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PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 8 October 2019

Time: 6.30pm,

Location: Council Chamber, Daneshill House, Danestrete

Contact: Lisa Jerome 01438 242203

Members: Councillors: D Cullen (Chair), ME Gardner (Vice-Chair),
D Bainbridge, S Barr, J Hanafin, L Harrington, L Kelly, G Lawrence,
J Lloyd,
S-J McDonough, M McKay, G Snell and T Wren

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 4 SEPTEMBER 2019

To approve as a correct record the Minutes of the previous meeting held on 4 September 2019.

Pages 3 – 8

3. 19/00294/FPM - THE MARCH HARE, 10 BURWELL ROAD, STEVENAGE

To consider the variation of condition 1 of planning permission 17/00586/FPM to amend approved drawings.

Pages 9 – 18

4. 4 FISHERS GREEN, STEVENAGE

To consider a variation of Condition 1 of planning permission number 18/00709/FP to amend access and associated parking layout and to introduce solar tiles to the rear roofs of plots 3 and 4.

Pages 19 – 26

5. 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 27 – 44

6. 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 45 – 46

7. URGENT PART I BUSINESS

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

8. 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.

9. URGENT PART II BUSINESS

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

Agenda Published 30 September 2019

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Wednesday, 4 September 2019

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete

Present: Councillors: David Cullen (Chair), Michelle Gardner (Vice Chair), Doug Bainbridge, Sandra Barr, Jody Hanafin, Lizzy Kelly, Graham Lawrence, John Lloyd, Sarah-Jane McDonough, Maureen McKay, Graham Snell and Tom Wren

Start / End Start Time: 6.30pm
Time: End Time: 6.55pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Liz Harrington.

There were no declarations of interest.

2 MINUTES - 13 AUGUST 2019

It was **RESOLVED** that the Minutes of the meeting of the Planning and Development Committee held on 13 August 2019 be approved as a correct record and signed by the Chair.

3 MBDA UK, SIX HILLS WAY, STEVENAGE, HERTS, SG1 2DA

The Committee considered an application for the erection of a two storey modular office building with associated boundary treatments and landscaping.

The application was before the Committee for determination as it was considered a major application.

The Principal Planning Officer gave an introduction to the Committee. Officers reminded Members that the previous application for this site had been granted temporary planning permission as the development was not considered to be of high quality design and did not meet the objectives of the adopted Local Plan. The current application was for the proposed retention of this building as well as the erection of a first floor level extension combined with the installation of a horizontal brise soleil (sun breaker).

The Committee was advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms, impact on visual amenity, impact on residential amenities, parking provision, means of access and highway safety, impact on the environment and flood risk.

In response to a question, Members were informed that the new office building would be a well-insulated, low energy building and would meet the necessary sustainability requirements.

Officers advised that in principle, it was considered that the proposed development would be acceptable within the established employment area of Gunnels Wood Road. In addition, there would not be a detrimental impact on the character and appearance of the site and the visual amenities of the wider area. There would be no harm to the amenities of nearby residential properties and the development would not prejudice the safety and operation of the highway network.

It was **RESOLVED:**

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:

A010 P2; A011 P2; A012 P2; A013 P2; A014 P2; A015 P2; A016 P2; A017 P2; A018 P2.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The materials to be used in the construction of the development hereby permitted shall be in accordance with the details as specified in the application submission unless otherwise agreed in writing by the Local Planning Authority.
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of this condition which are as follows:-
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.

Where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning

Authority in accordance with condition 6.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, the approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
7. 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. The hours specified relate to works which are audible at the site boundary.
8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Statement, prepared by AVIE Consulting Ltd dated 20.04.18, Rev No. A, and the following mitigation measures:
 1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 30% for climate change event.
 2. Implement drainage strategy based on restricted surface water discharge at 1.9l/s and an attenuation tank as indicated on the Proposed Drainage Layout, Drawing No. P2484-01-01, Rev C.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

9. Upon completion of the drainage works for the site and in accordance with the timing / phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities;
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.
10. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.
11. If contamination is found on or nearby the site, the disposal of surface water via infiltration is not recommended.
12. Any work involving excavations below the chalk groundwater table (for example piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
13. Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise the risk. The applicant would need to give Affinity Water 15 days prior notification in advance of any such work, in order to intensify Affinity Waters monitoring and plan potential interruption of the service.
14. Prior to the erection of the first floor extension to the modular office building, the applicant is to notify in writing the Local Planning Authority the date of commencement of works. Within six months from the date of the notification, the applicant is to install the Brise Soleil screening system as detailed in the approved drawing.
15. Within six months of implementation of development a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all existing trees on the land and details showing all trees to be removed (if any) together with details of all new planting to take place including species, size and method of planting. All planting, seeding or turfing comprised in the approved details of landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the development.
16. Any trees or plants 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.

4 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

6 **URGENT PART I BUSINESS**

None.

