location:	62 Bedwell Crescent, Stevenage
Proposal:	Two-storey side and first floor rear extension and change of use of public amenity land to land associated with the dental surgery (Use Class D1) and creation of access ramp.
Drawing Nos.	812:02A; Block Plan;
Applicant:	Mr Adrian Yellon
Date Valid:	06 September 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located at the junction of Bedwell Crescent and Cuttys Lane. The site comprises a detached, two-storey property which currently operates as an NHS Dentist. The property is constructed from brick with the roof clad in concrete interlocking bold roll tiles. To the rear and side of the original property are single-storey extensions creating a wrap-around comprising a gable-end roof and mono-pitched roof. The rear yard of the dental surgery is enclosed by a 1.8m high close board timber fence which also forms part of the common boundary with number 60 Bedwell Crescent. The main rooms within the dental surgery at ground floor level consist of the reception area, waiting room, three surgeries and a store room. At first floor level, there is a further two surgeries, waiting room and WC. There is currently no parking associated with the existing surgery.
- 1.2 The surrounding properties in the area are residential in nature and of a similar age and architectural style as the application property. The site itself is located approximately 150m west of Bedwell Neighbourhood Centre. To the east of the site there is an end of terrace property, number 64 Bedwell Crescent, which lies at right angles to the application property and which contains two windows in the facing flank elevation at first floor level, although these appear to serve a bathroom and landing. This property is located slightly higher than the application property due to the sloping topography of Bedwell Crescent.
- 1.3 To the south lies a detached house, number 60 Bedwell Crescent, which is set lower than the application site/property due to the land sloping down a gentle gradient. This property has a large single-storey extension to the rear and this lies on the boundary with the application site. The aforementioned property sits forward of the application building by approximately 3.7 metres and there are no windows in the flank elevation of number 60 which are orientated towards the application property. To the rear of the aforementioned property is a small garage court served from Priory Dell. Across Cuttys Lane fronting Bedwell Crescent is the single-storey Stevenage United Reform Church, which is at a lower level than the application property.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0498/54 sought permission for a dental surgery with flat accommodation. This was granted permission in April 1954.
- 2.2 Planning application 08/00038/FP sought permission for a rear and side single-storey extension to the surgery. This was granted permission in March 2008.
- 2.3 Non-material amendment application to 08/00038/FP sought permission to amend the rear elevation by removing the gable feature of 1 no. window and the subsequent repositioning of the remaining windows and amendment to the front elevation by the addition of 1 no. window to the side extension. The non-material amendment was granted in February 2010.
- 2.4 Planning application 10/00567/FP sought permission for a two-storey side and first floor rear extension. This was granted planning permission in March 2011.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for a two-storey side and first floor rear extension at the existing dental surgery. The side extension would project, both ground and first floor level, 1.8m on the north side of the building which faces onto Bedwell Crescent. This extension would also be, at both ground at first floor level, 9m in length connecting to the existing ground floor extension to create a wrap-around. The side extension would follow the ridgeline of the existing building but it would be stepped back from the front elevation.
- 3.2 The first floor rear extension element would project above the existing rear single-storey extension to a depth of 3.5m from the rear elevation. The first floor extension would be 7.1m wide on the rear elevation and would face number 64 Bedwell Crescent. This extension would have the same ridge height as the existing building and would adopt the same shallow roof profile.
- 3.3 The proposed extension works would provide an extended waiting room and disabled WC on the ground floor and an extended staff room, waiting room, further surgery and x-ray room at first floor. The proposal also comprises a new access ramp to Bedwell Crescent. The existing building is stated as having a floor area of 139m² and the extensions would comprise 42m² in total. The proposed development does not seek to create any additional parking.
- 3.4 The proposal also seeks a change of use of public amenity land to land associated with the dental surgery. This is because part of the proposed extension works fall on land which lies outside the Dental Surgery's lease with Stevenage Borough Council.
- 3.5 This application has been referred to the Council's Planning and Development Committee as the application premises and the area of structural open space is owned by Stevenage Borough Council and objections have been received.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by way of letters to adjoining premises and the erection of a site notice. At the time of drafting this report, five letters of representation have been received from numbers 60 and 64 Bedwell Crescent, 16 Priory Dell, 54 Meadow Way and 25 Cromwell Road.
- 4.2 In addition, a 162 signature petition against the application was also submitted. The signatures on the petition are from the following addresses:-
- Abbots Grove – Numbers 1, 3, 4, 9, 10, 12, 13, 14, 18, 20, 22, 24, 25, 28, 30, 33, 36, 38, 40, 46, 48, 52, 54, 58, 60, 64, 66, 68, 156;
 - Archer Road – Number 484;
 - Ascot Crescent – Number 36;
 - Bedwell Crescent – Numbers 3, 11, 13, 22, 29, 32, 54, 60, 67, 69, 71, 73, 184, Unknown Property Number;
 - Bedwell Rise – Numbers 1, 2, 4, 7, 8, 9, 10;
 - Broom Walk – Number 34;
 - Brunel Road – Property Number Unknown;
 - Cuttys Lane – Numbers 1, 4, 5, 9, 10, 11, 51,
 - Chalkdown – Number 10;
 - Chester Road – Property Number Unknown;
 - Collenswood Road – Number 203;
 - Cromwell Road – Numbers 8, 47;
 - Denton Road – Numbers 3, 24;
 - Derby Way – Property Number Unknown;

- Elder Way – Number 50;
- Ellis Avenue – Number 100;
- Fairview Road – Number 180;
- Fox Road – Number 11;
- Grace Way – Numbers 22, 90;
- Haycock Road – Number 9;
- Highfield Court – Number 6;
- Hillcrest – Number 13;
- Holly Copse – Numbers 6, 7, 8, 11, 12, 14, 19, 21, 22, 26, 27, 28;
- Hopton Road – Number 2;
- Kimbolton Crescent – Property Number Unknown;
- Kymswell Road – Number 25;
- Manchester Close – Number 18;
- Marlborough Road – Number 44
- Meadow Way – Number 54;
- Pollard Gardens – Number 1;
- Priors Dell – Numbers 6, 8, 10, 12, 16, 18;
- Ramsdell – Numbers 18, 43;
- Ridgeway – Number 27;
- Ripon Road – Numbers 195, 313, 552;
- Rowland Road – Number 17;
- Ruckles Close – Number 2;
- Scarborough Avenue – Number 216,
- Scott Road – Number 25;
- Skipton Close – Number 80;
- St Margaret's – Number 9;
- Torquay Crescent – Property Number Unknown;
- Taywood Close – Property Number Unknown;
- Trumper Road – Property Number Unknown;
- Webb Rise – Numbers 57;
- Wisden Road – Numbers Unknown;
- York Road – Numbers 32, 222;
- Valley Way – Number 177;
- Vinters Avenue – Numbers 6, 10, 16, 20;
- 27 Aubries, Walkern; and
- 8 Cole Green, Hertford.

4.3 A summary of the objections raised to the application are as follows:-

- The business is out of character in this residential area;
- Overdevelopment of the site;
- Appears overbearing and dominant on neighbouring properties;
- Loss of daylight and sunlight;
- Unacceptable level of overshadowing;
- Loss of privacy;
- Stevenage Borough Council has allowed too much development on this site;
- The applicant has failed to provide adequate plans to show separation distances with neighbouring properties;
- The proposed development and its continued usage is contrary to Policy H6 of the District Plan (2004);
- The development would result in the loss of garden space;
- The Council as Landlord and Planning Authority has not been transparent or honest with residents regarding the use of the site as a dentist and the several planning permissions which have been granted;

- The use of the site as a dental surgery and its expansions have resulted in an increase in traffic and parking problems in the area;
- The dental surgery operates unregulated in terms of hours of operation by the Council which is causing unacceptable disturbance to local residents;
- The new access ramp across the amenity open space which currently compliments the aesthetic nature of this part of Bedwell is considered unacceptable;
- The new access ramp should be constructed to the front of the building;
- The increase in pedestrian traffic in close proximity to number 64 would create an unacceptable noise disturbance to this property;
- A dental surgery is more acceptable in the Town Centre and not in a residential area;
- The Council and members of the Planning Committee have a duty of care to its residents and should consider all applications on its merits. There is no merit to allowing an unacceptable development which would dominate the site and have an adverse impact on number 64;
- Patients are often parking in the United Reformed Church as there is no parking at the dentist. The car park is needed for organisations who use the church as well as persons attending events. No permission has been sought or granted for people associated with the dentist to use the church car park;
- The dental surgery due to the level of on-street parking prejudices highway safety;
- The expansion of the dentist will exacerbate the levels of on-street parking which will pose a significant safety risk on the highway;
- The roof of the building is asbestos and so there is a contamination risk to patients;
- If the application is approved, the Council must insist on the removal of asbestos be undertaken by a professional company;
- The dentist has gone from a local community centre to a major business;
- The dental surgery in the past has led to sewerage flooding to neighbouring properties and concerns this will increase if extensions are approved;
- The development would affect the value of properties;
- The development would affect the occupiers of neighbouring properties health;
- Will the electricity supply be able to cope with the extra demand from the development?;
- The application form is incorrect as there is no disabled parking available and there is no safe space for persons with disabilities to park;
- There is no area on the highway to provide disabled spaces and providing such space could be contrary to Highway Regulations and prejudice highway safety if it were located close to the junction;
- Patients have been visiting residential properties by accident, but residents expect privacy and to be unhindered, therefore will the committee respect this?;
- There is insufficient parking to serve the development.

4.4 Please note that the above is a summary of the objections/comments raised and not verbatim. However, full copies of the objections/comments raised against this application can be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 Subject to a condition on the new public footpath access up to the dental surgery and an informative, the proposed development would not have a detrimental impact on the safety and operation of the highway network.

5.2 Environmental Health

5.2.1 There are no concerns with the proposed development subject to the following conditions:-

- Restriction on hours of construction;
- Details of a scheme for dust control measures;
- No burning of waste materials;
- Submission of an asbestos survey;
- Restriction on installation of external lighting; and
- A methodology for the screening of plant and machinery.

5.3 Council's Parks and Amenities Section

5.3.1 There is no concern as to the small loss of amenity land provided the applicant incorporates planting along the perimeter of the proposed extension. In addition, planting plans, specifications and details are to be submitted and approved in advance by the Parks Sections. Furthermore, planting must be designed to provide an attractive amenity and acceptable to the Parks Section in terms of maintenance. Therefore, all planting should be hardy to typical winters, drought tolerant and show consideration for year round interest.

5.3.2 There should be a twelve month establishment defect period for new planting areas and any defects/plants fail to establish must be suitably rectified to the satisfaction of the Parks Team.

5.4 Police Crime Prevention Officer

5.4.1 As the Dental Surgery is an NHS facility, Department of Health Guidance need to be taken into consideration in that, all schemes should be considered against Secured by Design. Given the scheme is classed as small scale, as such only the principles of Secured by Design guidance has to be considered in this instance. Therefore, correspondence has been made with the agent to agree what will be required in line with Secured by Design. Given this, the Police Crime Prevention Design Service supports the application.

5.5 Thames Water

5.5.1 No comments received.

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 reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after

Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted District Plan

TW1: Sustainable Development;
TW2: Structural Open Space;
TW8: Environmental Safeguards;
TW9: Quality in Design;
T6: Design Standards;
T12: Bus Provision;
T13: Cycleways;
T14: Pedestrians;
T15: Car parking strategy;
EN27: Noise Pollution;
EN36: Water Conservation;
EN38: Energy Conservation and Supply.

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable Transport;
Policy SP8: Good Design;
Policy SP11: Climate Change, Flooding and Pollution;
Policy SP12: Green infrastructure and natural environment;
Policy IT5: Parking and Access;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy HC5: New Health, social and community facilities;
Policy GD1: High Quality Design;
Policy FP1: Climate Change;
Policy FP7: Pollution;
Policy NH6: General protection for open space.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012.
Stevenage Design Guide Supplementary Planning Document January 2009.

APPRAISAL

7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, Impact on visual amenity, Impact on residential amenities, parking provision and highway safety.

7.2 Land Use Policy Considerations

7.2.1 In land use policy consideration, the application property is a purpose built dental surgery as determined under application reference 2/0498/54 although it does fall outside of a designated neighbourhood centre and Stevenage Town Centre. Notwithstanding this, the site is only located approximately 150m from the Bedwell Centre, which is classified as a large neighbourhood centre under Policy NC1 of the District Plan (2004) and as a local centre under Policy HC1 of the Emerging Local Plan (2016). Therefore, the dental practice provides a nearby health facility attributed to what is traditionally found in a neighbourhood centre. In addition, the proposed works would be in line with Emerging Plan Policy HC5 in that they extend and modernise the existing dental practice and the fact that this facility is easily accessible to existing residents.

7.2.2 In regards to open space, the development includes an area of informal open space which would be utilised to construct the side extension. Given this, Policy TW2 of the adopted Local Plan (2004) and Policy NH6 of the Emerging Local Plan (2016) need to be taken into consideration. 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.

7.2.3 Policy NH6 stipulates that for development of any existing, unallocated open spaces, development would be permitted where:

A) the loss of the open space is justified having regard to:

- i) the quality and accessibility of the open space;
- ii) the existence, or otherwise, or any interventions to improve the quality or access;
- iii) whether the open space is serving its function and purpose; and
- iv) whether alternative space(s) remain available for community use, and

B) Reasonable compensatory provision is made.

