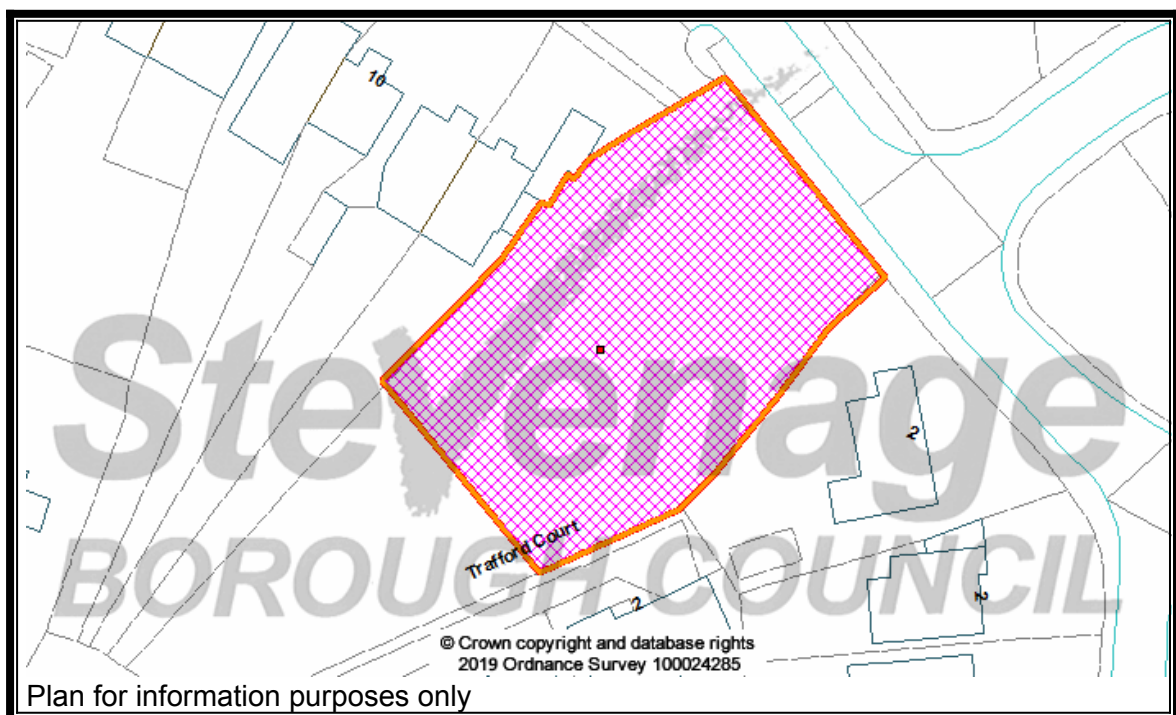


Meeting: Planning and Development Committee
Agenda Item:
Date: 8 October 2019
Author: Dave Rusling 01438 242270
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Dave Rusling 01438 242270

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.