7 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

8 **URGENT PART II BUSINESS**

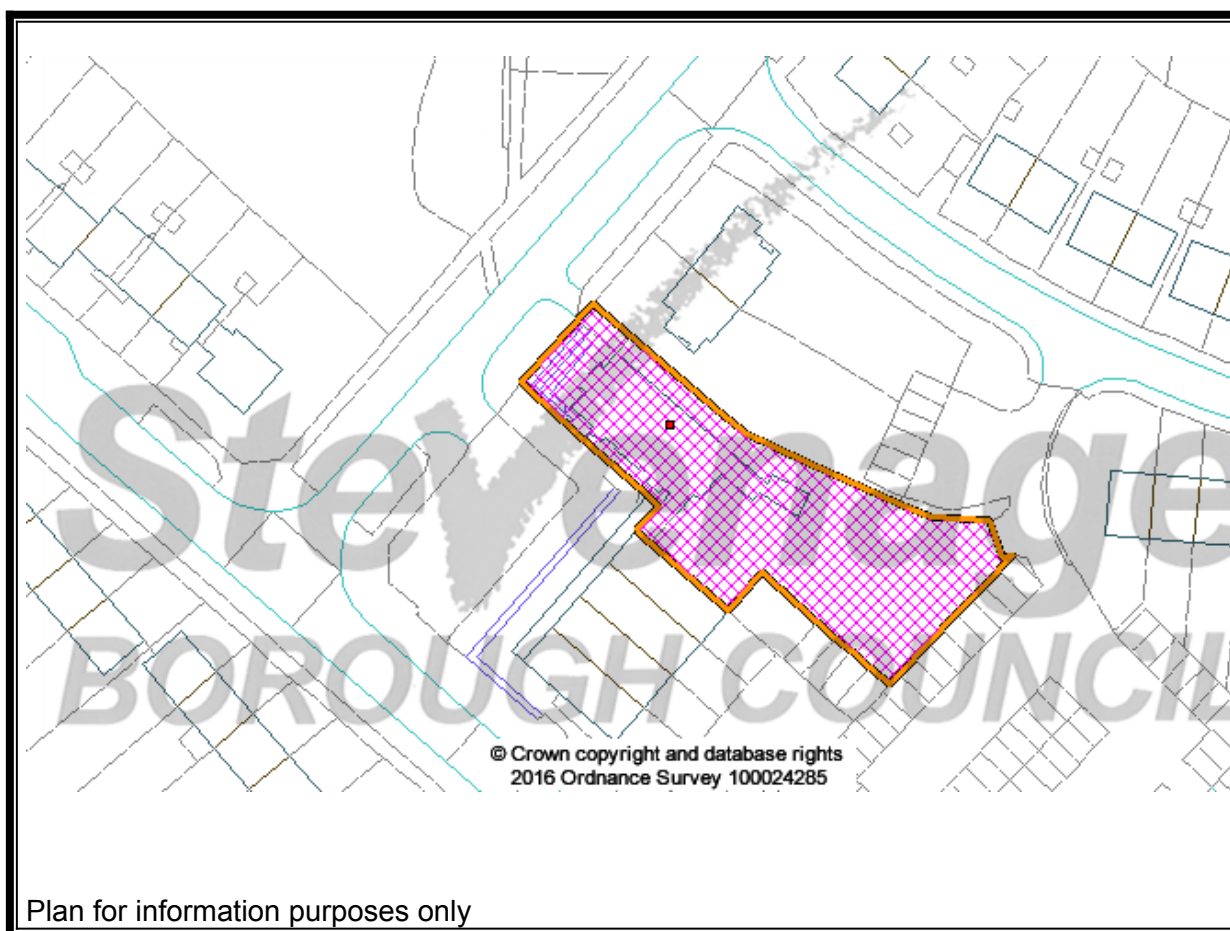
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	8 October 2019	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	19/00294/FPM
Location:	The March Hare, 10 Burwell Road, Stevenage.
Proposal:	Variation of condition 1 of planning permission 17/00586/FPM to amend approved drawings.
Drawing Nos.:	12287-W-002 E; 12287-W-003-E; 12287-W-004-E; 12287-W-007-B; 12287-W-008-C; 12287-W-009-B; 12287-W-001-1 st ; 12287-W-015-C.
Applicant:	Stevenage Borough Council
Date Valid:	15 May 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises the site of the former March Hare public house and its associated curtilage and has a site area of 1,093m². The site has now been redeveloped and comprises of two distinct but linked three-storey residential blocks of apartments. The development is constructed from facing brick and elements of vertical metal cladding. The valley roof arrangement of the building has been finished in metal and the fenestration detailing of the building comprises of uPVC windows and doors finished in anthracite grey. A number of properties have also been fitted out with Juliette balconies.
- 1.2 The site is in the ownership of the Borough Council and is situated close to the junction of Burwell Road and Shephall Way. The site is bounded to the north by no. 10A Burwell Road, to the east by a garage compound accessed off of Chertsey Rise, to the south by the shops in the Burwell Road Neighbourhood Centre, their car park and associated garage compound and to the west by Burwell Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Application 2/0122/61 sought permission for a post sign and illuminated signs. Advertisement consent was granted in August 1961.
- 2.2 Application 2/0008/62 sought permission for the erection of brick private garage. Planning permission granted in February 1962.
- 2.3 Application 2/0115/62 sought permission for the erection of brick private garage. Planning permission granted in July 1962.
- 2.4 Application 2/0257/80 sought permission for the conversion of off-licence bar, conversion of store to W.C. and new external elevational alterations. Planning permission was granted in September 1980.
- 2.5 Application 2/0400/90 sought permission for the ground floor rear bar extension. Planning permission granted in July 1991.
- 2.6 Application 17/00586/FPM sought permission for the erection of 6no two bedroom and 9no one bedroom flats with associated parking. Planning permission was granted in February 2018.
- 2.7 Application 18/00162/COND sought to discharge conditions 3 (materials), 4 (landscaping), 9 (tree protection) and 11 (boundary treatments) attached to planning permission reference number 17/00586/FPM. The conditions were discharged in April 2018.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary condition 1 attached to planning permission 17/00586/FPM to amend the approved plans. For reference, this condition states the following:-

The development hereby permitted shall be carried out in accordance with the following approved plans:
211A; 214A; 215A; 212; 213; 219;

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

- 3.2 The proposed amendment to the planning permission comprises the omission of the external balconies which are to be replaced with Juliet balconies. The balconies themselves consist of 1100mm high balcony rails which are finished in black. The amendment also seeks the enclosure of the internal balconies creating a larger living area to the apartments and to replace the ground floor window in the north-east elevation with a door. In addition, the render detailing previously approved by the Council have also been omitted to be replaced with facing brick. Following a recent site visit, the Juliet balconies appear to have been installed. In addition, the other amendments have also already been undertaken to the building. The applicant has advised that the Juliette balconies and the omission of the external rendering were put forward in order to simplify the maintenance of the building and reduce the cost/disruption to tenants. With regards to the recessed balconies, these were designed out and the space would be better used to increase the size of internal accommodation to benefit the tenants all year round. The proposal also seeks to amend the pedestrian and ramped access from Burwell Road into the flatted development.
- 3.3 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant so that the only issue for consideration in the determination of this application is how the variation of condition 1 referred to above would impact on the approved scheme.
- 3.4 This application has been referred to the Planning and Development Committee as Stevenage Borough Council is the applicant and landowner.

4. PUBLIC REPRESENTATIONS

- 4.1 This application has been publicised by way of letters to adjoining premises and the erection of a site notice at the site. The application was also publicised in the local press. At the time of drafting this report, no comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Lead Local Flood Authority

- 5.1.1 We note the request to amend the words of the surface water drainage condition to occupation rather than pre-commencement. Following a review of the information submitted in support of the application, we do not have objections to the amended wording.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted Local Plan

SP1 - Presumption in favour of sustainable development;
 SP2 - Sustainable development in Stevenage;
 SP8 - Good design;
 GD1 – High quality design.

6.4 Supplementary Planning Documents

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

7. APPRAISAL

7.1 As set out previously, when considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted.

7.2 The main issues for consideration of this application are, therefore, the acceptability of the changes to the scheme in respect of the visual impact on the area and impact on residential amenity.

7.3 Visual impact on the area

7.3.1 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that developments should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.

7.3.2 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions”. Policy GD1 of the Local Plan (2019) and the Council’s Design Guide SPD (2009) generally reflects the above policy.

7.3.3 The proposed development, as outlined under paragraph 3.2 of this report, comprises the omission of the external projecting balconies. These have been replaced with Juliette balconies with 1100mmm high metal railings finished in black. In terms of their siting and position, the Juliette balconies are positioned on the western, eastern and southern elevations which serve the open plan kitchen, living and dining room areas. The balconies are located at first and second floor level on all three elevations with the southern elevation comprising a ground floor Juliette balcony.

7.3.4 In regards to the recessed balconies, these were originally located on the southern elevation and would have served flats 3 (ground floor), 8 (first floor) and 13 (second floor). However, these have now been omitted and fully incorporated into the open plan kitchen, dining and living room areas. These rooms, as set out in paragraph 7.2.3, are now being served with Juliette balconies. In terms of the installation of a door following the omission of a window, this would be located on the northern elevation of the building at ground floor level. The door would serve the internal stair core in order to form an emergency exit.

7.3.5 The scheme which is before the Council also comprises the omission of the render detailing on the southern and northern elevations. This detailing has now been replaced with matching facing brick. With regards to the pedestrian and ramped access, this has been altered to take into account the positioning of drainage channels as well as the changes in land levels. This re-arrangement does still ensure people with disabilities can see easily access the building such as wheel chair users.