7.2.4 Part of the application comprises an area of grassed amenity space between the northern elevation of the building and the public highway of Bedwell Crescent. The area of amenity space to the side of the property does not form an area of useable amenity space but is rather a grassed area of landscaping. Consequently, whilst the proposal would require developing on a small piece of amenity land including its change of use to form part of the dental surgery, a large strip of amenity land between the development proposed and the public footpath would be retained. The retention of these areas would maintain the function of this landscaping strip which assists in giving this part of Bedwell Crescent an open and green character. Turning to compensatory provision, given the limited quality of the structural open space and the lack of purpose it serves to the wider community, it would be unreasonable to require the applicant to provide compensatory open space elsewhere in the estate.

7.2.5 Taking into consideration of the above, whilst concerns have been raised by neighbours about the impact the development would have on this area of amenity space, it is not considered that the limited loss of amenity space would be detrimental to the visual amenities of the wider street scene. In addition, the Council's Parks and Amenities Section have raised no concerns about its loss subject to the provision of suitable planting. It is considered that replacement planting can be secured by the imposition of a landscaping condition which can be attached to any permission issued.

7.3 Impact on Visual Amenity

7.3.1 The existing building resembles a detached house and has previously been extended at ground floor to the side and rear. The extensions proposed are not considered to have a detrimental impact on the character and appearance of the area. Firstly, the side extension only projects 1.8m from the existing side elevation. Whilst this part of the extension is not set down from the main ridge of the property, it is stepped back from the original front wall in accordance with the principles set out within the Stevenage Design Guide SPD (2009). Therefore, it has been designed to appear as a secondary and proportionate addition to the main building.

7.3.2 In addition to the above, windows at first floor level and a door at ground floor level are now proposed which introduce architectural features into what is currently a blank elevation, thus providing interest to the side elevation facing Bedwell Crescent. Some shrubs would need to be removed to facilitate this but a condition could be imposed to require replacement planting.

7.3.3 The first floor rear extension extends 3.5m from the existing rear elevation and whilst it is a large element, it is considered to be appropriately designed with the roof profile of this part of the development complementing the shallow roof profile of the existing property. Turning to visual appearance, the proposed works would be constructed from similar materials to those used in the construction of the existing building. In addition, the windows and doors which form parts of the development have been symmetrically aligned, evenly spaced and have been designed to reflect the fenestration pattern and detailing of the existing premises. Given this, the proposed development works have been designed to reflect the architectural composition of the application property.

- 7.3.4 Dealing with the proposed access ramp/ footpath, this would measure 1.49m in width and 5.11m in length and would be constructed from concrete. The ramp has been designed to follow a gentle gradient up to the proposed development from Bedwell Crescent. It is considered that overall design of the new access ramp/footpath would be similar to the existing ramped/access positioned to the front of the building. Moreover, a number of properties along Bedwell Crescent comprise of similar access arrangements across the open space. Therefore, it would not appear out of character in this instance. Separately, despite the proposed ramp resulting in a loss of amenity space, the Council's Parks and Amenities Section has not raised any objection as the proposal would have a limited impact on the structural open space subject to the provision of replacement planting. In addition, the proposal also seeks to retain the existing ramped access located at the front of the dental practice to ensure that persons in for example wheelchairs are still able to access the surgery.
- 7.3.5 Taking into consideration the above assessment, the proposed development would not have a detrimental impact on the character and appearance of the property or the visual amenities of the wider street scene.

7.4 Impact on Amenities

- 7.4.1 With regards to the impact on neighbouring properties, the closest properties which would be affected by the development are numbers 60 and 64 Bedwell Crescent. Dealing with number 60, this lies to the south-west of the application property and both properties face onto Cuttys Lane. Number 60 itself lies forward of the application property by approximately 3.7m.
- 7.4.2 Looking at the proposed first floor rear extension, this would not adversely impact on number 60 as it is set to the north-east with the proposed works set away from the shared boundary of this property by 7m. Given this, the proposal would not breach the 45 degree amenity line as drawn from the centre point of the nearest habitable window in both plan and elevation form. In addition, the proposed extension does not comprise of any side windows which would overlook this property. In relation to the proposed side extension, as this is located on the north-eastern elevation of the building away from the aforementioned property, it would have no impact on the owner/occupiers of number 60 Bedwell Crescent.
- 7.4.3 In relation to the impact on number 64 Bedwell Crescent, this property lies 'side on' to the application building and it is set at a slightly higher level. It has two secondary windows at first floor level with a side door at ground floor level and an original single-storey wing. The proposed first floor rear extension would be constructed above the existing single-storey extension and thus, it would not protrude any further than the existing extension where 6m of garden depth would be retained. Given the orientation of the extension to the north-west of number 64, it would not generate any worsening of overshadowing from the first floor rear extension to this property.
- 7.4.4 Turning to the impact the development may have on light from the sky, the BRE Guide – Site Layout Planning for Daylight and Sunlight: A Good Practice Guide, states that when assessing the impact on existing buildings, windows to bathrooms, toilets, circulation areas (such as hallways) do not have to be assessed. This is because these areas are not classified as habitable rooms. Given this, as the windows on the side elevation of 64 Bedwell Crescent do not serve habitable rooms, an assessment as to the impact on the level of light received at the aforementioned property does not have to be undertaken in this instance.
- 7.4.5 In terms of the impact of sunlight, the aforementioned BRE Guide states that obstruction to sunlight may become an issue if some part of a new development is situated within 90 degrees of due south of an existing building. Given the proposed

development is not located within 90 degrees of due south of any main windows on number 64 Bedwell Crescent, the development would not result in an unacceptable loss of sunlight to this property in this instance.

- 7.4.6 With respect to privacy, there is some concern regarding the potential for overlooking of the rear garden area of number 64 Bedwell Crescent, given the introduction of two windows at first floor level in the proposed extension. However, there are windows at first floor level in the existing rear elevation and this proposal would only bring these windows 3.5m closer. Additionally, the closest window serving an x-ray room has been shown to be fitted with obscure glazing, which assists in addressing this privacy issue. Notwithstanding this, a condition would be imposed to any permission granted requiring this window to be obscurely glazed and non-opening as measured 1.7m from finished floor level. This will ensure that the privacy of the aforementioned property is protected.
- 7.4.7 Turning to the window serving the surgery at first floor level which faces south-east, this would overlook the public amenity space located to the front of number 64. Therefore, it would not have a detrimental impact on the privacy of the aforementioned property. In addition, this window would be at an oblique angle and the screening that currently exists on the boundary with number 64, would ensure that overlooking of this property would not be worsened such as to sustain a refusal of permission.
- 7.4.8 In relation to noise, the proposed development does not seek to increase or upgrade any existing plant or equipment such as air-conditioning units and extraction systems. In addition, the use of the property as a dental surgery has already been established so any level of noise created from the development would not be significantly worse over and above the current situation. In terms of the hours of operation, there do not appear to be any restrictive conditions which control the hours in which the dental surgery can operate under the original 1954 planning permission. Consequently, whilst it is noted concerns have been raised by local residents about the unacceptable hours in which the dental practice operates, there are currently no planning conditions on the original permission which restrict its use in terms of hours. In addition, the Council's Environmental Health Section has not raised any concerns regarding the existing operation of the premises as a dental practice.
- 7.4.9 With respect to hours of construction, as recommended by the Council's Environmental Health Section, to ensure the amenities of neighbouring properties are protected during the construction phase of the proposed development, a condition would be imposed to any permission issued if the application were to be granted. In relation to external lighting, the proposed development does not comprise the provision of any external lights such as flood lights and lighting bollards. However, to ensure the amenities of neighbouring properties are protected, a condition would be imposed to any permission issued.

7.5 Parking Provision and highway safety

- 7.5.1 The Council's adopted Parking Standards SPD (2009) requires a maximum of three parking spaces per consultation room plus one space per employee other than consulting dentists. Taking this standard into consideration, the existing dental practice would require 17 off-street parking spaces. Given that there is currently no off-street parking serving the practice, there is currently an existing deficit of 17 spaces.
- 7.5.2 The proposed development seeks to create an additional surgery and employ a further full time member of staff. Taking this into consideration based on the aforementioned Parking Standard, an additional 4 parking spaces would be required to serve the proposed development. However, as the site is located in non-residential accessibility zone 4, a degree of restraint can be applied in the number of off-street parking spaces

that can be applied, which in this instance, is between 75% to 100% of the maximum number of spaces which are required. Taking this into consideration, there would be a requirement to provide between 3 to 4 parking spaces. This parking requirement combined with the existing dental practice requirement, amounts to a total of 21 parking spaces.

- 7.5.3 The proposed development does not seek to create any additional off-street parking in order to serve the proposed enlargement to the dental practice. Consequently, there would be a deficit of a further 3 to 4 car parking spaces. However, whilst the concerns of residents are recognised in relation to the lack of parking, this additional deficit is not considered to be sufficient to warrant refusal. This is because firstly, whilst there are double yellow lines positioned on the junction of Cuttys Lane and Bedwell Crescent, the remainder of both roads in close proximity of the site have no restrictions in place. Therefore, vehicles could potentially park on the highway as per the current situation. Additionally, there is parking capacity at the Bedwell Centre which is only approximately 150m from the application site.
- 7.5.4 In addition to the above, the site is accessible to public transport, is in walking distance to Stevenage Town Centre and is thus accessible by other modes of transport other than the private car. Further, it is noted that Hertfordshire County Council (HCC) as Highways Authority has stated that whilst the business has increased in size and further extension will generate additional trips, they consider that this increase is acceptable as it would not have an unreasonable impact on the safety and operation of the highway network. In addition, they do not raise any concerns with respect to additional vehicles potentially parking on the highway. Consequently, whilst there is a shortfall in off-street parking and the proposal is likely to result in additional on-street parking, it would not lead to a situation which would prejudice the safety and operation of the highway.
- 7.5.5 Further to the above, it is important to note that the Council as the Local Planning Authority approved a similar development under planning application 10/00567/FP. The Vehicle Parking Provision SPD (2003) in which the aforementioned permission was assessed against, had a similar parking requirement to the current Parking Standard SPD. Secondly, the proposal at that time had no off-street parking provision as per the current planning application, and, HCC as Highways Authority determined that the increase in parking demand in connection with the expansion to the size of the surgery would be considered insignificant in terms of traffic generation and that the site is in a sustainable location. Given this, it is considered that there are insufficient grounds to warrant refusal as the situation has not substantively changed in terms of parking requirements and highways related matters between the 2010 application and the current application which is before the Council.
- 7.5.6 With respect to cycle parking, the applicant is seeking to provide three secure cycle parking spaces at the site. This would assist visitors and staff wishing to cycle to the site.

7.6 Other matters

Sustainable construction and climate change

- 7.6.1 Policy EN36 of the District Plan states that development proposals will be encouraged to reduce water consumption and run-off by using suitable water conservation and storage measures such as the use of rainwater, water efficient devices and by recycling water. Policy EN38 of the same document states that development proposals will be expected to demonstrate that methods of maximising energy efficiency and supplying of energy in the development need to be considered. Policy FP1 of the Emerging Local Plan (2016) stipulates that development that planning permission will

be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day, including external water use;
- Improving energy performance of buildings;
- Reducing energy consumption through efficiency measures;
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.6.2 The applicant has not provided details as to how the development would be constructed to ensure that it is adaptable to climate change. However, if planning permission were to be granted, a condition could be imposed to any permission issued requiring details of climate change adaptation measures to be submitted to the Council as the Local Planning Authority for its approval.

Loss of residential accommodation

7.6.3 It is noted that objections have been raised by local residents in that the proposed development and continued operation of the property as a dentist is contrary to Policy H6 of the District Plan (2004). It has been argued that the dental surgery has resulted in a loss of residential accommodation. However, as you will note from Section 2 “Relevant Planning History” of this report, the premises has been used as a dental surgery since 1954. Given this, the continued operation of the application property as a dental surgery is not contrary to Policy H6 of the District Plan.

7.6.4 Further to the above, the proposed extension works support the ongoing operation of the lawful use of the application property as a dental practice. Therefore, the development and its ongoing use has not resulted in the loss of residential accommodation in this instance.

Asbestos

7.6.5 In regards to concerns raised in relation to asbestos and its removal combined with the recommendation to impose a condition by the Council’s Environmental Health Section, this is a matter that falls outside the control of Planning. However, any matter with respect to the handling, removal and disposal of asbestos from a building, including licencing and surveys, is all controlled by the Health and Safety Executive (HSE).

Impact on property value

7.6.6 Concerns have been raised about the impact that the development could have on property values. However, despite the concerns raised, it has long been established through planning case law that in the assessment of planning applications, it is the conventional tests of impact on planning policies and amenity, harm to neighbouring uses or the character of an area as a whole that is the deciding issue and not any possible consequential effects on nearby property values.

Impact on the sewer network

7.6.7 Given the nature and scale of the proposed development, there is no statutory requirement for the applicant to provide drainage details. In addition, the applicant is not required to provide specifications of how they will connect to the sewer network and how they will manage effluent waters. Notwithstanding this, any matters regarding drainage would be dealt with under any subsequent Building Regulations application.

