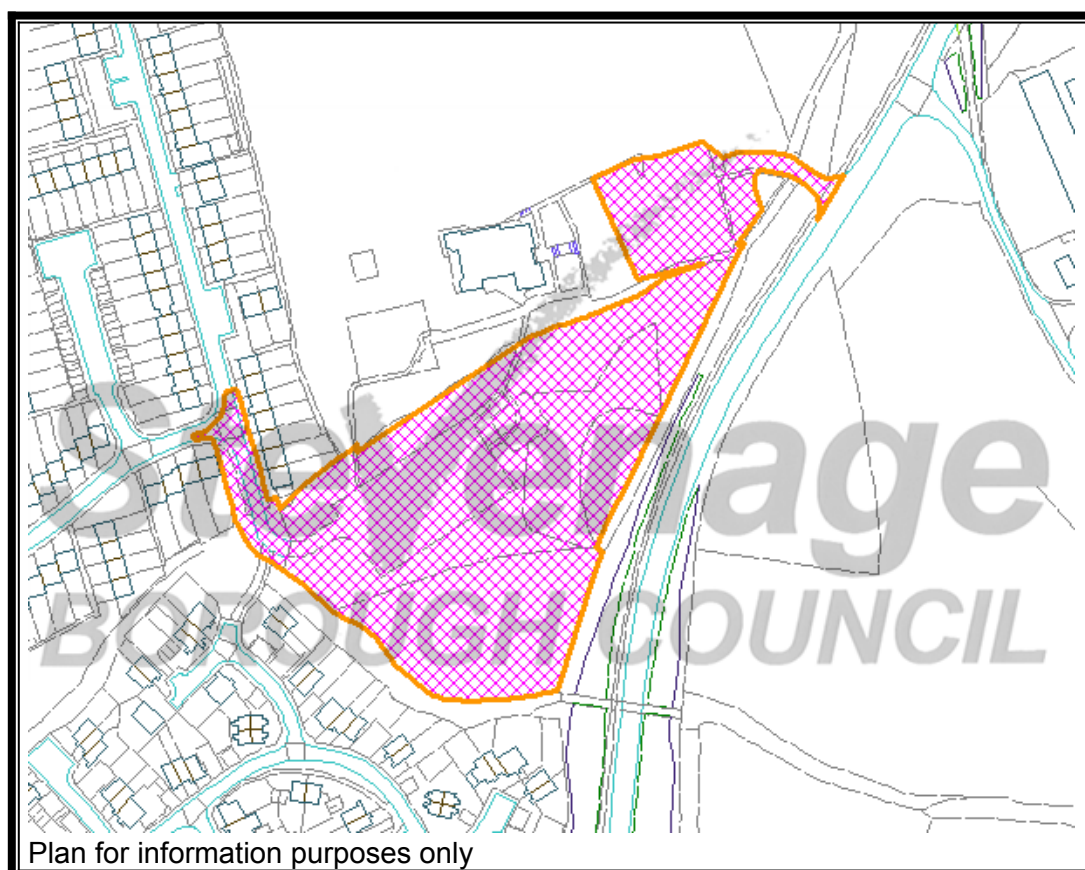


Meeting: Planning and Development Committee
Agenda Item:
Date: 13 August 2019
Author: Rebecca Elliott 01438 242836
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Rebecca Elliott 01438 242836

Application No: 19/00224/FP
Location: Land West of Gresley Way and South of Ferrier Road, Stevenage
Proposal: Variation of condition 1 (Approved plans) attached to planning permission 17/00389/FPM to amend plans for boundary siting to plots 36-40.
Drawing Nos.: 088-001 Rev C; C3506 001 J; C3506 L001; 2016/3491/002D, E16-091-101P3, 088-PL200, 088-PL201, 088-PL202, 088-PL203, 088-PL204, 088-PL205, 088-PL206, 088-PL208, 088-PL210, 088-PL211 and 088-PL212.
Applicant: Hill Partnership
Date Valid: 23 April 2019
Recommendation: GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises the 'Lanterns' development located between Ferrier Road and Gresley Way. The residential development of 43 dwellings is nearly complete approved under reference 17/00389/FPM. Plots 29-43 are accessed from Ferrier Road to the west of the site and are to be transferred to the Council as affordable housing stock. The site is bounded to the south by the Sheafgreen Lane footpath and bridleway. Gresley Way runs along the east of the site with Chells Recreation Ground to the north.