7.3.6 Taking the aforementioned into consideration, it is considered that whilst the approved design of the development has been amended, it still comprises of a contemporary modern appearance with the use of high quality materials. Additionally, the facades of the building are well designed and complement the development in terms of massing with the elevations constructed and designed in a way to create a strong distinction between the gable ends and flank walls. The gable ends have also been designed to be more domestic in scale with a conservative brick finish. Consequently, the amendments to the approved scheme do not harm its character and appearance. In addition, the development as it currently stands does not harm the visual amenities of the wider street scene.

7.4 Impact on residential amenity

7.4.1 In relation to the impact of the proposal on existing residential amenity, the most affected properties would be nos. 10A and 10B Burwell Road, no. 248 Shephall Way and no. 37 Parker's Field. Firstly, it is recognised that the proposal would have an impact on nos. 10A and 10B Burwell Road and accordingly an assessment of the significance of this impact has to be made. In relation to any loss of privacy issues to these two neighbouring properties, the proposal has been designed to avoid any habitable room windows in its facing side (north-eastern) elevation. Only five windows and the entrance doors are included in this elevation and these serve a stair well and landing and, as such, would not result in any undue loss of privacy to either nos. 10A or 10B Burwell Road.

7.4.2 Whilst balconies are included on the front and rear elevations of the proposed building, the balconies at the front would not overlook any of the private rear amenity space of no. 10A Burwell Road. The balconies at the rear being Juliette balconies would no longer result in any direct overlooking to both numbers 10A and 10B. With regard to any loss of privacy to no. 248 Shephall Way, the balconies on the front elevation have the potential to overlook the rear amenity area of no. 248. However, as these are no longer projecting and there is a sufficient separation distance of over 21m combined with the fact the private garden is not located directly opposite of the development, it is considered that there would not be a detrimental impact to the privacy of the occupiers of number 248. Accordingly, it is not considered the revised scheme would have a detrimental impact on the amenities of neighbouring residential properties.

7.5 Development and flood risk

7.5.1 The approval of this application would see the need for the LPA to impose the conditions as stated on the existing permission where necessary. In some cases this will require re-wording to ensure they are appropriate considering the extent of the works carried out to date. Condition 14 of the permission relates to drainage and it is proposed to re-impose this condition but re-worded to seek submission of details prior to occupation instead of pre-commencement.

- 7.5.2 The Lead Local Flood Authority has been consulted and has no objections to the change of wording. The surface water drainage strategy for the proposed development utilises SuDS features to intercept and convey all pluvial surface water runoff. The design of the system aims to attenuate runoff and limit flows into the Sewer System. Detailed engineering drawings have been provided to support the proposed scheme and a SuDS Maintenance plan has been provided and includes an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure. These details are all found to be acceptable.

8. CONCLUSION

- 8.1 The proposed amendments to planning permission 17/00586/FPM would not have a detrimental impact on the character and appearance of the development and the visual amenities of the street scene. In addition, the amendments would not result in a detrimental impact on the amenities of neighbouring residential properties. Furthermore, the drainage scheme as delivered as part of this development is considered to be acceptable.

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:
12287-W-002 E; 12287-W-003-E; 12287-W-004-E; 12287-W-007-B; 12287-W-008-C;
12287-W-009-B; 12287-W-001-1st; 12287-W-015-C.

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

- 2 The development hereby permitted shall be completed in accordance with the following approved materials:-

- Facing Brickwork:- Traditional Brick and Stone (TBS) 'Audley Antique' bricks;
- Roof cladding:- Euroclad aluminium panel in a Vieozinc colour;
- uPVC Windows and doors finished in Anthracite Grey;
- Metal Juliette balconies finished in Anthracite Grey; and
- uPVC gutters and downpipes finished in black.

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

- 3 The soft and hard landscaping scheme as detailed on drawing number 12287-W-015-1st as submitted under discharge of condition application 18/00162/COND shall be implemented within the first available planting season following the first occupation of the building or the completion of the development whichever is the sooner.

REASON:- To ensure a satisfactory appearance for the development.

- 4 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.

REASON:- To ensure a satisfactory appearance for the development.

- 5 No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on

Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: - To safeguard the amenities of the occupiers of neighbouring properties.

- 6 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The Local Planning Authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.

Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out, and a report that provides verification that the required works have been carried out shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 14 days to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

REASON: - To safeguard the amenities of any future occupiers.

- 7 No removal of trees, scrub or hedges, shall be carried out on site between the 1st March and 31st August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.

REASON: - Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

- 8 The tree protection measures as detailed on drawing number 12287-W-015-1 shall be retained during the remainder of the construction phase of development and shall only be removed once the development has been completed.

REASON:- In order to protect trees which are to be retained as part of the development.

- 9 Within the areas to be fenced off in accordance with condition 8, there shall be no alteration to the ground levels and they shall be kept clear of construction vehicles, materials, surplus soil, temporary buildings, plant and machinery.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

- 10 The boundary treatment as detailed under discharge of condition application 18/00162/COND shall be completed before the new dwelling is occupied.

REASON: - To ensure a satisfactory standard of development in the interests of amenity.

- 11 The development hereby permitted shall not be brought into use until the existing access to the former public house from Burwell Road has been closed and the footway reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

REASON: - In the interests of highway safety and amenity.

12 The development permitted by this planning permission shall be carried out in accordance with the approved SuDS and Surface-Water Strategy dated September 2017 and the following mitigation measures detailed within the drainage strategy:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event providing a minimum of 37.5 m³ (or such storage volume agreed with the LLFA) of total storage volume in underground attenuation tanks.

3. Discharge of surface water from the private drain at the rate of 5 l/s into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: - To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework February 2019 and National Planning Policy Guidance March 2014.
6. Letters received containing representations referred to in this report.