Environmental Health Conditions

- 7.6.8 The Council's Environmental Health Section has sought conditions to be imposed with respect to dust control, burning of construction waste and the screening and enclosure of plant and machinery. It is considered that such conditions are not reasonable given the generally limited size and scale of the development proposed. In addition, any issues with dust, burning of waste and construction noise if it is causing a statutory nuisance can be enforced against by the Council's Environmental Health Section under separate legislation.

Highways Condition

- 7.6.9 One of the conditions recommended by the Highways Authority is prior to commencement of development; the applicant should submit a construction management plan. This is to ensure that the carriageway and footway remains unobstructed by vehicles, machinery and other aspects of construction. It is considered that this condition would fail to accord with paragraph 55 of the NPPF (2018). This is because the condition is not considered reasonable for the limited scale of works which are proposed and is not necessary in this instance. This is because any vehicles, machinery or other equipment which obstruct the highway can be enforced against by either the Police or Hertfordshire County Council as Highways Authority.

8 CONCLUSIONS

- 8.1 The proposed extensions of 62 Bedwell Crescent are considered to be acceptable in principle. Additionally, the proposal would not have an adverse impact on the character and appearance of the area and the design of the extensions are considered to be acceptable. In addition, the proposal would not have a detrimental impact on the amenities of neighbouring properties and the lack of parking provision is not considered to be sufficient grounds to refuse the application. The proposal is, therefore, considered to be acceptable and it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-

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

Site Location Plan; 812:01; 812:02A.

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 materials to be used in the construction of the external surfaces of the side and first floor extensions shall be similar to the materials used in the construction of the original building to the satisfaction of the Local Planning Authority.

REASON:- To ensure the development reflects the character and appearance of the existing buildings and preserves the visual amenities of the wider street scene.

- 4 No development, above slab level, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping and the treatment of all hard surfaces. The scheme shall include details of all existing trees, hedgerows or other planting on the land which are to be retained or removed together with details of all new planting to take place including species, size and method of planting. The approved hard and soft landscaping shall thereafter be implemented and maintained in accordance with the approved details.
REASON:- To ensure the development has a satisfactory appearance.
- 5 All planting, seeding or turfing comprised in the approved soft and hard landscaping shall be carried out in the first planting and seeding season following the first use of the extensions or the completion of the development whichever is the sooner. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure the development has a satisfactory appearance.
- 6 All hardsurfacing comprised in the approved details of landscaping shall be carried out within three months of the first occupation/use of the approved development or the completion of the development, whichever is the sooner.
REASON:- To ensure the development has a satisfactory appearance.
- 7 The secure cycle parking shown on drawing number 812:02A shall be implemented in full before the first occupation/use of the development hereby permitted and shall be thereafter retained in perpetuity.
REASON:- To promote the use of cycles as a mode of transport to access the site.
- 8 No development, above slab level, shall take place until details of the width and paving of the pedestrian pathway/footway that connects to the public footway with the new front entrance to the development has been submitted to and approved in writing by the Local Planning Authority. The pathway/footway shall be provided in accordance with the approved details before the development is occupied or use of the extension commences.
REASON:- In the interests of providing an acceptable pedestrian access into the site.
- 9 No development, above slab level, shall take place until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure that the development is adaptable to climate change in terms of energy efficiency and consumption of water.
- 10 The proposed first floor window on the eastern elevation of the first floor rear extension serving the x-ray room, shall be obscurely glazed (at level 3 or above of the Pilkington Scale of Obscurity) and non-opening as measured 1.7m from finished floor level.
REASON:- To ensure the development does not have a detrimental on the amenities of number 64 Bedwell Crescent.
- 11 All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall not be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours.
REASON:- To protect the amenities of adjoining land users.

- 12 No external lighting shall be installed or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing the details of the position, height, design and illumination intensity. Any lighting thereafter installed shall be in accordance with the approved details.
REASON:- To ensure that exterior artificial lighting is kept to a minimum and directed away neighbouring residential properties.

Pro-active statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

Hertfordshire County Council Highways

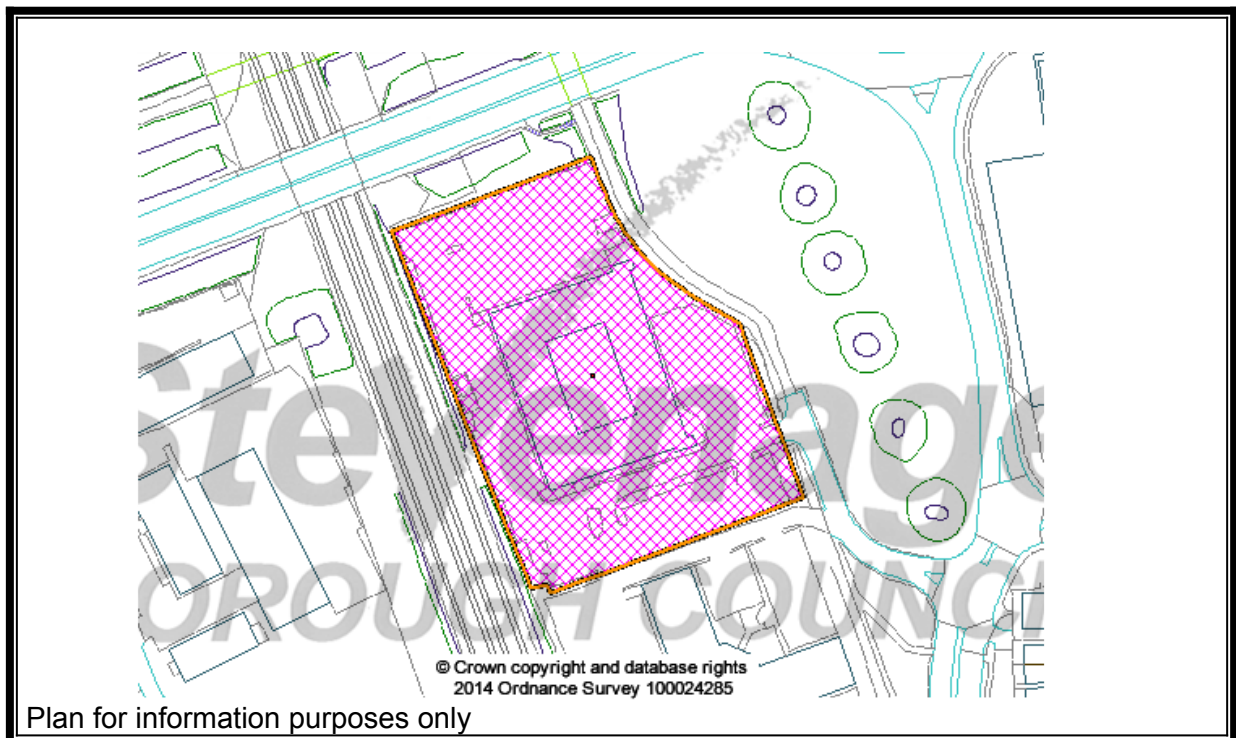
Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide 126 (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

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 2016
4. Central Government advice contained in the National Planning Policy Framework July 2018 and National Planning Policy Guidance 2014.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	6 November 2018	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Chris Berry	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	18/00515/S106
Location:	Land at Six Hills House, London Road, Stevenage.
Proposal:	Variation of "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM.
Drawing Nos.:	21 August 2018
Applicant:	Blackmore SPV16 Ltd;
Date Valid:	18 July 2016
Recommendation:	Agree Variation of S106 Agreement.



1. SITE DESCRIPTION

- 1.1 The application site is located at the northern end of the Six Hills House site and is currently occupied by surface car parking. To the south of the application site is Six Hills House which is an existing part four storey, part eight storey building which has been converted into residential apartments.
- 1.2 To the north of the application site is Six Hills Way, beyond which is Stevenage Police Station. To the east of the application site is the Six Hills Common which is an established Wildlife Site and comprises the Six Hills Mounds which is classed as a Scheduled Ancient Monument. Beyond the common is Asda supermarket and the North Herfordshire College Campus. To the south of the application site is Kings Court which is a five storey office building with residential properties to the east of this office block which front London Road. To the west of the application site is the East Coast railway line with Gunnels Wood Employment Area beyond.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application reference 2/0131/80 sought permission for an office development. Permission was granted in June 1980.
- 2.2 Planning application reference 2/0342/80 sought permission for car parking and landscaping ancillary to the office development. Permission was granted in November 1980.
- 2.3 Planning application reference 2/0099/85 sought permission for 36 additional car parking spaces. Permission was granted in May 1985.
- 2.4 Prior approval application reference 14/00328/CPA sought approval for change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3) comprising 52 no. one bedroom and 80 no. two bedroom flats. This application was granted in August 2014.
- 2.5 Planning application reference 14/00639/FPM sought permission for the construction of 17no. three bed and 1no. two bed duplex units on roof area of floors 3 and 8, including external alterations to existing building and construction of refuse and cycle storage, pumping housing and new sub-station. The proposal also comprised of alterations to existing car parking layout incorporating additional landscaping and a new footpath/cycleway. This application was withdrawn in August 2016.
- 2.6 Planning application reference 15/00078/FP sought permission for the erection of 4no. bin and bicycle stores, 1 no. sub-station and 1 no. pumping station. This application was granted in April 2015.
- 2.7 Prior approval application reference 15/00225/CPA sought approval for the change of use of commercial roof top plant enclosures (Class B1) to 15no. residential apartments (Class C3). This application was granted in June 2015.
- 2.8 Planning application reference 15/00293/FP sought permission for the erection of a 4 storey lift enclosure alongside existing stair tower and external alterations to existing building. This application was granted planning permission in July 2015.
- 2.9 Prior approval application reference 15/00483/CPA sought prior approval for the change of use of the office building (Use Class B1(a)) to Residential dwellings (Use Class C3) comprising 128 no. one, two and three bedroom apartments. This application was granted in October 2015.

- 2.10 Discharge of condition application 15/00708/COND sought partial discharge of condition 3 (Archaeology) attached to planning permission reference 15/00078/FP. The application was partially discharged in January 2016.
- 2.11 Non-material amendment application 16/00250/NMA sought a non-material amendment to planning permission 15/00078/FP to relocate and increase the size of substation, amend the size and adjust positions of the bin store, increase in size and relocation of pumping station and amendment to the cycle canopy design. The Non-material amendment was agreed in May 2016.
- 2.12 Discharge of condition application 16/00252/COND sought to discharge condition 7 (Tree protection) attached to planning permission reference 15/00078/FP. A response to the discharge of condition was issued in June 2016.
- 2.13 Planning application reference 16/00482/FPM sought permission for the erection of an 8 storey residential building comprising of no. 17 one bedroom residential units, no. 35 two bedroom units, no. 12 three bedroom units, and associated access. This application was granted planning permission in December 2017.

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 16/00482/FPM in respect to the following financial contributions:-

- Affordable Housing;
- Children's Playspace;
- Outdoor Sports Facilities; and
- Primary Education.

3.2 Under Section 1 "Definitions", the "Contribution Trigger Event" is defined as "...*Commencement of Development has not occurred and the notice required by clause 5.1.4(a) of this Agreement has not been provided by 8 November 2018 being the date two years from being the committee dated Planning Permission was granted subject to completion of this Agreement*". In reference to clause 5.1.4(a) as set out above, this requires the applicant to notify the Council in writing within seven days when they are seeking to commence development. The applicant is seeking the Contribution Trigger Event to be amended to 28 February 2019. The reason why the applicant is seeking to amend the contribution trigger event is because they are unable to commence works on site due to the following:-

- Relocation of a sewer to be agreed with Thames Water;
- Relocation of a high voltage electricity cable to be agreed by UK Power Networks; and
- Sign Off on the Construction Method Statement by Network Rail due to the proximity of the development to the East coast mainline.

3.3 In addition to the above, the applicant seeks the inclusion of an additional clause to clarify who is responsible for the planning obligations as set out within the S106 Legal Agreement. This additional clause which would be addressed in Section 2 of the Agreement will read as follows:-

"The Parties agree that the obligations contained in this Deed shall not be enforceable against any mortgagee or chargee from time to time of the whole or part of the Site unless it takes possession of the Site as a mortgagee in possession in which case the mortgages or

the chargee will be bound by the obligations in this Deed as if it were a person deriving title from the Owner on the basis that its liability will cease once it has parted with its interest in the Site [without prejudice to its liability for any subsisting breach of its covenants in this clause prior to parting with such interest]".

3.4 The applicant does not seek any further changes to the S106 agreement.

4. PUBLIC REPRESENTATIONS

4.1 A site notice has been erected 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 17th September 2018. No comments or representations have been received.

5. CONSULTATIONS

5.1 Network Rail

5.1.1 Following discussions with the Asset Protection Team they have confirmed that the developer has entered into discussions and subsequently a Basic Asset Protection Agreement has been signed and paid for. The proximity of the East Coast Main Line and the associated 25kv overhead lines is problematic for the build. The developer needs to locate scaffolding on Network Rail land to facilitate the build. This requires Network Rail oversight, supervision on site, close co-operation with the builder and critically, overnight possessions (line closures with isolation of electrical overhead equipment) in order for the scaffolding to be constructed safely, both for the workers involved and the operational railway.

5.1.2 There are currently on-going site meetings between Network Rail engineers and the developer. It is noted that the scope of works and timescales will be part of the agreement that has been entered into which includes issues such as construction methodology.