2. RELEVANT PLANNING HISTORY

- 2.1 Outline consent granted under ref 14/00038/REG3 in December 2014 for the erection of 14no. three bed, 9no. four bed and 7no. two bed houses; and 4no. one bed flats.
- 2.2 Permission was approved under ref 17/00389/FPM in November 2017 for the erection of 43 residential dwellings with associated access, internal road layout, drainage, landscaping and infrastructure.
- 2.3 Discharge of condition 16 (Archaeological Investigation) attached to planning permission 17/00389/FPM was approved under ref 17/00794/COND in January 2018.
- 2.4 Discharge of condition 15 (Boundary treatments) attached to planning permission 17/00389/FPM was approved under ref 17/00810/COND in January 2018.
- 2.5 Discharge of condition 14 (Bird and Bat Boxes) attached to planning permission 17/00389/FPM was approved under ref 17/00812/COND in January 2018.
- 2.6 Discharge of condition 10 (Tree Protection Measures) attached to planning permission 17/00389/FPM was approved under ref 17/00813/COND in January 2018.
- 2.7 Discharge of condition 7 (Construction Method Statement) attached to planning permission 17/00389/FPM was approved under ref 17/00816/COND in January 2018.
- 2.8 Discharge of condition 4 (Landscaping) attached to planning permission 17/00389/FPM was approved under ref 17/00820/COND in January 2018.
- 2.9 Discharge of condition 13 (Drainage) attached to planning permission 17/00389/FPM was approved under ref 17/00821/COND in January 2018.
- 2.10 Discharge of condition 22 (Ecology) attached to planning permission 17/00389/FPM was approved under ref 17/00822/COND in January 2018.
- 2.11 Discharge of condition 3 (Materials) attached to planning permission 17/00389/FPM was approved under ref 17/00830/COND in January 2018.
- 2.12 Permission was approved under ref 18/00058/NMA in February 2018 for a non-material amendment to planning permission reference number 17/00389/FPM to make minor alterations to external elevations, minor changes to levels and internal alterations.
- 2.13 Permission was approved under ref 18/00651/NMA in November 2018 for a non-material amendment to planning permission 17/00389/FPM to alter parking bays, landscaping, fencing and retaining wall.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission to vary condition 1 (approved plans) attached to planning permission 17/00389/FPM in order to amend the rear boundary siting of plots 36-40.
- 3.2 The construction of plots 36-40 and provision of the approved boundary treatments for these plots highlighted anomalies with the positions of the boundaries with regard the bridleway size and bank of trees and landscaping contained along the north eastern boundary of the lane. The variation to the proposed site location plan and site layout plan seeks to revise the boundary location and garden sizes for plots 36-40 which is deemed a necessity to ensure the bridleway retains sufficient width for its purpose.
- 3.3 The application comes before the planning committee for determination as the plots affected by the revision are in the ownership of Stevenage Borough Council.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to those properties adjoining Sheafgreen Lane and adjacent the respective plots 36-40. A site notice was displayed on a lamp post at the Ferrier Road entrance to the site and Sheafgreen Lane. Three letters of objection have been received, two from 58 Ferrier Road highlighting the same objections and one from 9 Magellan Close.
- 4.2. The objections raised refer to the tree and landscaping works carried out within Sheafgreen Lane and their impact on the local wildlife and visual appearance of the area. The main objection raised in respect of the boundary changes is that the applicant is land grabbing and that making the gardens bigger is not acceptable.
- 4.3 The aforementioned are not a verbatim of the comments which have been received. A full copy can be viewed on the Council's website under the application reference.

5. CONSULTATIONS

5.1 Hertfordshire County Council – Highways

- 5.1.1 The site boundary is located in close vicinity adjacent to the Right of Way Stevenage Byway97. The amended plan shows some alterations to the location of the boundary siting along the Rights of Way: Stevenage 097 restricted Byway that commences from the southern end of Ferrier Road thence generally east along Sheafgreen Lane to the Stevenage town boundary. This amended variation to condition 1 for a change of siting of the boundary is acceptable from a highway perspective.