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

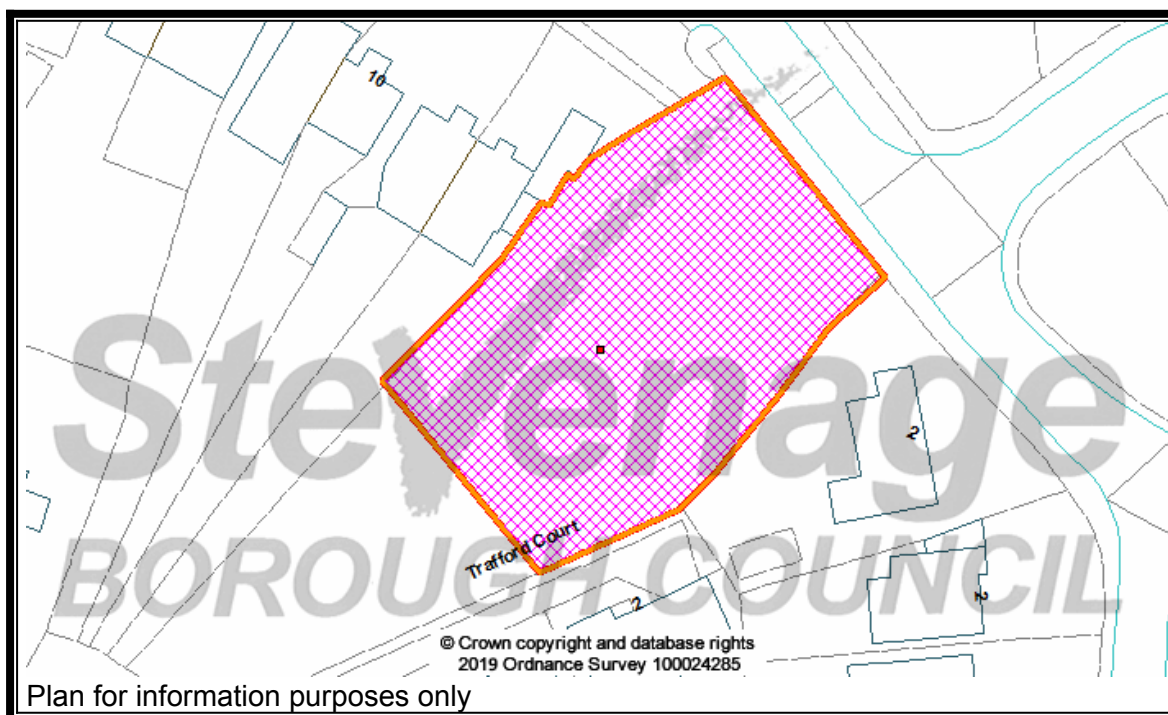
Date: 8 October 2019

Author: Dave Rusling 01438 242270

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Dave Rusling 01438 242270

Application Nos:	19/00262/FP
Location:	4 Fishers Green, Stevenage
Proposal:	Variation of Condition 1 of planning permission number 18/00709/FP to amend access and associated parking layout and to introduce solar tiles to the rear roofs of plots 3 and 4.
Drawing Nos.	SCUD/21907/SOLAR1, SCUD/21906/VS200C
Applicant:	Mr Scudder
Date Valid:	1 May 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises No.4 Fishers Green. The site, which previously housed a detached two storey dwelling which was subsequently demolished, is located on the south west side of Fishers Green. The site is adjoined to the south by No.2, a modern, detached, 2 storey red brick property and to the north west by No.6, one half of a pair of 2 storey red brick semi-detached properties. To the rear the site adjoins Trafford Court and backs onto a recently constructed chalet bungalow which is on land which

previously formed part of the rear garden of No.4, to the rear of which is Skegness Road. To the front the property faces partly onto the Green and the residential developments of Corton Close and Sheringham Avenue.

- 1.2 Access to the site is taken directly from Fishers Green almost opposite the access to Corton Close. At present the site is undergoing construction for the erection of 4 dwellings (2 pairs of semi-detached properties) for which planning permission was granted in January this year.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission granted under ref 04/00509/FP in December 2004 for erection of a detached two bed bungalow with associated garage and access.
- 2.2 Planning permission granted under ref 09/00308/FP in December 2009 for erection of a detached two bed bungalow with associated garage and access (renewal of planning permission reference 04/00509/FP).
- 2.3 Permission granted under ref 17/00306/FP in July 2017 for erection of 1no three bedroom dwelling.
- 2.4 Permission granted under ref 17/00728/COND in December 2017 for discharge of conditions 3 (materials) and 4 (landscaping) attached to planning permission reference number 17/00306/FP.
- 2.5 Permission refused under ref 17/00543/FP in August 2018 for the demolition of existing dwelling and erection of 4no. three bedroom dwellings and relocation of vehicular access. The reason for refusal was as follows:-

The proposed demolition of the cottage would result in the loss of an historic property to the detriment of the character and visual amenities of the area and the benefit of the residential development would not compensate for the loss of this property. The development is, therefore, contrary to policy TW9 of the Stevenage District Plan Second Review 1991 - 2011 (adopted 2004), Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031, Publication Draft (2016), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).
- 2.6 An application was submitted under ref 18/00510/PADEMO seeking the prior approval for the demolition of 4 Fishers Green. Prior approval was required and given in September 2018.
- 2.7 Permission granted under ref 18/00709/FP in January 2019 for erection of 4no three bedroom houses and alterations to existing access.
- 2.8 Permission granted under ref 18/00709/COND in May 2019 for discharge of conditions 3 (materials); 4 (landscaping) and 10 (Boundary Treatments) attached to planning permission reference number 18/00709/FP.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission to vary condition 1 (drawing numbers) to enable a minor amendment to the scheme to be undertaken to allow the original access point to be used to serve the development, minor changes to the parking layout and the introduction of solar tiles to the rear roofs of plots 3 and 4.

- 3.2 With regard to the alterations to the access, when planning permission was originally granted it involved the slight relocation of the existing access to the site, moving it north eastwards to enable the required visibility splays to be achieved across the front of the site and highway land. However, in assessing the original application, the Council's Estates Section advised that to access the site via the new access the applicant would first need to seek an easement to cross the Council's land to the front of the site. In granting planning permission, as this was a matter outside of planning control, an informative was added to the planning permission to advise the applicant of this requirement.
- 3.3 Prior to the commencement of development the applicant approached the Council to secure the easement across SBC land to access the site via the new access. However, following discussions between the parties, an agreement could not be reached on the financial remuneration required by the Council to grant the easement. Consequently, to overcome this, the applicant has decided to retain the existing access to the site, therefore, avoiding the need to obtain a further easement.
- 3.4 By retaining the existing access, it would result in the necessary visibility splay to the south of the site crossing part of the front garden on the adjoining property No.2 Fishers Green. For the visibility to be enforced there would be a need to ensure that there is no impediment to the visibility splay moving forward and that this would remain clear in perpetuity. Consequently, the applicant has reached an agreement with the owner of this adjoining property to enable this to take place. However, for this to be acceptable to the Council, as part of the land in question is outside of the control of the applicant, there would be a need to secure this by way of a S106 legal agreement. By entering into such an agreement between the Council, the applicant and the owner of No.2, this would ensure that the visibility splay could be maintained in perpetuity and by binding successors in title this would ensure this to be the case even if the land changes ownership.
- 3.5 By retaining the existing access, this would require a slight realignment to 4 parking spaces to the south of the new dwellings.
- 3.6 The final change sought is to change the roof tiles on the rear of plots 3 and 4 from standard tiles to solar tiles. This change would result in the roof tiles on the rear of the property being slightly different in colour and appearance to those on the remainder of the dwellings.
- 3.7 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant so that the only issue for consideration in the determination of this application is how the variation of condition 1 referred to above would impact on the approved scheme.
- 3.8 This application has been referred to the Planning and Development Committee for determination as the proposal would need to be the subject of a Section 106 legal agreement.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and the posting of a site notice. At the time of drafting this report no responses had been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council (HCC) as Highways Authority

- 5.1.1 This amended variation to condition 1 to planning permission 18/00709/FP for a change of siting of the access is acceptable from a highway perspective. The variation of the access location has been taken into consideration and it is considered that the proposal is unlikely to have an affect to the adjacent highway network, therefore, Hertfordshire County Council as Highway Authority has considered the proposal would not have an unreasonable impact on the safety and operation of the adjoining network, subject to the imposition of conditions.

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.

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

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted Local Plan

Policy SP1 - Presumption in favour of sustainable development;
Policy SP2 - Sustainable development in Stevenage;
Policy SP8 - Good design;
Policy GD1 – High quality design.
Policy IT5: Parking and Access
Policy FP1: Climate Change

6.4 Supplementary Planning Documents

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

7. APPRAISAL

7.1. As set out above, when considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions or amendments to the wording are warranted.

7.2 The main issues for consideration are the acceptability in highway safety terms and upon the character and appearance of the area.