5.2 Thames Water

5.2.1 No comment.

5.3 UK Power Networks

5.3.1 There is a requirement to remove cables from the site, however, a final programme has not yet been agreed with the developer.

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 reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the

determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Central Government Legislation

- Town and Country Planning Act 1990 (as amended);
- Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992;
- Planning Practice Guidance (2014).

7. APPRAISAL

- 7.1 The main issue for consideration in the determination of this application is whether the proposed variations to the S106 agreement as set out under Section 3 of this report is acceptable to the Council as the Local Planning Authority.

7.2 Planning 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 to vary the payment of the financial contributions as specified in paragraphs 3.1 to 3.3 of this report.
- 7.2.2 The amendment sought to move the “Contribution Trigger Event” from 8 November 2018 to 29 February 2019 allows the developer sufficient time to finalise and agree the Construction Methodology with Network Rail. This will ensure that when the development commences, it does not prejudice the safety and operation of the East Coast Main Line during the construction phase of the development. In addition, it allows the developer to agree the removal and relocation of power cables with UK Power Network which currently run through the development site.
- 7.2.3 With respect to the sewer network, whilst Thames Water have not provided any comments on this particular application, under planning application reference 16/00482/FPM, they advised that through the centre of the development site, there are currently easements and wayleaves in place. This is because of the presence of a public sewer and therefore, this restricts the developer’s ability to break ground in order to build out the approved development until the aforementioned sewer can be repositioned. Given this, the developer is still negotiating with Thames Water to seek agreement to relocate the existing public sewer pipe at this current time.
- 7.2.4 Given the aforementioned, it is clearly evident that the developer is unable to commence any development on-site until the outstanding matters with the relevant utility companies and Network Rail have all been resolved. Consequently, the proposed amendment to the “Contribution Trigger Event” to the 29 February 2019 allows a sufficient timeframe to ensure agreements can be reached with Thames Water, UK Power Network and Network Rail as well as the developer discharging the relevant pre-commencement conditions attached to planning permission 16/00482/FPM. In addition, the applicant is not seeking to reduce any financial contributions which have already been secured by the Council as the Local Planning Authority.
- 7.2.5 In relation to the additional clause to be added to Section 2 as referenced under paragraph 3.3, this clause sets out who is responsible for the obligations as per the legal agreement. What this clause establishes is that the Deed is not enforceable on any mortgagee or chargee who has an interest in the site unless the mortgagee or chargee takes possession of the site. Notwithstanding this, the legal agreement would still be enforceable on whoever the owner of the land is, presently or in the future, as the legal agreement runs with the land. Furthermore, if the owner of the land was to go into administration, then enforcement would then revert to the mortgagee or chargee who has taken possession of the land in question.

8. CONCLUSIONS

- 8.1 All of the proposed changes to the S106 agreement as described are minor in nature and allows the developer sufficient time to reach agreements with Network Rail, UK Power Networks and Thames Water. In addition, the additional clause relates to a hypothetical position should the landowner go into administration and that they are responsible for all the obligations set out in the agreement. As such, the proposed changes are not considered to weaken the Council’s position in anyway. Therefore, the proposed changes

are considered to be acceptable and it is recommended that this deed of variation can be agreed,

9. RECOMMENDATIONS

- 9.1 The Committee agree to the variation to the definition “Contribution Trigger Event” and to add an additional clause to Section 2 of the S106 agreement dated 6 December 2017 and to 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 variation to the 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 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 July 2018 and National Planning Policy Guidance March 2014.

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Meeting: Planning and Development Agenda Item:
Committee

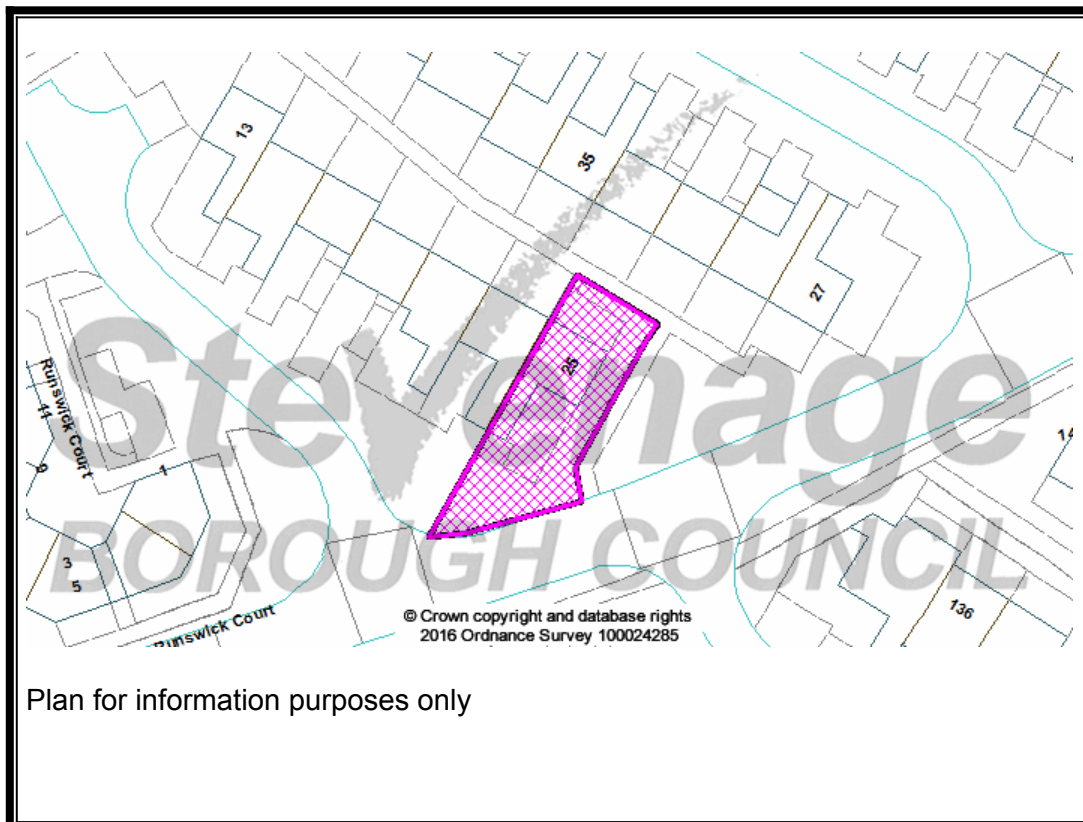
Date: 6 November 2018

Author: Rebecca Elliott 01438 242836

Lead Officer: Chris Berry 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	18/00602/FP
Location:	25 Bude Crescent, Stevenage
Proposal:	Change of use of public amenity land to private residential land.
Drawing Nos.:	542H-C-012-01 Site Location Plan; 542H-C-012-07 Proposed Site Plan.
Applicant:	Stevenage Borough Council
Date Valid:	1 October 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 25 Bude Crescent is an end of terrace 'Radburn' style dwelling, located on the northern side of Bude Crescent. The property forms part of a linear display of terraced properties which include minor set-backs between buildings. Vehicular access is provided off the corner of a small spur road of Bude Crescent and the main highway to the south west of the site. To the south east the property abuts a triangular area of green open space in the ownership of the Council.

2. RELEVANT PLANNING HISTORY

- 2.1 Application reference 18/00603/FPH for a single storey side extension is also being considered for the property. The proposed change of use of land is required to allow a transfer of the land to No.25 enabling the erection of the extension.

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. The parcel of land seeking the change of use is sited to the side of No.25 Bude Crescent abutting the south eastern side boundary of the property. The land would measure approximately 3.1m in width and between 12.7m and 9.4m in depth. The area would be enclosed with 2m (max) high close boarded timber fencing.
- 3.2 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council and who are also the applicant.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by the posting of a site notice on a lamp post immediately south of the land in question. No representations have been received.

5. CONSULTATIONS

- 5.1 None required

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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 reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016.

The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by MHCLG, which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted 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 amenity land on the character and appearance of the area.
- 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 side of 25 Bude Crescent measuring approximately 33 square metres. The layout of the estate and road is such that the amenity space forms part of a larger useable space, providing a green break between the built form and highway edge. Due to the orientation of the terraces next to the road the space has a triangular form. An existing footpath runs along the southern boundary of the land the subject of the change of use. A larger area of open space would be retained as open space to the south / south east of the site. The proposed site plan shows two areas of adjacent land edged in blue. These areas would remain as open space and do not form part of the change of use.
- 7.2.4 The application runs concurrently with planning reference 18/00603/FPH for a single storey side extension at No.25, utilising the land in question. Consequently, the side elevation of the extension would be closely sited to the proposed feather edge timber fencing to form the proposed boundary of the red line plan, and thus would bring the flank wall and built form up to the foot path edge. Notwithstanding this, the impact of the change of use on this area of land, considering the larger area of grass retained, is not considered to adversely impact the area.
- 7.2.5 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.

8 CONCLUSIONS

- 8.1 The proposed change of use of the land is not considered to be detrimental to the form and function of the structural open space, or the character and appearance 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: 542H-C-012-01 Site Location Plan; 542H-C-012-07 Proposed Site Plan.

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The area of land, shown red on the approved drawing 542H-C-012-07 Proposed Site Plan, located to the side / south east of 25 Bude Crescent, shall be enclosed by timber fencing to match the existing fencing and to be no higher than 2m in height unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance.

Pro-active Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

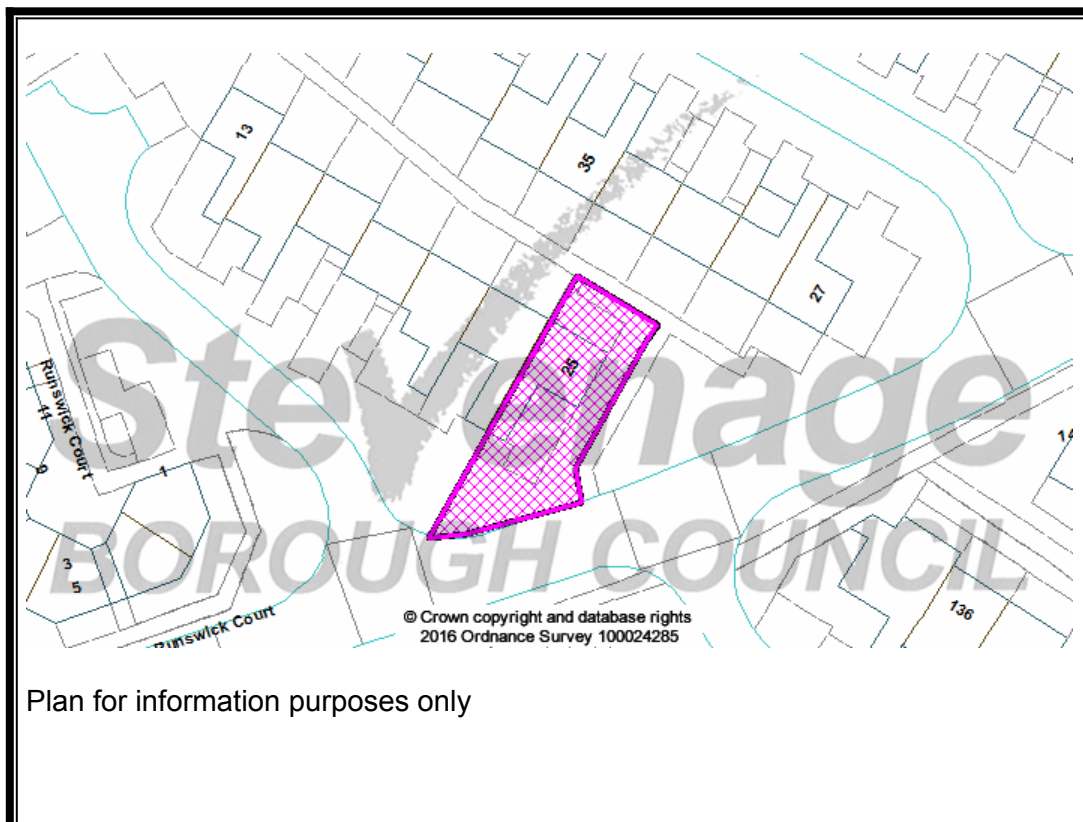
10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Emerging Stevenage Local Plan 2011-2031.
4. Central Government advice contained in the National Planning Policy Framework July 2018 and the National Planning Policy Guidance 2014, as amended.

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Meeting: Planning and Development Committee **Agenda Item:**
Date: 6 November 2018
Author: Rebecca Elliott 01438 242836
Lead Officer: Chris Berry 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

Application No:	18/00603/FPH
Location:	25 Bude Crescent, Stevenage
Proposal:	Erection of single storey side extension.
Drawing Nos.:	542H-C-012-01 Site location plan; 542H-C-012-02 Existing Block Plan; 542H-C-012-04 Proposed Block Plan; 542H-C-012-03 Existing Elevations and Floor Plans; 542H-C-012-05 Proposed Floor Plans; 542H-C-012-06 Proposed Elevations.
Applicant:	Stevenage Borough Council
Date Valid:	1 October 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 25 Bude Crescent is an end of terrace 'Radburn' style dwelling, located on the northern side of Bude Crescent. The property forms part of a linear display of terraced properties which include minor set-backs between buildings. Vehicular access is provided off the corner of a small spur road of Bude Crescent and the main highway to the south west of the site. To the south east the property abuts a triangular area of green open space in the ownership of the Council.