5.2 Council's Arboriculturist

- 5.2.1 I have looked into this application and can confirm that I have no objection to the proposed variation.

5.3 Hertfordshire County Council – Rights of Way Section

- 5.3.1 Raise no objections to the proposal.

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

SP7: High Quality Homes
SP8: Good Design
SP12: Green Infrastructure and the Natural Environment
HO9: House Types and Sizes
GD1: High Quality Design
NH5: Trees and Woodland
NH6: General Protection for Open Space
NH3: Green Corridors

7. APPRAISAL

- 7.1 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 in the determination of this application are the acceptability of the changes to the scheme in respect of the visual amenities of the area, amenity of future occupiers and impact on the bridleway, as permitted under the original grant of planning permission.

7.3 Impact upon the Character and Appearance of the Area

- 7.3.1 Sheafgreen Lane is a designated right of way and bridleway connecting Ferrier Road to the eastern side of the borough over Gresley Way via a footbridge and to land within the borough of East Hertfordshire Council. The lane runs the expanse of the south western boundary of the site and the north eastern boundary of the Magellan Close and Christie Road estate.
- 7.3.2 The proposed reduction in garden depths and sizes as a consequence of moving the boundaries of these plots would result in an acceptable width of the bridleway being retained. The boundary treatments have been erected in the proposed location following numerous site visits and correspondence with Council Officers, and to allow the Local Planning Authority to ascertain the extent of the changes. The resultant impact of the boundary location changes on the character and visual amenity of the area are considered to be acceptable and beneficial to the use of the bridleway.
- 7.3.3 Works to trees along the southern boundary of the site have been carried out beyond the scope of the originally approved Tree Report but subsequent to site meetings and in accordance with revisions agreed with the Council's Tree Manager. This was a necessary consequence of the anomaly of the rear garden sizes and the close proximity of the self-seeded holy trees to the properties proposed for plots 36-40. This included the removal of a soil bank filled with historic building debris and rubbish to enable a retracted fence line to be established that would not reduce the bridleway that ran along the rear of the boundary line. The applicant has provided details of a replacement planting scheme along the northern boundary of the Lane to include traditional English hedgerow species and of a planting size sufficient to ensure a fast cover provision. This has been negotiated and agreed with Hill Partnership (the applicant) to help re-establish a green wildlife route along the bridleway.

7.4 Impact upon Amenities of Future Occupiers

- 7.4.1 The approved site layout plan had the rear garden depths of plots 36-40 as being approximately 16 – 18m, 11.5 – 16m, 8.4 – 11.5m, 7 – 8.4m and 14 – 8.7m respectively. The measurements vary due to the alignment of the boundary at a diagonal angle to the rear elevations of the properties in question, and the building line of plot 40.
- 7.4.2 The proposed amendment would see the reduction in the garden depths, with minor alterations to the alignment of the side boundaries of each property to try and provide the largest resultant gardens for each property. The proposed garden sizes are as follows –
- Plot 36 – length 13 – 15.6m; area 90 m²;
 - Plot 37 – length 9 – 13m; area 58 m²;
 - Plot 38 – length 5.5 – 9m; area 46m²;
 - Plot 39 – length 4.7 – 5.5m; area 37m²;

- Plot 40 – length 6.5 – 5.5m; area 192m²

7.4.3 Despite the alterations and reductions in size, the gardens to plots 36, 37 and 40 are still of a size which accords with the Council's adopted design guidance of 50 square metres. However, plots 38 and 39 would be below the standard. Notwithstanding this, given the impact of the original approved garden depths on the bridleway and assessing the impact of the reduced garden size on the future occupiers of these properties, it is considered that the public benefit significantly outweighs the minor reduction in the garden size.

7.5 Impact upon the Bridleway

- 7.5.1 Sections 7.3 and 7.4 touch on the impact of the approved garden sizes and boundary positions on the bridleway. The proposed reduction in garden sizes and lengths will maintain the functionality of the bridleway. Whilst it is noted that the development has impacted on the growth and foliage that was adjacent the bridleway, if approved, the revised gardens to plots 36-40 will not reduce the actual width of the bridleway. Overall the changes now proposed, with enhanced planting are considered to be of greater benefit to the bridleway and its users.
- 7.5.2 Hertfordshire County Council Rights of Way team have confirmed that the resultant bridleway width is acceptable and raise no objections to the proposal.