7.3 Means of access and highway safety

7.3.1 As set out in section 3 of this report, the applicant is seeking to amend the location of the access from the position originally agreed, reverting back to the current (original) position of the access serving the site. The alterations the subject to the application have been assessed by HCC as highway authority who are raising no objection on highway safety grounds to continuing to use the existing access or the minor changes to the parking layout. However, this is subject to the imposition of a condition requiring that visibility splays of 2.0 metres by 43 metres are provided to each side of the access. With this condition in place and the use of a legal agreement under S106 of the Town and Country Planning Act 1990 to ensure the land where the splays are proposed (forming part of the application proposal and the frontage of No.2 Fishers Green) can be retained in perpetuity to serve the development, then the proposed alterations are considered acceptable.

7.4 Impact on character and appearance of the area

7.4.1 In assessing the changes to the roofing materials, it is proposed to introduce a change to the roof tiles on the rear of plots 3 and 4 from standard concrete tiles to solar tiles. As originally approved, the roofing materials agreed for the dwellings were to be a Marley Mendip Roof tile. These were to be a red/brown colour which would complement the use of red multi facing brick at ground floor and grey boarding at the first floor on the dwellings. However, the applicant wishes to add grey coloured solar panels on the rear of plots 3 and 4. Initially the applicant intended to add solar panels (which could have been added without planning permission once the development was complete). Having assessed the impact, the use of individual tiles were considered to represent a more visually acceptable and effective solution to add to the sustainability credentials of the development. For clarity, these roof tiles are proposed only to plots 3

and 4 as plots 1 and 2 are unsuitable due to shading from trees along the eastern boundary of the site.

- 7.4.2 From the front of the site, the dwellings would have a similar appearance; however, from the rear clearly plots 3 and 4 would look different. Nevertheless, given that the rear of the properties are not readily visible from public vantage points, it is not considered that the use of different coloured solar tiles on these two properties is such as to warrant a refusal of permission on visual amenity grounds. Additionally, the use of this relatively new type of roof tile would enhance the sustainability credentials of the properties which are welcomed.

8. CONCLUSIONS

- 8.1 The proposed amendments to planning permission 18/00709/FP would be acceptable in highway safety terms and the necessary visibility splays serving the access can be maintained in perpetuity. Furthermore, the changes to the roofing materials on the rear roof slope of units 3 and 4 would not have a detrimental impact on the character and appearance of the area and would enhance the sustainability credentials of the development.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into and completed an agreement under S106 of The Town and Country Planning Act 1990 to secure:-

- The provision and retention in perpetuity of the visibility splay across the frontage of No.2 Fishers Green.

The detail of which is to be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed Solicitor and subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: SCUD/21907/SOLAR1, SCUD/21906/VS200C
REASON:- For the avoidance of doubt and in the interests of proper planning.
2. The materials to be used in the construction of the dwellings hereby permitted shall be as previously approved under permission 19/00076/COND and the roof tiles as specified in this planning application.
REASON:- To ensure the development has an acceptable appearance.
3. The development hereby permitted shall be carried out in accordance with the landscaping details as previously approved under permission 19/00076/COND. The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
4. Any trees or plants comprised within the scheme of landscaping agreed in condition 3, 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.
REASON:- To ensure a satisfactory appearance for the development.

5. Before the access is first brought into use vehicle to vehicle visibility splays of 2.0 metres by 43 metres in both directions shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
6. Prior to the first occupation of the development hereby permitted, 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay, within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway.
REASON: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).
7. Prior to the first occupation of the dwellings hereby permitted the parking spaces and turning facilities identified on drawing SCUD/21901/VS200C shall be constructed, hardsurfaced and made ready for use to serve the occupants of those properties unless otherwise agreed in writing by the Local Planning Authority. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles.
REASON:- To ensure that adequate parking facilities are available within the site and that there is no detriment to the safety of adjoining highways.
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 1330 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
9. The treatment of all boundaries including any walls, fences, gates or other means of enclosure shall be as previously approved under permission 19/00076/COND. The approved boundary treatments shall be completed before the buildings hereby permitted are occupied and thereafter permanently retained.
REASON: - To ensure a satisfactory standard of development in the interests of amenity.
10. Prior to the first occupation of the development hereby permitted, the developer shall install two habitat bat access units in the south facing brickwork of plots 1 and 3 under the roofline which should be integrated into the brickwork as high as possible. The precise details of units shall first be submitted to and agreed in writing by the Local Planning Authority and shall thereafter permanently retained at the premises.
REASON: - To increase roosting opportunities for bats in the area.
11. The first and second floor windows proposed in the side elevation of the dwellings hereby permitted serving the en-suites shall be fitted with obscure glazing and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above finished floor level and shall be retained in that form thereafter.

REASON: - To safeguard the privacy of the occupiers of the proposed development and Nos 2 and 6 Fishers Green.

Pro-active statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10. BACKGROUND DOCUMENTS

The application file, forms, plans and supporting documents having the reference number relating to this item.

2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework February 2019 and National Planning Policy Guidance March 2014.
6. Letters received containing representations referred to in this report.

Meeting: Planning and Development
Committee

Agenda Item:

Date: 8 October 2019

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 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 : 18/00597/LB
 Date Received : 28.09.18
 Location : 3 Middle Row Stevenage Herts SG1 3AN
 Proposal : Internal and external alterations to facilitate the conversion of
 first floor to 1no: one bedroom residential unit
 Date of Decision : 13.09.19
 Decision : **Listed Building Consent is GRANTED**

2. Application No : 18/00633/FP
 Date Received : 28.09.18
 Location : 3 Middle Row Stevenage Herts SG1 3AN
 Proposal : Internal and external alterations to facilitate change of use of
 first floor to 1 bed residential unit
 Date of Decision : 13.09.19
 Decision : **Planning Permission is GRANTED**

3. Application No : 19/00131/FP
Date Received : 27.02.19
Location : 101 Shephall Way Stevenage Herts SG2 9QJ
Proposal : Change of use of amenity land to garden land, erection of two storey side/rear extension and double garage in rear garden.
Date of Decision : 03.09.19
Decision : **Planning Permission is GRANTED**
4. Application No : 19/00268/TPTPO
Date Received : 02.05.19
Location : 15 Orchard Road Stevenage Herts SG1 3HD
Proposal : Fell 1 No: Yew Tree (T1) protected by TPO 126
Date of Decision : 28.08.19
Decision : **REFUSE WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

For the following reason(s):

Insufficient reason or evidence has been provided to support the proposed removal of the Yew tree which is considered to be in good condition and vigour. Furthermore, the tree is considered to be of high amenity and historical value which is beneficial to the visual character of Orchard Road. Its removal would have a detrimental impact on the visual amenities of the area and, as such, the proposal does not accord with the advice in the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the National Planning Practice Guidance - Tree Preservation Orders and Trees in Conservation areas 2014.
5. Application No : 19/00288/FPH
Date Received : 14.05.19
Location : 80 Gordian Way Stevenage Herts SG2 7QH
Proposal : Single storey side extension, single storey rear extension and enlargement of existing front porch.
Date of Decision : 13.09.19
Decision : **Planning Permission is GRANTED**

