

Meeting: Planning and Development Agenda Item:
Committee

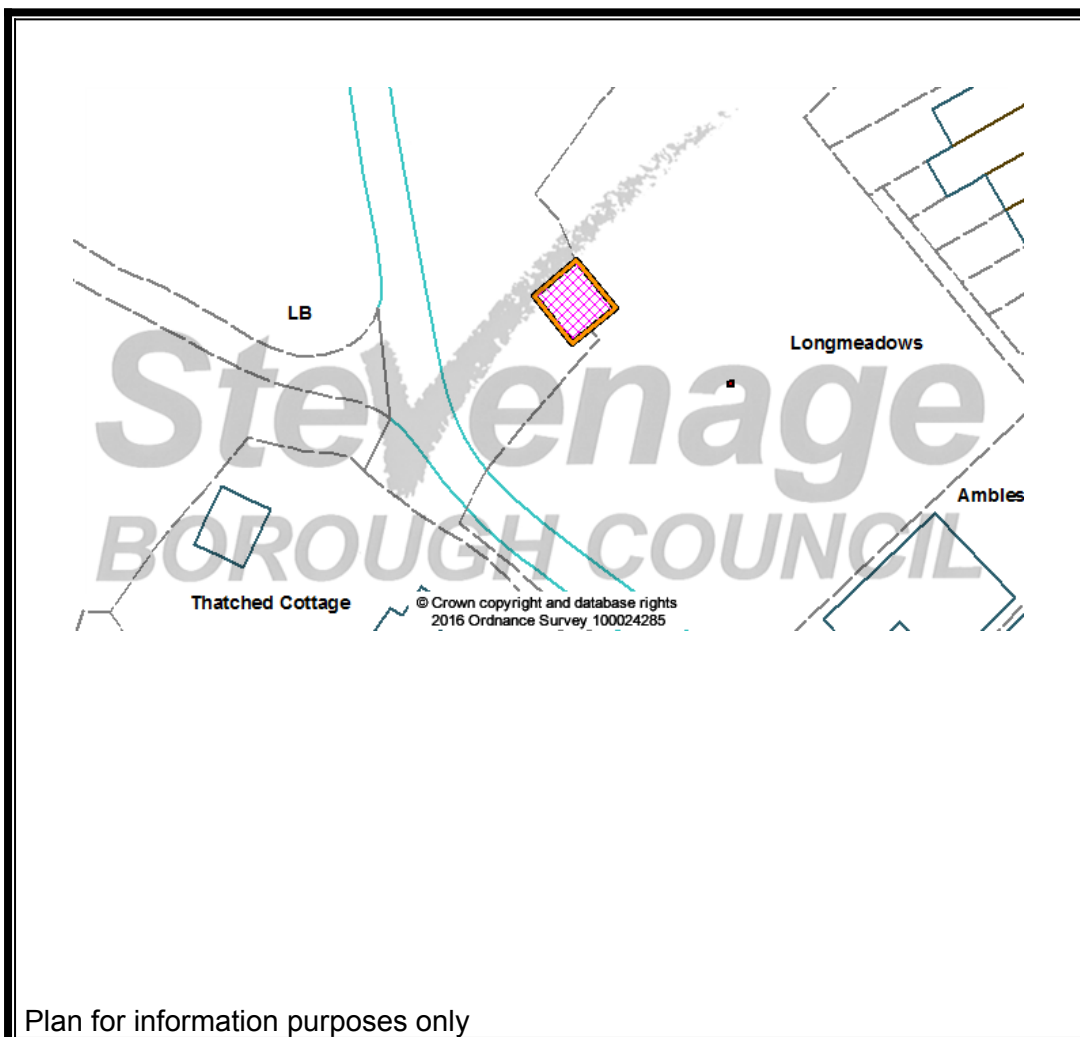
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Application No:	18/00746/FP
Location:	Garage on Symonds Green Common, Symonds Green Lane, Stevenage
Proposal:	Demolition of double garage and reinstatement of Common Land.
Drawing Nos.:	Site Location Plan; Garage Location Map.
Applicant:	Joel Gainsford
Date Valid:	07 December 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located within Symonds Green Common which lies within the Symonds Green Conservation Area. The site comprises a detached, double garage with a gable-end roof. The garage is constructed with a stock red brick with the roof clad in concrete inter-locking tiles. On the principal elevation of the building is a set of timber garage doors and timber roof hatch. On the southern elevation is a timber access door to the garage and a timber window.
- 1.2 To the north of the application site, beyond the adjoining tree belt lies the main area of Symonds Green Common which is also designated a wildlife site and a Green Link. There is also the Crooked Billet public house which fronts onto the Common. To the east of the site lies Eastbourne Avenue which comprises 1960's style terraced houses and Eastbourne Lodge which is a detached property within a spacious plot. To the west of the site is the Thatched Cottage which is grade II Listed Building which is a timber frame with plaster infilling with a thatched roof property. To the south of the application lies the former Longmeadows site which has recently been demolished to facilitate the construction of 4 no. detached properties which were granted planning permission under planning reference 16/00645/FP which was determined in February 2018.