2. RELEVANT PLANNING HISTORY

- 2.1 Application reference 18/00602/FP for change of use of amenity land to private residential land is also being considered for the property. The proposed change of use of land is required to allow a transfer of the land to No.25 enabling the extension the subject of this application to be constructed at the property.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the erection of a single storey side extension to provide a downstairs bedroom and WC as required under the Council's Aids and Adaptations Department. The proposed extension would incorporate a dual pitch roof with side gable to match the design and pitch of the main property. The approximate measurements of the extension would be 7.6m in length, 3.6m in width, 2.5m in height to the eaves and 4.5m in height at the ridge. The extension would be constructed of brickwork and tile to match the existing dwelling.
- 3.2 The application comes before Committee for consideration as the land in question is in the ownership of Stevenage Borough Council who are also the applicant.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by the posting of a site notice on a lamp post immediately south of the land in question. No representations have been received.

5. CONSULTATIONS

- 5.1 None required

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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:

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The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by MHCLG, which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted District Plan

TW8 Environmental Safeguards
TW9 Quality of Design
T15 Car Parking Strategy

6.4 Emerging Local Plan

SP8 Good Design
GD1 High Quality Design
IT5 Parking and Access

6.5 Supplementary Planning Documents

Stevenage Design Guide Chapter 6 residential Extensions

7 APPRAISAL

7.1 The main issues for consideration in the determination of this application are the design and the impact on the character and appearance of the area, and parking provision.

7.2 Design and Impact upon the Character and Appearance of the Area

7.2.1 The proposed extension is of a design and scale proportionate to the existing dwelling. The simple dual-pitch and gable architecture of the extension is in-keeping with the row of terraced properties and the surrounding area. The use of matching materials will ensure the proposal is of an acceptable appearance against the existing brick flank wall of No.25.

7.2.2 Sited on land the subject of a change of use from amenity land to private residential garden, the proposed extension would sit close to the new side boundary and thus the existing footpath which leads from the main highway of Bude Crescent around the larger area of amenity space to the frontages of the rows of terraced properties. Whilst bringing the built form approximately 3.6m closer to the open space, and with the loss of the existing area of grass, the impact is not considered harmful when considering the large area of open space retained. The proximity of the fencing and extension to the footpath would not create an alleyway, and the proposed fencing as considered under planning reference 18/00602/FP would create a further break in the level of brickwork visible. .

7.2.3 The proposed single storey side extension is considered to be of an acceptable design in its setting and would not harm the character and appearance of the area.

7.3 Parking Provision

7.3.1 The proposal would result in an additional bedroom being created at ground floor level. The existing property is a three bedroom dwelling which would require two parking spaces. The increase to four bedrooms would see the on-site parking provision increase to three parking spaces. The property has an existing attached single garage and hardstanding for two vehicles, thus allowing three cars to park independently of the highway.

8 CONCLUSIONS

8.1 The proposed single storey side extension is considered to be of an acceptable design and would not be detrimental to the character and appearance of the area. Adequate off-street parking provision can be provided for the parking of three cars. 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: 542H-C-012-01 Site location plan; 542H-C-012-02 Existing Block Plan; 542H-C-012-04 Proposed Block Plan; 542H-C-012-03 Existing Elevations and Floor Plans; 542H-C-012-05 Proposed Floor Plans; 542H-C-012-06 Proposed Elevations.

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 materials to be used in the construction of the external surfaces of the single storey side extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

REASON:- To ensure the development has an acceptable appearance.

.Pro-active Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Emerging Stevenage Local Plan 2011-2031.
4. Central Government advice contained in the National Planning Policy Framework July 2018 and the National Planning Policy Guidance 2014, as amended.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: 6 November 2018

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Chris Berry 01438 242257

Contact Officer – Dave Rusling 01438 242270

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 18/00232/FP
Date Received : 25.04.18
Location : 36 Shephall Green Stevenage Herts SG2 9XS
Proposal : Demolition of existing double garage to facilitate erection of 1no. three bed dwelling and detached double garage
Date of Decision : 16.10.18
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed dwellinghouse and detached garage due to their design, siting and poor relationship with number 36 Shephall Green which is an Edwardian style property set within a large well established plot, would fail to preserve or enhance the character and appearance of the Shephall Green Conservation Area. Therefore, the proposal would fail to comply with Policies TW8 and TW9 of the Stevenage Borough District Plan Second Review 1991 - 2011 (adopted 2004), Policies SP8, SP13, GD1 and NH10 of the Stevenage Borough Local Plan 2011 - 2031 Publication Draft January 2016, the Council's Design Guide SPD (2009), the Shephall Green Conservation Area Management Plan SPD (2012), the National Planning Policy Framework (2018) and Planning Practice Guidance (2014).

The proposed dwelling would have an internal gross floor area significantly below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and would thus be contrary to emerging policy GD1 of the Stevenage Borough Local Plan 2011-2031 which requires proposals to meet the nationally described space standards. This would lead to unsatisfactory living conditions for future occupiers of this proposed dwelling.

The Lime tree which is protected under TPO 8 - Shephall Green is a prominent and valuable amenity feature in the local landscape. The proposed driveway which would be constructed within the root protection area of the protected tree would be detrimental whereby the works could potentially damage and/or destroy trees roots which would affect the trees vigour and stability. Therefore, the proposal is 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 January 2016, the National Planning Policy Framework (2018) and Planning Practice Guidance (2014).

2. Application No : 18/00276/FP
Date Received : 16.05.18
Location : 93 Shearwater Close Stevenage Herts SG2 9RX
Proposal : Two Storey Rear Extension, Single Storey Front Extension to facilitate conversion of existing 2 bedroom house into 2 no: 1 bedroom flats
Date of Decision : 23.10.18
Decision : **Planning Permission is GRANTED**
3. Application No : 18/00284/FPH
Date Received : 21.05.18
Location : 14 Byron Close Stevenage Herts SG2 0JE
Proposal : Part two storey, part first floor side extension
Date of Decision : 04.10.18
Decision : **Planning Permission is GRANTED**
4. Application No : 18/00300/FP
Date Received : 29.05.18
Location : 21 Wisden Road Stevenage Herts SG1 5NJ
Proposal : Retrospective planning permission for garage conversion and alterations to facilitate change of use from dwelling house to a 4 bedroom HMO.
Date of Decision : 05.10.18
Decision : **Planning Permission is GRANTED**

5. Application No : 18/00312/COND
Date Received : 05.06.18
Location : Former DuPont (UK) Ltd Wedgwood Way Stevenage Herts
Proposal : Discharge of condition 2 (landscaping scheme) attached to planning permission reference number 18/00057/FP.
Date of Decision : 31.08.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
6. Application No : 18/00313/FPH
Date Received : 06.06.18
Location : 40 Exchange Road Stevenage Herts SG1 1PZ
Proposal : Single storey rear extension and two storey side/rear extension/annexe
Date of Decision : 25.09.18
Decision : **Planning Permission is GRANTED**
7. Application No : 18/00318/FPH
Date Received : 08.06.18
Location : 2 Old Bourne Way Stevenage Herts SG1 6AD
Proposal : First floor side extension
Date of Decision : 21.09.18
Decision : **Planning Permission is GRANTED**
8. Application No : 18/00322/FPH
Date Received : 11.06.18
Location : 102 Chells Way Stevenage Herts SG2 0LG
Proposal : Proposed single storey front and rear extensions
Date of Decision : 18.09.18
Decision : **Planning Permission is GRANTED**

9. Application No : 18/00335/FPH
Date Received : 15.06.18
Location : 13 Lonsdale Road Stevenage Herts SG1 5DA
Proposal : Removal of old conservatory and replacing with new brick built extension with tiled roof.
Date of Decision : 17.09.18
Decision : **Planning Permission is GRANTED**
10. Application No : 18/00375/FPH
Date Received : 02.07.18
Location : 54 Balmoral Close Stevenage Herts SG2 8UA
Proposal : Part single storey, part two storey rear extension
Date of Decision : 30.08.18
Decision : **Planning Permission is GRANTED**
11. Application No : 18/00381/FPH
Date Received : 04.07.18
Location : 355 Ripon Road Stevenage Herts SG1 4LU
Proposal : Single storey rear extension
Date of Decision : 11.10.18
Decision : **Planning Permission is GRANTED**
12. Application No : 18/00382/FP
Date Received : 04.07.18
Location : ASDA Stores Ltd Monkswood Way Stevenage Herts
Proposal : Erection of retail pod
Date of Decision : 12.09.18
Decision : **Planning Permission is GRANTED**

13. Application No : 18/00383/FP
Date Received : 04.07.18
Location : Tarrant Court Ingleside Drive Stevenage Herts
Proposal : New mansard roof to create 2x1 bed studio flats
Date of Decision : 17.10.18
Decision : **Planning Permission is GRANTED**
14. Application No : 18/00385/FP
Date Received : 04.07.18
Location : Comark House Gunnels Wood Park Gunnels Wood Road Stevenage
Proposal : Existing plant room reconfigured to accommodate new staff room
Date of Decision : 07.09.18
Decision : **Planning Permission is GRANTED**
15. Application No : 18/00386/CPA
Date Received : 05.07.18
Location : 85 - 103 Queensway Town Centre Stevenage Herts
Proposal : Prior approval for Change of use of the second floor from use Class B1(a) (offices) to Use Class C3 (residential) to provide 11 flats
Date of Decision : 29.08.18
Decision : **Prior Approval is REQUIRED and GIVEN**
16. Application No : 18/00387/FPH
Date Received : 05.07.18
Location : The Coach House Rear Of 9 High Street Stevenage Herts SG1 3BG
Proposal : Single storey rear extension
Date of Decision : 06.09.18
Decision : **Planning Permission is GRANTED**

17. Application No : 18/00388/COND
Date Received : 05.07.18
Location : 107 High Street Stevenage Herts SG1 3HS
Proposal : Discharge of condition 3 (materials) attached to planning permission reference number 17/00305/FP
Date of Decision : 16.10.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
18. Application No : 18/00390/FP
Date Received : 06.07.18
Location : 85 - 103 Queensway Town Centre Stevenage Herts
Proposal : Change of use of part of the second floor from retail (Use Class A1) to form 8 residential flats (7 x studio flats and 1 x 1 bed) including upgrade and refurbishment to stair and access to residential flats, a new lift and formation of bin and cycle store areas at ground floor.
Date of Decision : 04.09.18
Decision : **Planning Permission is GRANTED**
19. Application No : 18/00394/TPTPO
Date Received : 06.07.18
Location : Watson Road Stevenage Herts SG1 2LS
Proposal : Removal of deadwood to 1no. Whitebeam (T1); crown reduction by 2-3m and removal of deadwood to 2no. Oak (T2 and T3); and pollarding of 4-5m from height and 2-3m from width and removal of deadwood to 3no. Lime (T4, T5 and T6) protected by TPO 88
Date of Decision : 19.09.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

20. Application No : 18/00395/FP
Date Received : 09.07.18
Location : 36 Greydells Road Stevenage Herts SG1 3NJ
Proposal : Change of use from public amenity land to private residential land
Date of Decision : 07.09.18
Decision : **Planning Permission is GRANTED**
21. Application No : 18/00402/FPH
Date Received : 10.07.18
Location : 9 Oakfields Stevenage Herts SG2 8NE
Proposal : Single storey rear extension
Date of Decision : 05.09.18
Decision : **Planning Permission is GRANTED**
22. Application No : 18/00403/FPH
Date Received : 10.07.18
Location : 292 Grace Way Stevenage Herts SG1 5AN
Proposal : Single storey in-fill front extension
Date of Decision : 10.10.18
Decision : **Planning Permission is GRANTED**
23. Application No : 18/00404/FP
Date Received : 11.07.18
Location : 132 Shephall View Stevenage Herts SG1 1RR
Proposal : Erection of 1no. attached two bedroom dwelling and part two storey, part single storey rear extension to existing dwelling
Date of Decision : 07.09.18
Decision : **Planning Permission is GRANTED**

24. Application No : 18/00413/FPH
Date Received : 12.07.18
Location : 2 West Reach Stevenage Herts SG2 9AS
Proposal : Single storey front extension
Date of Decision : 12.09.18
Decision : **Planning Permission is GRANTED**
25. Application No : 18/00424/FPH
Date Received : 16.07.18
Location : 5 Newbury Close Stevenage Hertfordshire SG1 4TE
Proposal : Single storey rear extension and re-instatement of garage
Date of Decision : 19.09.18
Decision : **Planning Permission is GRANTED**
26. Application No : 18/00425/FPH
Date Received : 17.07.18
Location : 4 Dawlish Close Stevenage Herts SG2 8UQ
Proposal : Demolition of conservatory and erection of a single storey rear extension
Date of Decision : 04.09.18
Decision : **Planning Permission is GRANTED**
27. Application No : 18/00428/LB
Date Received : 18.07.18
Location : 18-20 High Street Stevenage Herts SG1 3EJ
Proposal : Minor internal alterations to facilitate the conversion of ground floor offices to 1no: two bedroom residential unit
Date of Decision : 21.09.18
Decision : **Listed Building Consent is GRANTED**