6. Application No : 19/00308/FPH
Date Received : 21.05.19
Location : 47 And 49 Stanmore Road Stevenage Herts SG1 3QA
Proposal : Single storey rear extensions to Nos. 47 and 49
Date of Decision : 28.08.19
Decision : **Planning Permission is GRANTED**
7. Application No : 19/00314/COND
Date Received : 22.05.19
Location : Symonds Green Neighbourhood Centre Units 1-2 Filey Close Stevenage Herts
Proposal : Discharge of Conditions 3 (Materials), 4 (Dust Control Measures), 5 (Construction Method Statement), 6 (Screening of plant), 7 (Asbestos) and 11 (Strategic Waste Management Plan) attached to planning permission 16/00395/FPM
Date of Decision : 06.09.19
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
8. Application No : 19/00348/FPH
Date Received : 05.06.19
Location : 26 Knights Templars Green Stevenage Herts SG2 0JY
Proposal : Single storey rear extension
Date of Decision : 02.09.19
Decision : **Planning Permission is GRANTED**
9. Application No : 19/00384/FPH
Date Received : 25.06.19
Location : 42 Goddard End Stevenage Herts SG2 7ER
Proposal : Part side part rear single storey extensions incorporating garage into an annex
Date of Decision : 10.09.19
Decision : **Planning Permission is GRANTED**

10. Application No : 19/00388/FPH
Date Received : 28.06.19
Location : 40 Knights Templars Green Stevenage Herts SG2 0JY
Proposal : Main house ridge and chimney to be raised by 525mm
Date of Decision : 05.09.19
Decision : **Planning Permission is GRANTED**
11. Application No : 19/00390/FP
Date Received : 28.06.19
Location : Land To The North Of 5-7 Bowling Green Stevenage Herts SG1 3BH
Proposal : Extension and conversion of garage to form 1no. one bed dwelling with associated garden and car parking
Date of Decision : 23.08.19
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed dwellinghouse does not reflect the scale, form or the historic and established pattern of development within the Old Town Conservation Area. Therefore, it is considered that the proposed dwellinghouse would be harmful to the historic character and appearance of the Conservation Area of which the benefit of the development does not outweigh this harm. The proposal is therefore contrary to Policies SP8, SP13, HO5, GD1 and NH10 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Old Town Conservation Area Management Plan SPD (2012), the NPPF (2019) and PPG (2014).

It is considered that due to the contrived and awkward shaped private garden areas combined with a lack of privacy caused by direct overlooking from neighbouring properties, the proposal would result in a poor living environment for future occupiers of the development. As such, the proposed development would fail to accord with Policies HO5 and GD1 Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Design Guide SPD (2012), the NPPF (2019) and PPG (2014).

In the absence of a noise impact assessment addressing the likely impact of the nearby Lytton Way on the development, it has not been demonstrated that noise levels within the bungalow would meet the levels specified in BS8233:2014 in respect of the living room, dining room and bedroom. The development would, therefore, be likely to result in a poor living environment for future occupiers of the development, and, as such, the proposal would fail to accord with Policy FP8 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Design Guide SPD (2012), the NPPF (2019) and PPG (2014).

12. Application No : 19/00391/FPH
Date Received : 01.07.19
Location : 6 Orchard Road Stevenage Herts SG1 3HD
Proposal : Part two storey, part first floor rear extension
Date of Decision : 06.09.19
Decision : **Planning Permission is GRANTED**
13. Application No : 19/00399/FP
Date Received : 04.07.19
Location : 18 Wortham Way Stevenage Herts SG2 9SH
Proposal : Fitting of double sliding metal gates and railings to front of property
Date of Decision : 28.08.19
Decision : **Planning Permission is GRANTED**
14. Application No : 19/00400/FP
Date Received : 05.07.19
Location : The Mulberry Tree 60 - 62 High Street Stevenage Herts
Proposal : Enclosure of rear garden with new planters, new metal gate to car park entrance and lighting in car park.
Date of Decision : 19.09.19
Decision : **Planning Permission is GRANTED**
15. Application No : 19/00401/LB
Date Received : 05.07.19
Location : The Mulberry Tree 60 - 62 High Street Stevenage Herts
Proposal : Minor internal alterations.
Date of Decision : 19.09.19
Decision : **Listed Building Consent is GRANTED**

16. Application No : 19/00402/FP
 Date Received : 05.07.19
 Location : Greenside School Shephall Green Stevenage Herts
 Proposal : Retention of existing wooden outbuilding extension and
 associated decking area and proposed erection of ramped
 access and additional decking area.
 Date of Decision : 19.09.19
 Decision : **Planning Permission is GRANTED**
17. Application No : 19/00403/FPH
 Date Received : 06.07.19
 Location : 87 Lingfield Road Stevenage Herts SG1 5SQ
 Proposal : Single storey rear extension
 Date of Decision : 02.09.19
 Decision : **Planning Permission is GRANTED**
18. Application No : 19/00404/FPH
 Date Received : 07.07.19
 Location : 54 Stanmore Road Stevenage Herts SG1 3QF
 Proposal : Single storey rear extension
 Date of Decision : 30.08.19
 Decision : **Planning Permission is GRANTED**

19. Application No : 19/00407/FPH
Date Received : 08.07.19
Location : 21 Alleyns Road Stevenage Herts SG1 3PG
Proposal : Raising of roof level and installation of dormer windows to rear to facilitate loft conversion
Date of Decision : 02.09.19
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed rear dormer window by reason of its size, bulk, design and massing would be over dominant and detrimental to the architectural form of the original roof to the detriment of the visual amenities of the area and is therefore contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and NPPG (2014).

The raising of the roof height to one half of a pair semi-detached dwellings would be detrimental to the architectural composition of the original pair of dwellings and would appear visually discordant and out of keeping with the character and appearance of the area, thus harming the visual amenities of the locality when viewed from the street scene. Consequently, the proposal is contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and NPPG (2014).

20. Application No : 19/00408/FPH
 Date Received : 08.07.19
 Location : 23 Alleyns Road Stevenage Herts SG1 3PG
 Proposal : Raising of roof level and installation of dormer windows to rear
 to facilitate loft conversion
 Date of Decision : 02.09.19
 Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed rear dormer window by reason of its size, bulk, design and massing would be over dominant and detrimental to the architectural form of the original roof to the detriment of the visual amenities of the area and is therefore contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and NPPG (2014).

The raising of the roof height to one half of a pair semi-detached dwellings would be detrimental to the architectural composition of the original pair of dwellings and would appear visually discordant and out of keeping with the character and appearance of the area, thus harming the visual amenities of the locality when viewed from the street scene. Consequently, the proposal is contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and NPPG (2014).