2. RELEVANT PLANNING HISTORY

- 2.1 Under planning application 2/0402/83 permission was sought for the erection of a double garage. This application was granted in December 1983. However, the Council as landowner as well as being responsible for the Common did not give consent for the erection of the garage. Notwithstanding this, the approved garage was erected on the common back in 1983.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the demolition for the existing double garage and to reinstate the land to common land. The reason planning permission is required is because the site is located within a conservation area and as such, it would not be classed as permitted development in line with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Council as the applicant is therefore, seeking planning permission to demolish the garage as it is an unauthorised structure on the common.
- 3.2 The application comes before the planning committee for determination as the land owner is Stevenage Borough Council.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. In addition, the application has been publicised in the local press. No comments or representations have been received.

5. CONSULTATIONS

5.1 Council's Environmental Health Section

- 5.1.1 There is no objection to the application. The pre-construction information document covers all environmental health issues.

5.2 Council's Conservation and Historic Advisor

5.2.1 The garage proposed for demolition is a late 20th century structure. Removing the garage and returning the site to grass as part of the common land is considered to enhance the character and appearance of Symonds Green Common and the Symonds Green Conservation Area.

5.3 Herts and Middlesex Wildlife Trust

5.3.1 I am satisfied that there are no bats in the garage to be impacted.

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 Local Plan

TW2 Structural Open Space
TW8 Environmental Safeguards
TW9 Quality in Design
EN9 Archaeology and Development
EN10 Green Link
EN13 Trees in New Developments
EN17 Wildlife Sites and Regionally Important Geological Sites (RIGS)
EN27 Noise Pollution
L23 Horse and Pony Route

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

SP1 Presumption in Favour of Sustainable Development
SP2 Sustainable Development in Stevenage
SP8 Good Design
SP11 Climate Change, Flooding and Pollution
SP12 Green Infrastructure and the Natural Environment
SP13 The Historic Environment
GD1 High Quality Design.
SP8 Good Design
FP7 Pollution
NH2 Wildlife Sites
NH4 Green Links
NH5 Trees and Woodlands
NH6 General Protection for Open Space.
NH9 Areas of archaeological significance
NH10 Conservation Areas

6.5 Supplementary Planning Documents

Stevenage Design Guide 2009;
Symonds Green Conservation Area Management Plan SPD 2012.

7 APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are the impact upon the character and appearance of the conservation area and the common, impact on amenity, the environment and ecology.

7.2 Impact upon the Character and Appearance of the Conservation Area and the Common

- 7.2.1 Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 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. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fails to make opportunities available for

improving the character and quality of an area and the way it functions". Paragraph 193 of the same document stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF goes on to state that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent.

- 7.2.2 Policy TW9 of the District Plan (2004) requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design. Policy GD1 of the emerging Local Plan (2016) generally reflects the above policy. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD. The Symonds Green Conservation Area Management Plan SPD (2012) stipulates that all development in the conservation area, must respond to its immediate environment and context in terms of scale, alignment, form, materials and detailing. In terms of development layout, it will be encouraged for this to be informal in order to reflect the original rural nature of the Green.
- 7.2.3 The application site is located within the Symonds Green Conservation Area. The conservation area is centred around the Green, the ponds and the Crooked Billet public house. These provide an attractive focal point to the area and depict its rural character. The area is defined by a mixture of historic properties with the oldest structure in the conservation area being Oakfield Farm which dates back to the 16th Century. In the 17th Century a road which ran north from Old Stevenage to Titmore Green led to the developments such as Willow Cottage and the Thatched Cottage.
- 7.2.4 In the latter half of the 20th century, Newlyn Close, Dunwich Farm and Southwold Close were developed and this area has a leafy and regular character and appearance. The 20th century properties are laid out in a cul-de-sac arrangement with higher densities which have significantly altered the character and appearance of the conservation area.
- 7.2.5 The existing detached double garage is an unexceptional single-storey building which is located in the centre of the Conservation Area and forms part of Symonds Green Common and opposite the Thatched Cottage. The existing garage is constructed from red brick with a gable-end clad in concrete tiles with timber doors and windows. The proposal seeks to demolish the existing garage and to reinstate the land to grass as the structure is an unauthorised development on Common Land.
- 7.2.6 Following consultation with the Council's Conservation and Historic Advisor, they consider the demolition of the garage would enhance the visual appearance of the conservation area. This is because of its semi-rural characteristics as defined in the Conservation Area Management Plan. In addition, they consider that by removing the garage, it would enhance the overall setting of the Common. Given this, it is considered that the proposed demolition of the garage would enhance the character and appearance of the Conservation Area, Symonds Green Common and the visual amenities of the wider street scene.