28. Application No : 18/00430/FP
Date Received : 18.07.18
Location : 18-20 High Street Stevenage Herts SG1 3EJ
Proposal : Change of use of ground floor offices Class B1 (a) to 1no: two bedroom residential dwelling Class C3
Date of Decision : 21.09.18
Decision : **Planning Permission is GRANTED**
29. Application No : 18/00431/FPH
Date Received : 18.07.18
Location : 47 Walkern Road Stevenage Herts SG1 3RA
Proposal : Single storey side and rear extension
Date of Decision : 06.09.18
Decision : **Planning Permission is GRANTED**
30. Application No : 18/00434/FPH
Date Received : 19.07.18
Location : 21 East Reach Stevenage Herts SG2 9AU
Proposal : Single storey rear extension
Date of Decision : 24.10.18
Decision : **Planning Permission is GRANTED**
31. Application No : 18/00436/FPH
Date Received : 20.07.18
Location : 140 Minehead Way Stevenage Herts SG1 2JL
Proposal : First floor front extension
Date of Decision : 19.09.18
Decision : **Planning Permission is GRANTED**

32. Application No : 18/00437/FPH
Date Received : 20.07.18
Location : 105 And 107 Ingleside Drive Stevenage Herts SG1 4RY
Proposal : Part two storey, part single storey rear; first floor side; and single storey front extensions to numbers 105 and 107 Ingleside Drive
Date of Decision : 24.10.18
Decision : **Planning Permission is GRANTED**
33. Application No : 18/00438/FP
Date Received : 20.07.18
Location : 109 Blenheim Way Stevenage Herts SG2 8TD
Proposal : Variation of Condition 1 (approved plans), Condition 4 (car parking) and Condition 7 (landscaping) attached to planning permission reference number 16/00817/FP
Date of Decision : 17.09.18
Decision : **Planning Permission is GRANTED**
34. Application No : 18/00439/TPTPO
Date Received : 23.07.18
Location : 17 Granby Road Stevenage Herts SG1 4AR
Proposal : Crown reduction up to 30% and cut back overhanging branches of 1no. Oak tree (T42) protected by TPO 71
Date of Decision : 12.09.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
35. Application No : 18/00442/FPH
Date Received : 23.07.18
Location : 2 Speke Close Stevenage Herts SG2 0NQ
Proposal : Single Storey Front Extension
Date of Decision : 18.09.18
Decision : **Planning Permission is GRANTED**

36. Application No : 18/00443/FP
Date Received : 23.07.18
Location : Meadway Court Rutherford Close Stevenage Herts
Proposal : Demolition of existing gatehouse office building to facilitate the creation of 2no. car parking spaces
Date of Decision : 17.09.18
Decision : **Planning Permission is GRANTED**
37. Application No : 18/00444/FP
Date Received : 23.07.18
Location : Courtlands Chantry Lane Stevenage Herts
Proposal : Proposed replacement of 1 no. four bedroom detached dwelling house.
Date of Decision : 17.09.18
Decision : **Planning Permission is GRANTED**
38. Application No : 18/00446/COND
Date Received : 24.07.18
Location : 12 Park Place Town Centre Stevenage Herts
Proposal : Discharge of condition 6 (noise) attached to planning permission reference number 17/00846/FP
Date of Decision : 17.09.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
39. Application No : 18/00447/FPH
Date Received : 25.07.18
Location : 3 Olde Swann Court Stevenage Herts SG1 3WB
Proposal : Single storey rear extension
Date of Decision : 07.09.18
Decision : **Planning Permission is GRANTED**

40. Application No : 18/00449/FPH
Date Received : 25.07.18
Location : 9 Franklins Road Stevenage Herts SG1 3BW
Proposal : Single storey front extension and garage conversion, including the replacement of the flat roof with a pitched roof.
Date of Decision : 17.09.18
Decision : **Planning Permission is GRANTED**
41. Application No : 18/00455/FPH
Date Received : 26.07.18
Location : 21 Trent Close Stevenage Herts SG1 3RS
Proposal : Single storey side extension
Date of Decision : 07.09.18
Decision : **Planning Permission is GRANTED**
42. Application No : 18/00456/AD
Date Received : 27.07.18
Location : Mercedes-Benz Stevenage Gunnels Wood Road Stevenage Herts
Proposal : 2no. internally illuminated fascia signs and 1no. internally illuminated company logo sign
Date of Decision : 21.09.18
Decision : **Advertisement Consent is GRANTED**
43. Application No : 18/00460/NMA
Date Received : 27.07.18
Location : 3 And 4 Ditchmore Lane Stevenage Herts SG1 3LJ
Proposal : Non-material amendment to previously approved planning permission reference number 15/00080/FP to provide an additional car parking space
Date of Decision : 19.09.18
Decision : **Non Material Amendment AGREED**

44. Application No : 18/00457/FPH
Date Received : 28.07.18
Location : 256 Jessop Road Stevenage Herts SG1 5NA
Proposal : Single storey side extension to form an annexe
Date of Decision : 17.09.18
Decision : **Planning Permission is GRANTED**
45. Application No : 18/00458/TPTPO
Date Received : 29.07.18
Location : 2 Morley Cottages Chells Lane Stevenage Herts
Proposal : Crown reduction by 20% and removal of deadwood to 1no. Walnut (T1) protected by TPO 69
Date of Decision : 30.08.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
46. Application No : 18/00459/FPH
Date Received : 30.07.18
Location : 36 Marlborough Road Stevenage Herts SG2 9HN
Proposal : First floor front extension and re-configuration of front entrance.
Date of Decision : 05.10.18
Decision : **Planning Permission is GRANTED**
47. Application No : 18/00470/FPH
Date Received : 30.07.18
Location : 3 Bournemouth Road Stevenage Herts SG1 2PN
Proposal : Single storey side extension
Date of Decision : 01.10.18
Decision : **Planning Permission is GRANTED**

48. Application No : 18/00471/AD
Date Received : 30.07.18
Location : Chestnut House 101A High Street Stevenage Herts
Proposal : 1no. non-illuminated projecting sign
Date of Decision : 03.10.18
Decision : **Advertisement Consent is GRANTED**
49. Application No : 18/00462/HPA
Date Received : 31.07.18
Location : 65 Burymead Stevenage Herts SG1 4AY
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 5.0m, for which the maximum height will be 3.3m and the height of the eaves will be 3.0m.
Date of Decision : 07.09.18
Decision : **Prior Approval is NOT REQUIRED**
50. Application No : 18/00463/FPH
Date Received : 31.07.18
Location : 6 Norton Green Stevenage Herts SG1 2DP
Proposal : Single and two storey rear extension
Date of Decision : 21.09.18
Decision : **Planning Permission is GRANTED**
51. Application No : 18/00465/FPH
Date Received : 31.07.18
Location : 2 Lodge Way Stevenage Herts SG2 8DB
Proposal : Single storey front and rear extension and two storey front and side extension
Date of Decision : 19.10.18
Decision : **Planning Permission is GRANTED**

52. Application No : 18/00466/FPH
Date Received : 31.07.18
Location : 1A Inskip Crescent Stevenage Herts SG1 1JX
Proposal : Single storey extension
Date of Decision : 25.09.18
Decision : **Planning Permission is GRANTED**
53. Application No : 18/00467/FPH
Date Received : 01.08.18
Location : 152 Durham Road Stevenage Herts SG1 4HZ
Proposal : Single storey rear extension
Date of Decision : 09.10.18
Decision : **Planning Permission is GRANTED**
54. Application No : 18/00468/COND
Date Received : 01.08.18
Location : 31 Kingfisher Rise Stevenage Herts SG2 9PF
Proposal : Discharge of condition 5 (climate change requirements) attached to planning permission reference number 18/00269/FP
Date of Decision : 19.09.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
55. Application No : 18/00478/FPH
Date Received : 02.08.18
Location : 130 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Single storey side and rear extensions and detached timber gazebo
Date of Decision : 26.09.18
Decision : **Planning Permission is GRANTED**

56. Application No : 18/00479/CLPD
Date Received : 03.08.18
Location : 5 Essex Close Stevenage Herts SG1 3FA
Proposal : Certificate of Lawfulness for a garage conversion and loft conversion of the garage with a rear dormer window
Date of Decision : 03.10.18
Decision : **Certificate of Lawfulness is APPROVED**
57. Application No : 18/00482/FPH
Date Received : 06.08.18
Location : 60 Uplands Stevenage Herts SG2 7DW
Proposal : First floor front extension
Date of Decision : 24.09.18
Decision : **Planning Permission is GRANTED**
58. Application No : 18/00484/FPH
Date Received : 07.08.18
Location : 65 Burymead Stevenage Herts SG1 4AY
Proposal : Replacement front porch
Date of Decision : 20.09.18
Decision : **Planning Permission is GRANTED**
59. Application No : 18/00489/NMA
Date Received : 07.08.18
Location : 39 Fishers Green Road Stevenage Herts SG1 2PD
Proposal : Non material amendment to planning permission 17/00254/FP to reduce depth of rear garden of dwelling to 10.4m.
Date of Decision : 07.09.18
Decision : **Non Material Amendment AGREED**

60. Application No : 18/00490/COND
Date Received : 08.08.18
Location : 12 Park Place Town Centre Stevenage Herts
Proposal : Discharge of condition 8 (Drainage Scheme) attached to planning permission reference number 17/00846/FPM
Date of Decision : 19.09.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
61. Application No : 18/00491/TPTPO
Date Received : 08.08.18
Location : Lintott Close Stevenage Herts SG1 3LZ
Proposal : Crown lift to 5m, crown reduction of 1-2m from branch tips back to previous reduction points of 1no Lime tree (T1) protected by Tree Preservation Order No: 15
Date of Decision : 01.10.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
62. Application No : 18/00493/FPH
Date Received : 09.08.18
Location : 24 Ferrier Road Stevenage Herts SG2 0NU
Proposal : Single story front extension and reduction in height of front window
Date of Decision : 20.09.18
Decision : **Planning Permission is GRANTED**
63. Application No : 18/00496/FPH
Date Received : 09.08.18
Location : 71 Webb Rise Stevenage Herts SG1 5QE
Proposal : Proposed single storey rear extension.
Date of Decision : 05.10.18
Decision : **Planning Permission is GRANTED**

64. Application No : 18/00499/TPTPO
Date Received : 11.08.18
Location : 1 Clements Place Rectory Lane Stevenage Herts
Proposal : Removal of 1No. Common Yew tree (T2) protected by Tree Preservation Order TPO 92
Date of Decision : 20.09.18
Decision : **REFUSE WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

For the following reason(s):

Insufficient evidence has been provided to support the proposed removal of the yew tree which is considered to be in good condition and vigour. As such, the proposal does not accord with the advice in the Tree Preservation Orders: A Guide to the Law and Good Practice Addendum (2009) as well as the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008.
65. Application No : 18/00502/AD
Date Received : 13.08.18
Location : Arts & Leisure Centre Lytton Way Stevenage Herts
Proposal : Replacement of 4no. non-illuminated vinyl logo signs
Date of Decision : 09.10.18
Decision : **Advertisement Consent is GRANTED**
66. Application No : 18/00506/NMA
Date Received : 15.08.18
Location : 113A Walkern Road Stevenage Herts SG1 3RB
Proposal : Non Material Amendment to change the brickwork to painted render relating to 17/00835/FPH
Date of Decision : 07.09.18
Decision : **Planning Permission is GRANTED**

67. Application No : 18/00507/FP
Date Received : 16.08.18
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Installation of a new HPC Mobile Data Centre
Date of Decision : 22.10.18
Decision : **Planning Permission is GRANTED**
68. Application No : 18/00508/FP
Date Received : 16.08.18
Location : 85 - 103 Queensway Town Centre Stevenage Herts
Proposal : Change of use of part of the first floor from retail (Use Class A1) to Offices (Use Class B1(a)) and external improvement works.
Date of Decision : 03.10.18
Decision : **Planning Permission is GRANTED**
69. Application No : 18/00509/FPH
Date Received : 16.08.18
Location : 98 Wheatlands Stevenage Herts SG2 0JU
Proposal : First floor side extension, single storey rear extension and garage conversion.
Date of Decision : 12.10.18
Decision : **Planning Permission is GRANTED**
70. Application No : 18/00510/PADEMO
Date Received : 16.08.18
Location : 4 Fishers Green Stevenage Herts SG1 2JA
Proposal : Prior approval for the demolition of 4 Fishers Green
Date of Decision : 18.09.18
Decision : **Prior Approval is REQUIRED and GIVEN**

71. Application No : 18/00513/COND
Date Received : 19.08.18
Location : 58 Hopton Road Stevenage Herts SG1 2LD
Proposal : Discharge of condition 2 (materials) attached to planning permission reference number 08/00303/FP
Date of Decision : 03.10.18
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**
- Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.
- The case officer's letter is attached providing further information.
72. Application No : 18/00519/FP
Date Received : 20.08.18
Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts
Proposal : Demolition, Temporary Buildings and Enabling Works to include; Demolition of existing club house and restaurant building at Gunnels Wood Road. The erection of a temporary restaurant and reception buildings and enabling works to include minor modifications to the access onto Gunnels Wood Road, associated ground works and infrastructure.
Date of Decision : 28.09.18
Decision : **Planning Permission is GRANTED**
73. Application No : 18/00520/NMA
Date Received : 21.08.18
Location : 263 Ripon Road Stevenage Herts SG1 4LS
Proposal : Non Material Amendment to change two walls from face brick to block brick and rendering relating to 15/00229/FPH
Date of Decision : 21.09.18
Decision : **Non Material Amendment AGREED**