21. Application No : 19/00411/FPH
 Date Received : 08.07.19
 Location : 37 Stanley Road Stevenage Herts SG2 0EF
 Proposal : Single storey front extension
 Date of Decision : 04.09.19
 Decision : **Planning Permission is GRANTED**

22. Application No : 19/00415/AD
 Date Received : 10.07.19
 Location : The Mulberry Tree 60 - 62 High Street Stevenage Herts
 Proposal : Installation of replacement illuminated and non illuminated signs to the exterior of the property
 Date of Decision : 19.09.19
 Decision : **Advertisement Consent is GRANTED**
23. Application No : 19/00417/LB
 Date Received : 11.07.19
 Location : The Mulberry Tree 60 - 62 High Street Stevenage Herts
 Proposal : Installation of replacement illuminated and non illuminated signs and re-painting of exterior
 Date of Decision : 19.09.19
 Decision : **Listed Building Consent is GRANTED**
24. Application No : 19/00420/FP
 Date Received : 11.07.19
 Location : 1 Cavell Walk Stevenage Herts SG2 0QD
 Proposal : Proposed erection of 1 no. 3 bedroom semi-detached dwelling.
 Date of Decision : 05.09.19
 Decision : **Planning Permission is GRANTED**

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| 25. | Application No : | 19/00421/LB |
| | Date Received : | 11.07.19 |
| | Location : | Costco Wholesale UK Limited Gunnels Wood Road Stevenage Herts |
| | Proposal : | Variation of Condition 1 (approved drawings) attached to listed building consent 15/00703/LB. |
| | Date of Decision : | 28.08.19 |
| | Decision : | Listed Building Consent is GRANTED |
| 26. | Application No : | 19/00423/FPH |
| | Date Received : | 12.07.19 |
| | Location : | 81 Plash Drive Stevenage Herts SG1 1LL |
| | Proposal : | Single storey rear and side extension |
| | Date of Decision : | 06.09.19 |
| | Decision : | Planning Permission is GRANTED |
| 27. | Application No : | 19/00424/NMA |
| | Date Received : | 12.07.19 |
| | Location : | Costco Wholesale UK Limited Gunnels Wood Road Stevenage Herts |
| | Proposal : | Non Material amendment to approved plans attached to planning permission 15/00702/FPM. |
| | Date of Decision : | 23.08.19 |
| | Decision : | Non Material Amendment AGREED |
| 28. | Application No : | 19/00427/FP |
| | Date Received : | 15.07.19 |
| | Location : | 17 Wychdell Stevenage Herts SG2 8JD |
| | Proposal : | Change of use from public amenity land to residential use |
| | Date of Decision : | 06.09.19 |
| | Decision : | Planning Permission is GRANTED |

29. Application No : 19/00428/CLPD
Date Received : 15.07.19
Location : 1 Letchmore Villas Letchmore Road Stevenage Herts
Proposal : Certificate of lawfulness (Proposed) for a hip-to-gable roof extension, installation of rear dormer window and 3 no. roof lights.
Date of Decision : 06.09.19
Decision : **Certificate of Lawfulness is APPROVED**
30. Application No : 19/00429/AD
Date Received : 15.07.19
Location : Stevenage Football Club Broadhall Way Stevenage Herts
Proposal : 1no. internally illuminated static LED sign
Date of Decision : 10.09.19
Decision : **Advertisement Consent is REFUSED**

For the following reason(s);

The proposed sign by virtue of its size, location and content is located in an unacceptable location, and would be likely to cause a distraction to vehicles and road users approaching the intersection of the Broadhall Way and Monkswood Way. This stretch of the heavily trafficked A602 is a location likely to cause a hazard where drivers would need to take exceptional care, leading to interference to the free and safe flow of traffic along the secondary distributor road of Monkswood Way, Broadhall Way and adjacent junction of the B197. Accordingly, the proposal would be prejudicial to general provisions of highway safety and convenience contrary to the advice contained in the National Planning Policy Framework 2019 and the Traffic Signs Regulations and General Directions 2002.
31. Application No : 19/00430/AD
Date Received : 16.07.19
Location : Costco Wholesale Former John Lewis Warehouse Gunnels Wood Road Stevenage
Proposal : Retrospective consent for installation of 3 no. non-illuminated signs.
Date of Decision : 28.08.19
Decision : **Planning Permission is GRANTED**

32. Application No : 19/00436/FPH
Date Received : 18.07.19
Location : 91 Austen Paths Stevenage Herts SG2 0NN
Proposal : Single storey front extension
Date of Decision : 06.09.19
Decision : **Planning Permission is GRANTED**
33. Application No : 19/00440/FPH
Date Received : 19.07.19
Location : 3 St. Davids Close Stevenage Herts SG1 4UZ
Proposal : Proposed garage conversion and installation of window.
Date of Decision : 13.09.19
Decision : **Planning Permission is GRANTED**
34. Application No : 19/00443/TPTPO
Date Received : 22.07.19
Location : 7 High Street Stevenage Herts SG1 3BG
Proposal : To remove 1no: Holly Tree (T31) protected by TPO61 and replace with 1No: Liquid Amber tree
Date of Decision : 17.09.19
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
35. Application No : 19/00447/FPH
Date Received : 24.07.19
Location : 53 Green Street Stevenage Herts SG1 3DS
Proposal : Single storey rear extension
Date of Decision : 11.09.19
Decision : **Planning Permission is GRANTED**

36. Application No : 19/00448/FPH
Date Received : 24.07.19
Location : 90 Bude Crescent Stevenage Herts SG1 2RB
Proposal : Erection of conservatory to front of property
Date of Decision : 13.09.19
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
- The proposed single-storey front extension by reason of its overall size, scale, depth and design would result in an incongruous form of development which would be detrimental to the architectural composition of the application property and the visual amenities of this part of Bude Crescent. It would therefore, be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).
37. Application No : 19/00451/FPH
Date Received : 29.07.19
Location : 223 Chells Way Stevenage Herts SG2 0LY
Proposal : Single storey rear extension
Date of Decision : 16.09.19
Decision : **Planning Permission is GRANTED**
38. Application No : 19/00453/HPA
Date Received : 30.07.19
Location : 107 Letchmore Road Stevenage Herts SG1 3PS
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.839 metres, for which the maximum height will be 3.600 metres and the height of the eaves will be 2.250 metres
Date of Decision : 11.09.19
Decision : **Prior Approval is NOT REQUIRED**

39. Application No : 19/00455/TPCA
Date Received : 30.07.19
Location : 2 Nicholas Place Rectory Lane Stevenage Herts
Proposal : Removal of 3 lowest branches of 1no. Sycamore tree (T1) and fell to ground level 2no. Lime trees (T2 and T3)
Date of Decision : 12.09.19
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
40. Application No : 19/00456/FP
Date Received : 30.07.19
Location : 65 Queensway Town Centre Stevenage Herts
Proposal : New shop front with set of central doors and glazing to each side and installation of open grill type roller security shutter
Date of Decision : 16.09.19
Decision : **Planning Permission is GRANTED**
41. Application No : 19/00457/FPH
Date Received : 31.07.19
Location : 20 Letchmore Road Stevenage Herts SG1 3JH
Proposal : Single storey side extension to form annexe
Date of Decision : 18.09.19
Decision : **Planning Permission is GRANTED**
42. Application No : 19/00463/FP
Date Received : 02.08.19
Location : Land Adjacent To 21 Whomerley Road Stevenage Herts SG1 1SP
Proposal : Erection of 1no. 2 bedroom dwelling
Date of Decision : 18.09.19
Decision : **Planning Permission is GRANTED**