7.3 Impact on Amenity and the environment

- 7.3.1 It is considered that due to the proximity of nearby residential properties, there is the potential the demolition works could affect the amenities of nearby residential properties. Given this, the applicant will be looking to undertake demolition works during the following hours:-
- Monday to Friday – 8:00am to 5:00pm;
 - Saturday – 08:00am to 1:00pm; and
 - Sundays and Bank Holidays – Works not to be undertaken on site.

- 7.3.2 The aforementioned hours would restrict the timeframe to undertake demolition to reduce the period of disturbance to local residents. In regards to noise, the applicant would limit the noisy activities on site where possible and would restrict the use of radios or other audio equipment. In terms of dust, the materials and skips will be positioned in designated areas away from residential properties and would be covered. All of the waste will be removed by a licenced and registered skip company during the demolition of the garage. In addition, the applicant would also adopt dust suppression measures where necessary and clean route surfaces so they are dust free. The site is also to be kept in a tidy manner and all chemicals and toxic substances will be stored and disposed of in accordance with COSHH (Control of Substances Hazardous to Health) Regulations.
- 7.3.3 In terms of asbestos, prior to the demolition of the garages, an asbestos survey would be undertaken and in the event any is identified, it will be handled and removed in accordance with HSE regulations by a licenced contractor. In regards to remediation, once all of the materials following demolition have been removed from the site, including the concrete base, the applicant will be laying down grass which will be maintained accordingly.
- 7.3.4 Following consultation with the Council's Environmental Health Section, it is considered that the demolition and restoration of the site will be carried out in an appropriate manner which does not prejudice the amenities of nearby residential properties. Furthermore, the development would be managed to ensure that it does not impact upon the wider environment including Symonds Green Common.

7.4 Impact on Ecology

- 7.4.1 As the Planning Authority, the Council has a duty to comply with the requirements of Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. In particular, the Council must 'have regard to the requirement of the Habitats Directive so far as they may be affected by [the decision whether to grant planning permission]'. Under the regulations it is an offence to deliberately disturb wild animals of any European protected species, or to damage or destroy a breeding site or resting place of any such an animal of such a species. The development could, therefore, be likely to offend Article 12 of the Habitats Directive, by amounting to a disturbance in accordance with the Article.
- 7.4.2 The applicant has submitted as part of this application a Bat Survey which includes a preliminary root assessment along with an emergence and activity survey. The surveys undertaken did not identify the presence of bats within the double garage which is due to be demolished. In addition, the surveys identified that a European Protected Species (EPS) licence is not required for the proposed demolition of the garage. Turning to breeding birds and their nests, these are protected under the Wildlife and Countryside Act 1981 (as amended). However, the demolition works do not consist of or require the removal of any existing trees or hedges and as such, nesting birds would not be affected by the proposal. Following consultation with Herts and Middlesex Wildlife Trust, it is considered that the proposed demolition works are acceptable as bats would not be affected in this instance. In addition, the development would not cause any harm to nesting and breeding birds. Consequently, the removal of the garage would not affect the habitat of any protected species.

7.5 Other matters

Impact on Archaeology

- 7.5.1 Whilst the application site is located in an Area of Archaeological Significance as defined in the District Plan (2004) and the Emerging Local Plan (2016), as the proposed development is seeking to demolish the existing double garage and would not be breaking ground, it would not have a detrimental impact on any potential archaeological remains.

Horse and Pony Route

- 7.5.2 Policy L23 of the adopted Local Plan (2004) states that if there is any reduction to the existing and proposed horse and pony route, the development would not be permitted. In addition, any development which does adversely affect the route, the scheme would only be acceptable if a satisfactory alternative route is provided.
- 7.5.3 Turning to the emerging Local Plan (2016), there are no policies relating to Horse and Pony routes existing or proposed. Therefore, this application can only be determined against the Council's adopted Local Plan policies.
- 7.5.4 Symonds Green Lane which runs along the south/western boundary of the application site is designated as an existing Horse and Pony route. Notwithstanding, the proposed development is for the demolition of an existing garage which is sited away from the established horse and pony route. In addition, there is sufficient land around the garage to allow contractors to undertake the necessary demolition works which does not result in the temporary stopping up of the route. Consequently, the demolition works would not result in the reduction or adversely affect the horse and pony route in this instance.

8 CONCLUSIONS

- 8.1 In summary, the proposed demolition of the existing garages and reinstatement of the land as Common would enhance the character and appearance of the Symonds Green Conservation Area and Common. In addition, the development would enhance the visual amenities of the wider street scene. Furthermore, the development would not harm the amenities of nearby residential properties nor would it have a detrimental impact on protected species. Therefore, it is considered that the proposed demolition of the double garage would comply with the policies contained in the Stevenage District Plan Second Review 1991 – 2011 (adopted 2004), the Stevenage Borough Local Plan – Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

9 RECOMMENDATIONS

- 9.1 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; Garage Location Map.
REASON:- For the avoidance of doubt and in the interest 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. No demolition works 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 08:00 and 17:00 Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

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

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 – Stevenage Design Guide adopted in October 2009 and Symonds Green Conservation Area Management Plan adopted July 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 Planning Policy Guidance March 2014.