8 CONCLUSIONS

- 8.1 It is considered that the proposal would not have a detrimental impact on the character and appearance of the area or the bridleway. Whilst the alterations to the garden sizes and depths to plots 38 and 39 specifically would result in below standard garden space for future occupiers, it has been demonstrated that the wider public benefit in this case outweighs the harm. Accordingly, it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 Planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in general accordance with the following approved plans: 088-001C, C3506 001J, C3506 L001; 2016/3491/002D, E16-091-101P3, 088-PL200, 088-PL201, 088-PL202, 088-PL203, 088-PL204, 088-PL205, 088-PL206, 088-PL208, 088-PL210, 088-PL211 and 088-PL212.
REASON: - For the avoidance of doubt and in the interests of proper planning.
- 2 The development shall be carried out in accordance with the schedule and samples of the materials hereby permitted as submitted to and approved in writing by the Local Planning Authority under reference 17/00830/COND on 16 January 2018.
REASON: - To ensure the development has an acceptable appearance.
- 3 The development shall be carried out in accordance with the scheme of soft and hard landscaping submitted to and approved by the Local Planning Authority under reference 17/00820/COND on 2 February 2018, as amended by drawing no. C3506 L001 hereby approved for the provision of planting along the south western boundary of the site. The approved details 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 landscaping details covered in condition 3 of this approval, 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 demolition or 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 The development shall be carried out in accordance with the Construction Method Statement submitted to and approved in writing by the Local Planning Authority under reference 17/00816/COND on 29 January 2018.
REASON: - To minimise the impact of construction vehicles, protect highway safety and to maintain the amenity of the local area.
- 7 The development shall be carried out in accordance with the Construction Traffic Management Plan submitted to and approved in writing by the Local Planning Authority under reference 17/00816/COND on 29 January 2018.
REASON: - In order to protect highway safety and the amenity of other users of the public highway.
- 8 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).
- 9 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Statement carried out by SDP Consulting Engineers, Job No. E16.091, Issue 2 dated of June 2017 including the following mitigation measures detailed within the FRA:
1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames sewer including SuDS features as indicated on drawing No. E16-091-101 Rev. P2 – Drainage Layout, prepared by Hill dated of 12.06.17.
 3. Limiting surface water discharge off the site at a maximum allowable rate of 5.0 l/s/ha for the 1 in 100 year plus 40% climate change event.
- 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 of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.
- 10 The development shall be carried out in accordance with the final drainage scheme design completed, submitted to and approved in writing by the Local Planning Authority under reference 17/00821/COND on 5 April 2018.
REASON: - To prevent the increased risk of flooding both on and off the site.

- 11 The development shall be carried out in accordance with the boundary treatment details, including any walls, fences, gates or other means of enclosure approved by the Local Planning Authority under reference 17/00810/COND on 8 January 2018 as amended by drawing no. C3506 001 J hereby approved. The approved boundary treatments shall be completed before all of the dwellings are occupied.
REASON: - To ensure a satisfactory standard of development in the interests of amenity.
- 12 The development hereby permitted shall not be completed and fully occupied until the proposed junction from Chells Park access road has been constructed and the junction improvement works as identified on the 'in principle' details on drawing no. 2016/3491/002 revision D have been provided 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.
- 13 Before the driveways to all dwellings are first brought into use, pedestrian visibility splays of 0.65 metres by 0.65 metres each side shall be provided and permanently maintained. Within this area 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 junction with the edge of the carriageway of the highway respectively, along the access roads of the application site and from the intersection point along the edge of the carriageway.
REASON: - In the interests of highway safety and amenity.
- 14 Plots 23 – 40 of the development hereby permitted shall not be occupied until the proposed access from Ferrier Road has been constructed to base course construction for the first 20 metres as identified on the 'in principle' details on drawing no. C3506 001 revision J 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.
- 15 The gradient of the access roads shall not be steeper than 1 in 20 for at least the first 20 metres from the edge of the carriageway.
REASON: - To ensure a vehicle is approximately level before being driven off and on to the highway.

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 Borough Local Plan 2011-2031.
3. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
4. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Policy Guidance 2014, as amended.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.