43. Application No : 19/00465/NMA
Date Received : 02.08.19
Location : 2 The Priory Rectory Lane Stevenage Herts
Proposal : Non-material amendment to previously approved planning permission reference number 16/00534/FPH to retain 1no. new window in rear elevation, amend positions of previously approved fenestrations and change the external finish to sage green painted finish on rear elevation
Date of Decision : 11.09.19
Decision : **Non Material Amendment AGREED**
44. Application No : 19/00477/TPCA
Date Received : 08.08.19
Location : Stevenage Golf Course Aston Lane Aston Stevenage
Proposal : Reduce crown back by 2m to 1no Oak tree (T1)
Date of Decision : 18.09.19
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
45. Application No : 19/00479/HPA
Date Received : 09.08.19
Location : 39 Bernhardt Crescent Stevenage Herts SG2 0DR
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.8 metres, for which the maximum height will be 3.4 metres and the height of the eaves will be 3 metres.
Date of Decision : 11.09.19
Decision : **Prior Approval is NOT REQUIRED**

46. Application No : 19/00482/COND
 Date Received : 09.08.19
 Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts
 Proposal : Discharge of condition 14 (Foundation Details) attached to planning permission reference 19/00167/FPM
 Date of Decision : 18.09.19
 Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
47. Application No : 19/00483/COND
 Date Received : 10.08.19
 Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts
 Proposal : Discharge of condition 3 (Samples of Materials) attached to planning permission reference 19/00167/FPM
 Date of Decision : 24.09.19
 Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
48. Application No : 19/00488/NMA
 Date Received : 14.08.19
 Location : Bunyan Baptist Church Basils Road Stevenage Herts
 Proposal : Non Material Amendment to planning application 19/00271/FP to remove the existing chimney, alter the lavatory to enable changing space, and omit the proposed front porch extension, the room in the roof and 3no. velux windows.
 Date of Decision : 11.09.19
 Decision : **Non Material Amendment AGREED**

49. Application No : 19/00490/FP
Date Received : 15.08.19
Location : Longmeadows Symonds Green Lane Stevenage Herts
Proposal : Variation of condition 1 (approved plans) attached to planning permission reference 16/00645/FP
Date of Decision : 20.09.19
Decision : **Planning Permission is GRANTED**
50. Application No : 19/00505/PADEMO
Date Received : 21.08.19
Location : The Bragbury Centre Kenilworth Close Stevenage Herts
Proposal : Prior approval for the demolition and clearance of various buildings
1) 1 to 32 Asquith Court, Stirling Close, Stevenage, SG2 8UJ
2) 70 & 72, Stirling Close, Stevenage, SG2 8UJ
3) 74 to 96, Stirling Close, Stevenage, SG2 8UJ
4) Community Centre, Kenilworth Close, Stevenage SG2 8TB
5) 3, 3a, 5 and 5a Kenilworth Close SG2 8TB (Retail units)
Date of Decision : 18.09.19
Decision : **Prior Approval is NOT REQUIRED**

BACKGROUND PAPERS

1. The application files, forms, plans and supporting documents having the reference number relating to these items.
2. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Responses to consultations with statutory undertakers and other interested parties.
5. Central Government advice contained in the National Planning Policy Framework February 2019 and National Planning Practice Guidance 2014 (as amended).
6. Letters received containing representations.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 8 October 2019

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

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1. APPEALS RECEIVED

- 1.1 18/00600/CLEU, 80 Kymswell Road. Appeal against refusal of a Certificate of Lawful Existing Use for the continued use of the premises as a HMO (use Class C4).

2. DECISIONS AWAITED

- 2.1 19/00165/FP, Land at 68 Wildwood Lane. Appeal against refusal of planning permission for the demolition of existing double garage. Erection of detached three-bedroom house and integral garage. Erection of replacement single garage to no. 68.
- 2.2 17/00730/ENF, 18b Boulton Road. Appeal against serving of Enforcement Notice relating to an unauthorised gym operating from the premises.

3. DECISIONS RECEIVED

- 3.1 18/00461/ENF, 4 Oakdell. Appeal against serving of Enforcement Notice relating to the construction of a timber bridge over the brook.

3.1.1 Background

Application site is a detached two storey dwelling, part of a small development recently built. The Fairlands Valley Stream runs across the rear of Nos. 3 and 4, to the west of the dwellings. Land to the west of the stream, up to the boundary with St Margaret Clitherow Roman Catholic School is in the same ownership as the Oakdell dwellings and was sold by the Council when the main site was sold. The stream is within a wide and relatively deep channel. The bridge structure, which is more or less the full width of the plot, has been built across this channel.

3.1.2 Enforcement Notice

The original Reserved Matters planning application shows a chain link fence across the eastern bank of the stream but this has not been erected. As the original permission was not included, the Inspector was not aware of any conditions relating to this fence, however they stated that if there is a condition for the erection of this fence then the Council have other means to ensure this happens. With no condition in place, it is the appellants choice to erect the fence or not. It is therefore beyond the power of the enforcement notice to request this fence is erected and the enforcement notice will be varied to that effect.

The Inspector noted that the allegation refers to “a total footprint of 64.4m square” when it should read “a total footprint of 64.4 square metres” and the enforcement notice will be corrected accordingly.

3.1.3 Appeal Grounds

Ground (b) known as “legal grounds” – the burden of proof is on the appellant to show that on the balance of probabilities the matters stated in the enforcement notice have not occurred as a matter of fact.

It was argued that the bridge structure is entirely on land owned by the appellant and this is all within his residential curtilage. The bridge is required to provide safe access across the stream. The structure should be regarded as Permitted Development. The Inspector saw the bridge on his site visit so that it very clearly exists. He stated that consequently ground (b) fails as the breach has occurred as a matter of fact. However, the appellant does not dispute the development has not occurred, rather that it is not a breach of planning control and the appeal should therefore be assessed under ground (c).

Ground (c) is that the development is not a breach of planning control and like ground (b) the burden of proof remains the same.

The outline planning permission for the development shows the site outlined in red, and the land within the same ownership but outside the application site outlined in blue. The red and blue lines are contiguous along the eastern side of the stream. The blue lined land is within a wildlife site in the Local Plan and described as essential to the urban structure of the town. The approved plan in the reserved matters application shows a chain link fence along this eastern boundary and the plan is annotated to say the area in blue is to be retained as a wildlife site.

The Inspector confirms that the Land Registry entry clearly identifies the appellant owns all the land to the rear of the property, up to the boundary with St Margaret Clitherow school with the edge of the eastern bank roughly 7m from the rear outshot of the dwelling.

The outline planning permission changed the use of the land enclosed in the red line area from sui generis garage block to residential, however the Inspector points out that the blue lined area was excluded from this change of use with the intention for it to be fenced off. The Inspector states that the residential curtilage only extends as far as the eastern bank of the stream and the land to the west is recognised as having a different function; that is, a designated green link and not domestic garden land.

The Inspector goes on to say that the fact of ownership does not predicate use of the land, or change of use. He was of the opinion that the land to the west of the red line area in the outline permission, and the intended chain link fence in the reserved matters application does not form part of the residential curtilage of No.4 Oakdell.

The appellant argued that the bridge structure should be permitted development, however the Inspector affirms that the allowances of permitted development only apply to residential curtilage and as he found the land in question to not be residential curtilage, it follows that the permitted development rights are not available in this instance.

He concluded that on the balance of probabilities the development is in breach of planning control and it follows that had the appeal been made on ground (c) it would have failed.

Whilst the appellant argued that a bridge was necessary for the safety of his family crossing the stream and is concerned a child may fall into the water, the Council made clear that a plank bridge might be provided and the chain link fence in the approved plan for the reserved matters application would address these concerns.

3.1.4 Decision

The Appeal is dismissed with variation to the enforcement notice (decision attached).