74. Application No : 18/00523/FPH
Date Received : 22.08.18
Location : 77 Ripon Road Stevenage Herts SG1 4LW
Proposal : Single storey front extension
Date of Decision : 09.10.18
Decision : **Planning Permission is GRANTED**
75. Application No : 18/00524/FPH
Date Received : 22.08.18
Location : 25 Rowan Crescent Stevenage Herts SG1 3SE
Proposal : First floor side extension and part two storey, part single storey rear extension
Date of Decision : 09.10.18
Decision : **Planning Permission is GRANTED**
76. Application No : 18/00526/FPH
Date Received : 24.08.18
Location : 24 Burwell Road Stevenage Herts SG2 9RH
Proposal : Proposed single storey side Extension
Date of Decision : 22.10.18
Decision : **Planning Permission is GRANTED**
77. Application No : 18/00531/HPA
Date Received : 28.08.18
Location : 22 Hadwell Close Stevenage Herts SG2 9DR
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.0m, for which the maximum height will be 2.7m and the height of the eaves will be 2.7m.
Date of Decision : 01.10.18
Decision : **Prior Approval is NOT REQUIRED**

78. Application No : 18/00532/NMA
Date Received : 28.08.18
Location : 33 Ashdown Road Stevenage Herts SG2 8TX
Proposal : Non Material Amendment for proposed re-configuration of the rear window and french door with side light combo.
Date of Decision : 19.09.18
Decision : **Non Material Amendment AGREED**
79. Application No : 18/00535/FP
Date Received : 29.08.18
Location : 1 Brook Drive Stevenage Herts SG2 8TT
Proposal : Change of use of highway land to residential garden
Date of Decision : 17.10.18
Decision : **Planning Permission is GRANTED**
80. Application No : 18/00539/NMA
Date Received : 30.08.18
Location : 31 Burghley Close Stevenage Herts
Proposal : Non Material Amendment to raise the roof height of the single storey front extension to allow level ceiling height with rest of the ground floor relating to application number 18/00257/FPH
Date of Decision : 26.09.18
Decision : **Non Material Amendment AGREED**
81. Application No : 18/00560/TPCA
Date Received : 11.09.18
Location : Ashenhurst Rectory Lane Stevenage Herts
Proposal : Reduce branches to north east for shape and balance of 1 no: Horse Chestnut Tree (T1) and remove deadwood, rubbing and diseased branches throughout the rest of the tree. Fell to 1 no Scots Pine (T2) to as near ground level as possible.
Date of Decision : 22.10.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

82. Application No : 18/00565/TPCA
Date Received : 13.09.18
Location : 11 Shephall Green Stevenage Herts SG2 9XR
Proposal : Overall reduction by 30% of Horse Chestnut tree
Date of Decision : 24.10.18
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
83. Application No : 18/00566/FP
Date Received : 14.09.18
Location : 128 Shephall View Stevenage Herts SG1 1RR
Proposal : Variation of condition 1 (approved plans) attached to planning approval reference number 16/00792/FP
Date of Decision : 12.10.18
Decision : **Planning Permission is GRANTED**
84. Application No : 18/00567/COND
Date Received : 14.09.18
Location : 377 Jessop Road Stevenage Herts SG1 5LX
Proposal : Discharge of conditions 4 (boundary treatment), 5 (vehicle access) and 9 (climate change) attached to Appeal reference number APP/K1935/W/17/3191162.
Date of Decision : 19.10.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
85. Application No : 18/00583/FP
Date Received : 20.09.18
Location : 377 Jessop Road Stevenage Herts SG1 5LX
Proposal : Variation to condition No: 2 (Change of Plans) relating to Appeal number APP/K1935/W/17/3191162 to increase the size of the kitchen wing.
Date of Decision : 19.10.18
Decision : **Planning Permission is GRANTED**

BACKGROUND PAPERS

1. The application files, forms, plans and supporting documents having the reference number relating to these items.
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 July 2018 and National Planning Policy Guidance March 2014 (as amended).
7. Letters received containing representations.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 6 November 2018

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Technical Support 01438 242838

Lead Officer – Chris Berry 01438 242257

Contact Officer – David Rusling, 01438 242270

1. APPEALS RECEIVED

1.1 None

2. DECISIONS AWAITED

2.1 None

3. DECISIONS RECEIVED

3.1 17/00566/FP. 377 Jessop Road Appeal against the refusal of planning permission for the extension of existing dwelling and splitting into 2 no. 1 bedroom houses.

3.1.1 Issues

The determining issues relate to the effects of the proposal on (i) the effect of the character and appearance of the area and (ii) whether the proposed development would provide acceptable living conditions for occupiers of the development with particular regard to amenity space provision.

3.1.2 Conclusions

(i) The effect on the character and appearance of the area

The proposal relates to the proposed change of use from amenity land to private residential land and the erection of a two-storey side extension and single storey rear extension to facilitate the conversion of existing dwelling into 2 no. one bedroom dwellings. The existing property is a “Radburn style”, end of terrace with a single-storey garage wing.

The inspector considered that the proposed two-storey side extension would be narrow compared with the width of the house. In addition, she considered that due to the absence of a building line and retention of highway verge, despite the reduction of amenity space, she argued that the development would not appear unduly prominent or out of keeping within the vicinity of the appeal site. The inspector also felt the extension would successfully assimilate itself with the surrounding area due to the use of matching materials along with the extensions being consistent with the appearance of the nearby houses.

In regards to private amenity space, It was considered by the Council that the size of the amenity space provided for the dwellings would accord with the Council's Design Guide but concerns were raised that these were split between the front and rear and were limited in size and usability. However, the Inspector considered that this split was acceptable as it was comparable with adjacent gardens in the terrace. Therefore, she did not consider the arrangement of the amenity spaces was harmful to the appearance of the areas. In addition, despite the amenity spaces including parking spaces and bin storage areas, she did not feel the private gardens would appear cramped.

Further to the above, the Council raised concern that due to the limited size of the private gardens and the fact the applicant would be unable to erect outbuildings in the front garden spaces; the Inspector could not see any reason why this would be harmful to the character of the area.

Given the aforementioned, the Inspector concluded that the proposal would not have a harmful effect on the character and appearance of the area.

(ii) Whether the proposed development would provide acceptable living conditions for occupiers of the development with particular regard to amenity space provision.

With regard to acceptable living conditions, despite the limited size of the private gardens and the fact they were being split across the front and rear of the development, the Inspector considered these spaces were still sufficient to provide all of the relevant facilities such as car parking and bin storage. In addition, she considered these spaces were also useable as outdoor living areas for residents of the development.

In terms of the Council's concerns of overlooking of the private garden areas serving the new dwellings, especially the front gardens, the Inspector considered that the level of overlooking would not be significantly different to the current situation. Therefore, she felt the private garden areas were in accordance with the Council's Standards.

She concluded that the proposed development would provide acceptable living conditions for the occupiers of the development with particular regard to amenity space.

3.1.3 Decision

The appeal is allowed (appeal decision attached).

3.2 15/00671/FPH. Appeal against the issuing of an Enforcement Notice (EN) served for the alleged breach of condition 1 of the above reference for a single storey rear extension and loft conversion, which stated the development, must be carried out in accordance with the approved plans, and that the roof lights inserted on the rear roof slope do not comply with the approved plans in respect of their manner of opening.

3.2.1 Issues

The determining issues in the expediency of and serving the EN relate to the manner of opening of the roof lights not being in accordance with the approved plans.

3.2.2 Conclusions

The roof lights in dispute are the two Velux Cabrio units positioned side by side. They contain an upper and lower section. They are shown on approved drawings 15027-05 and 15027-06. Each roof light has two panes the upper pane being bigger than the lower pane with a horizontal division. The plans make no reference to the manner of opening of the rooflights.

The EN instructed the applicant to remove the Velux Cabrio roof lights and to insert central pivot opening roof lights of the same size and arrangement as shown on the approved plan. The Inspector noted following her site visit that the upper pane was top hung with a handle at the bottom, and that due to the weight of the upper section it does not allow the unit to balance open on its centre pivot.

The Council alluded in its appeal statement to the fact the approved drawings did not show details pertaining to the manner of opening, and whilst the Inspector accepted this, she also comments the section in particular did not show a central pivot opening. Consequently, the Inspector was minded to conclude that the rear roof slope rooflights accord with the approved plans. The appeal is therefore allowed and the EN quashed.

The applicant also sought costs against the Council. However, the Inspector reasoned that the Council did not act unreasonably in its interpretation of the plans and the subsequent serving of the EN, and that although the Inspector did not agree with the Council's interpretation an award of costs was not founded.

3.2.3 Decision

The appeal is allowed and Enforcement Notice quashed (appeal decision attached).

3.3 15/00671/FPH. Costs Appeal against the issuing of an Enforcement Notice (EN) served for the alleged breach of condition 1 of the above reference for a single storey rear extension and loft conversion, which stated the development, must be carried out in accordance with the approved plans, and that the roof lights inserted on the rear roof slope do not comply with the approved plans in respect of their manner of opening.

3.3.1 Issues

The determining issue is whether or not the Council had acted unreasonably and created an unnecessary expense to the appellant due to the issuing of an Enforcement Notice.

3.3.2 Conclusions

The Planning Practice Guidance (the Guidance) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The Guidance provides that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal.

The Appellant claimed that the Council acted unreasonably in issuing an enforcement notice that was wholly without grounds as the rooflights were in accordance with the approved plans. He claimed that the Council provided no evidence to substantiate its reasons for issue of the notice. He drew attention to the way in which the Council changed its description of the works during the course of the appeal and the absence of any discussion or imposition of conditions concerning the manner of opening of the rooflights.

The Inspector addressed these points in their substantive decision. The Inspector did not agree with the Council's arguments in this case but that did not of itself make the Council's interpretation unreasonable. However, the Inspector did not consider the Council's position so flawed as to amount to unreasonableness for the purposes of the Guidance. The Inspector set out that the Council's arguments had some legitimacy albeit the Inspector did not find in the Council's favour.

For the reasons given, the Inspector considered that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, had not been demonstrated. I conclude that the award of costs sought by Mr M. Borrill against Stevenage Borough Council is not justified. The application should be refused and there is no justification for a partial award.

Decision

3.3.3 The application for an award of costs was refused.

Appeal Decision

Site visit made on 26 September 2018

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18 October 2018

Appeal Ref : APP/K1935/C/17/3187994

Land at 113 The Pastures, Stevenage, SG2 7DF.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Michael Borrill against an enforcement notice issued by Stevenage Borough Council.
- The notice was issued on 29 September 2017.
- The breach of planning control as alleged in the notice is breach of condition (1) of planning permission reference 15/00671/FPH (the Permission). The Permission is for a single storey rear extension and loft conversion. Condition (1) of the Permission says 'the development hereby permitted shall be carried out in accordance with the following approved plans: 15027-04A; 15027-LP; 15027-SP; 15027-02; 15027-03; 15027-05; 15027-06.' The notice alleges that the condition has not been complied with because the roof lights inserted on the rear roof slope of the property do not comply with approved plans 15027-05 and 15027-06 in respect of their manner of opening.
- The requirements of the notice are to i. remove the VELUX Cabrio roof lights inserted on the rear roof slope of the property; ii. insert replacement central pivot hinged roof lights on the rear roof slope of the property of the size and shape as shown on the approved drawings.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (c) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is allowed and the enforcement notice is quashed.

Application for costs

1. The Appellant has made an application for an award of costs against the Council. This is the subject of a separate decision.

Ground (c) appeal

2. This ground of appeal is that the matters alleged do not constitute a breach of planning control. A breach of planning control comprises carrying out development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted. The onus of proof rests upon the Appellant and the test of evidence is the balance of probabilities.
3. The Appellant argues that the rear roof lights inserted on the rear roof slope comply with the approved plans and that they have planning permission by virtue of permitted development rights.

Approved plans

4. The appeal site is a semi-detached dwelling located in a cul-de-sac in a residential estate. Planning permission reference 15/00671/FPH (the Permission) has been granted for a single storey rear extension and loft conversion. Condition 1 of the Permission requires the development to be carried out in accordance with the approved plans.
5. It is established law that a planning permission should be construed by reference to the decision notice which grants permission. In this case the permission expressly incorporates the approved drawings. Plan 15027-05 shows the proposed elevations. The west elevation shows two roof lights on the rear roof slope positioned side by side. Each roof lights has two panes the upper pane being bigger than the lower pane with a horizontal division. Plan 15027-06 shows the proposed section. The plans make no reference to the manner of opening of the rooflights.
6. The roof lights in dispute are two Velux Cabrio units positioned side by side. They each contain an upper and lower section. The upper section is hinged at the top with a handle at the bottom to allow opening. I saw at my site visit that the weight of the upper section does not allow the unit to balance open on its centre pivot. The lower section is hinged at the bottom with handles at the top. In its open position the lower section sits vertically and a series of railings open out on the sides with a small bannister.
7. I am not persuaded that the Velux Cabrio units fail to comply with the approved plans. There are two roof lights position side by side each with two panes of different sizes as shown on the approved plans. The sectional drawings are not detailed enough for me to conclude that the mechanism and frame in place are different to the approved plans. There is nothing on the approved plans to indicate central pivot hinged roof lights nor indeed any reference to their manner of opening and I note the Appellant's evidence that such a mechanism is not possible on the facts. The Council did not impose conditions concerning the detail of the rooflights.
8. I note that an earlier application reference 15/00285/FPH for a similar scheme was refused because of the harm caused to the living conditions of neighbours at The Hedgerows by the proposed dormer window. The Council argues that the Appellant should have been aware that concerns would arise from the manner of opening due to the previous refusal of permission. But the Appellant is entitled to rely on the permission granted.
9. I conclude that on the facts of this case the rear slope rooflights accord with the approved plans. I note the concerns of neighbours about overlooking but the Council has granted planning permission for the development and the relevant issue in this case is whether there has been a failure to comply with approved plans not the planning merits of the application for the loft conversion.
10. As I have concluded that there is no failure to comply with the approved plans it is not necessary for me to consider whether the rooflights benefit from permitted development rights.

11. For the reasons given above I conclude that the appeal should succeed on ground (c). Accordingly, the enforcement notice will be quashed. In these circumstances the appeal under ground (g) does not need to be considered.

Formal Decision

12. The appeal is allowed and the enforcement notice is quashed.

S. Prail

Inspector

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Appeal Decision

Site visit made on 17 July 2018

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2018

Appeal Ref: APP/K1935/W/17/3191162
377 Jessop Road, Stevenage SG1 5LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Teri-ann Grange against the decision of Stevenage Borough Council.
 - The application Ref 17/00566/FP, dated 11 August 2017, was refused by notice dated 25 October 2017.
 - The development proposed is described as 'extension to existing dwelling and splitting into 2No. 1 bedroom houses'.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from amenity land to private residential land and erection of a two storey side extension and a single storey rear extension to facilitate the conversion of existing dwelling into 2No. 1 bedroom dwellings at 377 Jessop Road, Stevenage in accordance with the terms of the application, Ref 17/00566/FP, dated 11 August 2017, and the plan submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development set out in the banner does not accord with that given on the decision notice, which includes reference to change of use of amenity land to private residential land. The appellant has not indicated that she disagrees with the description set out on the decision notice which appears to me to more accurately describe the proposed development. Therefore, I have used the description of development as set out in the decision notice in my determination of this appeal.
3. The Stevenage Borough Local Plan 2011-2031 (Publication Draft 2016) (the Emerging Plan) has been the subject of examination and has been found to be 'sound'; therefore, it attracts significant weight in my determination of this appeal.
4. During the course of the consideration of this appeal the revised National Planning Policy Framework (the revised Framework 2018) has been published. I have invited both parties to submit comments on the relevance of the revised Framework to this case.

Main Issues

5. The main issues are:

- The effect of the development on the character and appearance of the area.
- Whether the proposed development would provide acceptable living conditions for occupiers of the proposed development with particular regard to amenity space provision.

Reasons

Character and appearance

6. The appeal site (no. 377) is an end of terrace house in an established residential area. Whilst the surrounding houses are of a consistent design and palette of external materials their layout and relationship to Jessop Road is varied and there is no consistent building line. Some terraces of houses are aligned to face the road whilst others including the appeal site run perpendicular to the road and present a gable end to it. A key characteristic of Jessop Road is that it has no pavements and where driveways do not front the road there are grassed verges along the carriageway edge.
7. Insofar as it is consistent with the common theme of housing types and arrangements in the area, no. 377 makes a positive contribution to the overall character of the area and sense of place. The enclosure of space at the end of the terrace by a fence does little to detract from the feeling of spaciousness arising from the width of Jessop Road because a grassed verge has been retained.
8. The majority of the amenity land which would become part of the private amenity space serving one of the new dwellings is already enclosed by a fence. The change of use of this land and realignment of the fence shown on the submitted plans would have a very limited impact on the street scene and would not be harmful to the character and appearance of the area.
9. The two storey side extension would be narrow compared with the width of the house. In the absence of a distinct building line and given the retention of the highway verge it would not appear unduly prominent or out of keeping within the vicinity of the appeal site. The external appearance of the two storey extension and the external alterations to the existing house to facilitate the subdivision would be consistent with the appearance of nearby houses. Also, the use of materials to match the existing would help to ensure that the extension is successfully assimilated into the surrounding area. The two storey side extension would not be harmful to the character and appearance of the area.
10. The typical arrangement of private amenity space in the terrace of houses of which the appeal site forms part is for the space to be split between a rear parking and hard standing area and a front garden facing a pedestrian walkway. Access to the rear is provided by a two way road. The overall appearance of this side of the terrace is one of a parking area with little evidence of use of the hard standing as outdoor leisure space. By contrast the front gardens are generally planted and appear to be actively used as outdoor living spaces. In both cases the amenity spaces are modest in size.

11. The Council notes that the size of the amenity space that would be provided for each dwelling accords with the Council's Design Guide but is concerned about the split between front and rear amenity space, garden depth and boundary treatment. However, the split between front and rear amenity space would be characteristic of the terrace and the depth of each front garden and boundary treatment would be comparable with adjacent gardens. I am, therefore, persuaded that the arrangement of amenity spaces would not be harmful to the character and appearance of the area.
12. The removal of the existing garage and provision of two parking spaces would be consistent with the parking arrangements associated with other houses in the terrace. The rear amenity spaces which include the parking spaces and bin storage areas would be of a sufficient size to enable the provision of these facilities without these areas appearing cramped. Overall, the provision of amenity spaces would be well-organised and would not be harmful to the character and appearance of the area.
13. The Council considers that future occupiers would not be able to erect outbuildings in the front garden space because such buildings would be harmful to the street scene and the gardens would therefore be unusable. I recognise that the limited size of the front garden would restrict the occupier's ability to erect outbuildings, however I see no reason why that would be harmful to the character and appearance of the area.
14. The Council is also concerned about the proposed alterations to access into the houses and the impact of this on their particular design. However the plans indicate that the existing house has a door serving the car parking area and that the primary access to the new houses would be on the same elevation. Given the use of matching materials and the screening effect of boundary fences, the changes to the primary access to the houses would not be evident from the street and would provide a satisfactory access directly from the rear amenity area.
15. The development would be in accordance with the Stevenage Design Guide Supplementary Planning Document (2009) (the Design Guide) which among other things encourages new housing development to be of a good standard of design which enhances the appearance of places and the enjoyment of them.
16. I conclude that the development would not have a harmful effect on the character and appearance of the area. The development therefore complies with policies H7, TW8 and TW9 of the Stevenage District Plan Second Review 1991-2011 (2004) (the District Plan) which amongst other things require that proposals for windfall residential sites have no detrimental effect on the environment and that new development complies with the Council's standards and guidance and meets a high standard of design.

Living conditions

17. The proposed change of use would allow an increase in the amount of amenity space available to no. 377. However the subdivision of the available space to provide amenity spaces for both new dwellings would result in each house having a smaller amount of amenity space than other houses in the terrace.
18. During my site visit I observed how the front and rear gardens of adjacent houses in the terrace are used. On the basis of these observations and the

submitted plans, I am persuaded that although smaller than adjacent amenity spaces, sufficient space would be provided for facilities such as car parking and bin storage whilst also providing front gardens of a dimension to be useable as outdoor living areas by the residents of the development. The amenity spaces that would be available would contribute positively to the living conditions of future residents of the development.

19. The Council has cited overlooking of the gardens by the occupiers of 379 Jessop Road (no. 379) as an issue for the usability of the front gardens. During my site visit I observed that the orientation of no. 379 is such that any overlooking would be at an oblique angle and the level of overlooking would not be significantly different to that currently possible over the existing front garden.
20. The development would be in accordance with the Design Guide which among other things encourages new housing development to include private garden space which is located conveniently for use by residents.
21. I conclude that the proposed development would provide acceptable living conditions for the occupiers of the proposed development with particular regard to amenity space provision. The development therefore complies with policies TW8 and TW9 of the District Plan which amongst other things require that new development complies with the Council's standards and guidance and meets a high standard of design.

Other Matters

22. In relation to the particular development before me, the relevant policies in the Emerging Plan, which is a material consideration, do not lead me to a different conclusion other than that which I have reached on the main issues.
23. I have carefully considered the concerns raised by a resident in relation to the impact of the development on vehicular access and car parking. I observed during my site visit that the existing fence does not significantly obscure the view of oncoming vehicles at junctions or driveways as a result of the retention of the grass verge. Also double yellow lines are a common feature at junctions in the vicinity of the appeal site and appear to be successful in preventing car parking close to junctions. As a consequence of these observations I have given the comments of the resident only limited weight and they do not dissuade me from the conclusions that I have reached on the main issues.

Conditions

24. I have included the standard time limit condition and a condition to secure compliance with the approved plans to provide certainty.
25. I have amended the condition requested by the Council regarding external materials to relate to matching materials so that it is more precise. I have included the suggested condition regarding the details of boundary treatment and timing of its provision. Both of these conditions are required to ensure that the development preserves the character and appearance of the appeal site and the wider area.
26. The Council has requested two conditions to remove permitted development rights for means of enclosure and extensions and outbuildings. Paragraph 53 of the revised Framework states that planning conditions should not be used to

restrict national permitted development rights unless there is a clear justification for doing so. In this case I have not found a clear justification for the removal of permitted development rights and find both conditions to be unreasonable.

27. I have included all three of the conditions relating to parking and access requested by the Council. I have omitted the words 'constructed to the Local Planning Authority's satisfaction' and 'to the current specification of Hertfordshire County Council' because they are imprecise. These conditions are required in the interests of highway safety and to ensure that residents can access the site safely and that car parking is available.
28. The Council has requested a condition relating to the stopping up of the public highway before the commencement of development which was recommended by Hertfordshire County Council (the Highway Authority). Planning Practice Guidance (the Guidance) states that such conditions should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission and that where the specified action in question is within the control of the local authority determining the application the authority should be able to present clear evidence that this test will be met before the condition is imposed.
29. The Highway Authority has added an informative to its consultation response to the Council to the effect that there is no certainty that a stopping up order would be granted. In the light of this comment, there is no clear evidence that the stopping up would be forthcoming and in consequence the condition does not meet the requirements of the Guidance or the test of reasonableness.
30. In terms of the wider implications of the inclusion of highway land within the application site, the land which is to be stopped up appears to me not to be required in relation to the construction of the extension. Also its exclusion from the garden serving the new dwelling, were the stopping up to prove unsuccessful, would not have a significant effect on the size or usability of this space. A condition to require the stopping up is not reasonable or necessary in these circumstances.
31. I have included a condition relating to construction working hours as this is justified by the close proximity of a number of dwellings and their occupiers who would be adversely affected by noise and disturbance generated by building works outside the hours specified.
32. I am persuaded by the Council's reference to Policy EN36 of the District Plan and Policy FP1 of the Emerging Plan in the officer's report that a condition relating to measures to address adaptation to climate change is justified and I have included that requested by the Council. I do not consider that it is necessary for it to be a 'pre-commencement' condition.

Conclusion

33. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Sarah Dyer

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plan no. 1198:02E.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the construction of the existing dwelling.
- 4) No development, above slab level, shall take place before details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in and around the development have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.
- 5) Prior to the first occupation of the development hereby permitted, the existing access shall be widened to align with the new parking space and the highway verge shall be reinstated in accordance with a specification that has been submitted to and approved in writing by the Local Planning Authority.
- 6) The access shall be extended to a maximum of 5 metres and the access shall be constructed in a hard-surfacing material for a depth of 4.8 metres from the back edge of the footway.
- 7) Prior to the first occupation of the development hereby permitted, the approved parking area shall be marked out with the additional hard-surface area surfaced (in either a porous surface or provision made for a sustainable drainage system) and constructed in accordance with the details identified on drawing 1198:02E and shall be permanently retained in that form for the parking of motor vehicles only.
- 8) No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.
- 9) No development, above slab level, shall take place until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented and permanently maintained in accordance with the approved details.

Costs Decision

Site visit made on 26 September 2018

by Sandra Prail M.B.A., LL.B (Hons), Solicitor (non practising)

an Inspector appointed by the Secretary of State

Decision date: 18 October 2018

**Costs application in relation to Appeal Ref: APP/K1935/C/17/3187994
Land at 113 The Pastures, Stevenage, SG2 7DF.**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Michael Borrill for a full award of costs against Stevenage Borough Council.
 - The appeal was against an enforcement notice alleging failure to comply with condition 1 of planning permission reference 15/00671/FPH.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Guidance provides that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal.
4. The Appellant claims that the Council acted unreasonably in issuing an enforcement notice that was wholly without grounds as the rooflights were in accordance with the approved plans. He claims that the Council provided no evidence to substantiate its reasons for issue of the notice. He draws attention to the way in which the Council changed its description of the works during the course of the appeal and the absence of any discussion or imposition of conditions concerning the manner of opening of the rooflights.
5. I have addressed these points in my substantive decision. I do not agree with the Council's arguments in this case but that does not of itself make their interpretation unreasonable. I do not consider the Council's position so flawed as to amount to unreasonableness for the purposes of the Guidance. Their arguments had some legitimacy albeit that I did not find in the Council's favour.
6. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been

demonstrated. I conclude that the award of costs sought by Mr M. Borrill against Stevenage Borough Council is not justified. The application should be refused and there is no justification for a partial award.

S. Prail

INSPECTOR