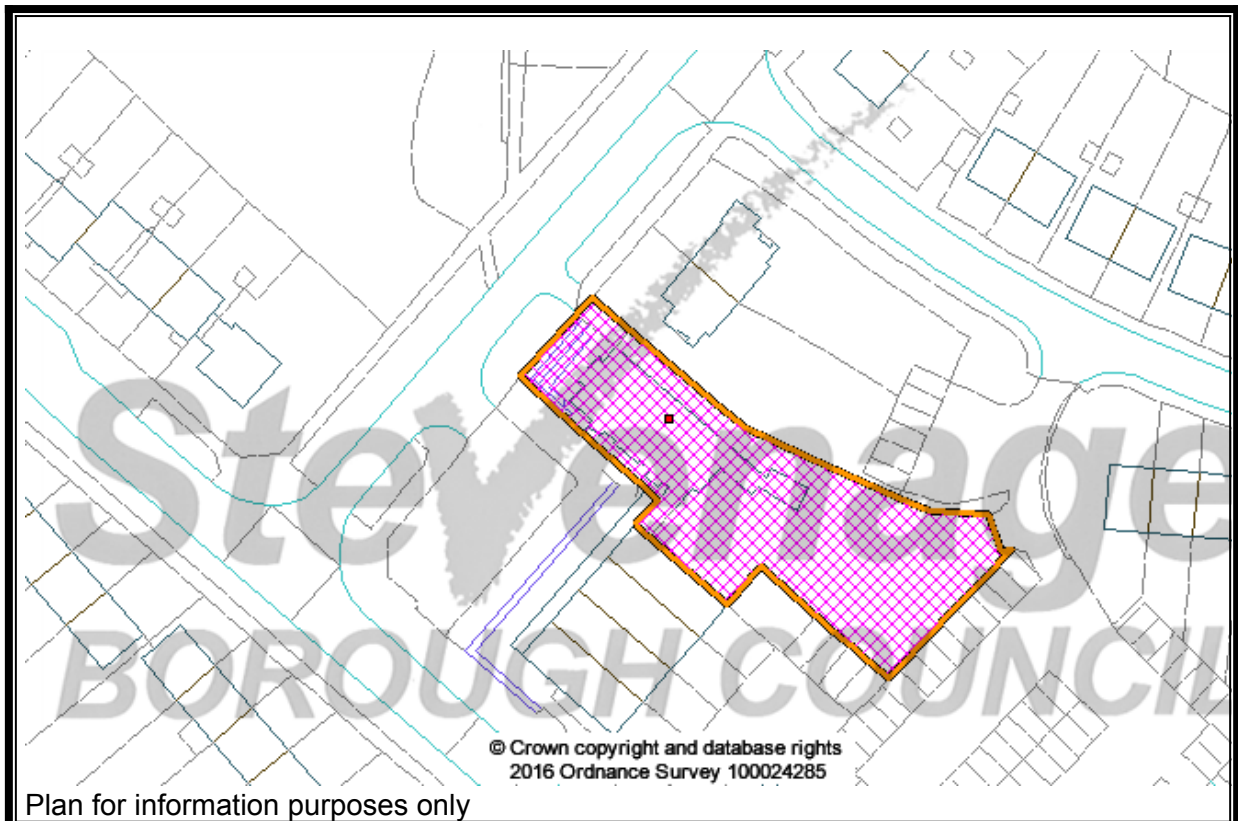


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>5 December 2017</b>	
<b>Author:</b>	<b>Clive Inwards</b>	01438 242837
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Application No:	17/00586/FPM
Location:	The March Hare, 10 Burwell Road, Stevenage.
Proposal:	Erection of 6no. two bedroom and 9no. one bedroom flats with associated parking.
Drawing Nos.:	211A, 212, 213, 214A, 215A and 219.
Applicant:	Stevenage Borough Council
Date Valid:	17 August 2017
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; however the site has now been cleared of buildings. 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. The former March Hare building was two storeys constructed from traditional bricks and tiles and had a vehicular access off of Burwell Road.

- 1.2 The application site comprises an area of 1,093m<sup>2</sup>

## **2. RELEVANT PLANNING HISTORY**

- 2.1 2/0122/61 Post sign and illuminated signs. Advertisement consent granted 8<sup>th</sup> August 1961.
- 2.2 2/0008/62 Erection of brick private garage. Planning permission granted 9<sup>th</sup> February 1962.
- 2.3 2/0115/62 Erection of brick private garage. Planning permission granted 19<sup>th</sup> July 1962.
- 2.4 2/0257/80 Conversion of off-licence bar, conversion of store to W.C. and new external elevational alterations. Planning permission granted 4<sup>th</sup> September 1980.
- 2.5 2/0400/90 Ground floor rear bar extension. Planning permission granted 11<sup>th</sup> July 1991.

## **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the erection of a three storey building comprising 6no. two bedroom and 9no. one bedroom flats arranged with five flats on each level. It also includes 17 car parking spaces, associated landscaping and cycle and refuse storage. The proposed new flats are to be provided for affordable rent.
- 3.2 The building itself would be three storeys and would comprise two distinct but linked blocks with two ridges and a valley roof arrangement to each element (front and rear block). The building would utilise the slope of the site which rises up Burwell Road in a north-easterly direction but generally the front block of the building would be 8.2m in height to the eaves and 9.65m to the ridge. This element would be 13.8m in width and approximately 19m in length. The rear block would step down from the front block by half a level due to the difference in levels on the site but it would also be 8.2m in height to the eaves but would be 9.9m to the ridge. The element would be 16.2m in width and 9.3m in depth.
- 3.3 In addition to the building, the proposal also provides a cycle parking space for each unit in a lockable shed in the corner of the car park and a dedicated bin store on the north eastern boundary of the site. Vehicular access is proposed from the service road that leads off of Chertsey Rise to the Parker's Field garage compound. Pedestrian access would then be from the proposed car park and also from a dedicated access from Burwell Road.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by way of letters to adjoining premises, the erection of site notices at the site and a press notice. At the time of drafting this report three letters of objection had been received from the Shephall Dental Surgery, the owner of 10A Burwell Road and 10B Burwell Road. The grounds of objection can be summarised as:

- Concerned at the lack of parking as the parking in the roads of Burwell Road, Chertsey Rise and the Burwell shops and surrounding areas are always full or

overflowing and this can be a problem for the area. This impacts on the dental surgery as patients and staff find it difficult to park;

- We would be faced with a huge, ugly wall overlooking our properties which would block direct sunlight and daylight;
- The proposal is inconsiderate and unneighbourly. It would be overbearing and will significantly reduce daylight and sunlight into my house and garden;
- It is not acceptable that this building should be allowed to be built on the boundary line and it should be set back as the original pub was;
- It appears that the proposal would be 2m higher than the March Hare and the ridge height should be reduced to that of the neighbouring houses;
- The plans are not detailed enough to make an accurate assessment of the impact on neighbouring properties;
- The right to light would be compromised and a proper daylight and sunlight assessment has not been conducted.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highway Authority**

- 5.1.1 Consider that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the recommended condition and a highway informative.

### **5.2 Hertfordshire County Council as Fire and Rescue Service**

- 5.2.1 Access for fire appliances and provision of water supplies appears to be adequate. Also fire hydrants need to be provided.

### **5.3 Thames Water**

- 5.3.1 Recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water advise that with regard to sewerage infrastructure capacity, they would not have any objection to the planning application.

### **5.4 Hertfordshire County Council as the Lead Local Flood Authority**

- 5.4.1 Following a review of the SuDS and Surface-Water Strategy dated September 2017, provided in support to this planning application, we can confirm that we have no objection in principle on flood risk grounds and advise the Local Planning Authority that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Conditions should be attached to the grant of any permission.

### **5.5 Archaeological Advisor**

- 5.5.1 We note that the standing structures appear to have been demolished already. There are no known heritage assets at, or close to the site. Therefore in this instance, it is considered that

the development is unlikely to have a significant impact on heritage assets of archaeological interest.

## **5.6 Parks and Amenities**

5.6.1 Further details of the soft and hard landscaping need to be provided.

## **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 commenced work on the new Stevenage Borough Local Plan 2011-2031. The draft version of the Plan was published in January 2016 and is used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Site Specific Policies DPD, the draft Gunnels Wood Area Action Plan (AAP), the draft Old Town AAP, the Pond Close Development SPG, Stevenage West Masterplanning Principles SPG, the Gunnels Wood Supplementary Planning Document and the Interim Planning Policy Statement for Stevenage are no longer material considerations in the determination of all planning applications registered on or after Wednesday 6 January 2016.

6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

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 where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

### **6.2 Central Government Advice**

6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. 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 215 of the NPPF applies which states that only 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 the Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 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**

TW1 Sustainable Development  
 TW8 Environmental Safeguards  
 TW9 Quality in Design  
 TW10 Crime Prevention  
 TW11 Planning Requirements  
 H7 Assessment of Windfall Residential Sites  
 H8 Density of Residential Development  
 H14 Benefits of Affordability  
 T6 Design Standards  
 T12 Bus Provision  
 T13 Cycleways  
 T14 Pedestrians  
 T15 Car Parking Strategy  
 EN13 Trees in New Development  
 L15 Outdoor Sports Provision in Residential Developments  
 L16 Children's Play Space Provision in Residential Developments  
 L17 Informal Open Space Provision in Residential Developments  
 L18 Open Space Maintenance  
 NC2 Small Neighbourhood Centres

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

Policy SP1: Presumption in Favour of Sustainable Development  
 Policy SP2: Sustainable Development in Stevenage  
 Policy SP5: Infrastructure  
 Policy SP6: Sustainable Transport  
 Policy SP7: High Quality Homes  
 Policy SP8: Good Design  
 Policy SP9: Healthy Communities  
 Policy SP11: Climate Change, Flooding and Pollution  
 Policy IT4: Transport Assessments and Travel Plans  
 Policy IT5: Parking and Access  
 Policy HO1: Housing Allocations  
 Policy HO7: Affordable Housing Targets  
 Policy HO8: Affordable Housing Tenure, Mix and Design  
 Policy HO9: House Types and Sizes  
 Policy GD1: High Quality Design  
 Policy FP1: Climate Change  
 Policy FP2: Flood Risk in Flood Zone 1  
 Policy NH7: Open Space Standards

## **6.5 Supplementary Planning Documents**

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

## **7. APPRAISAL**

7.1 The main issues for consideration in the determination of this application are the acceptability of the proposal in land use policy terms; the impact on the character and appearance of the area; the impact on the residential amenities of the occupiers of adjoining properties, highway safety issues and the adequacy of the proposed parking provision.

### **7.2 Land Use Policy Considerations**

7.2.1 The application site is designated as a small neighbourhood centre within the Stevenage District Plan Second Review 1991-2011 adopted 2004. Policy NC2 of the District Plan is therefore applicable and this states that “in the small neighbourhood centres (of which Burwell Road is one) the provision of convenience shopping will be encouraged. However, where it can be demonstrated that such uses are no longer viable other uses will be considered where they:

- a. provide a particular local service or additional housing; and
- b. are not detrimental to the principal shopping function; and
- c. do not have a detrimental effect on the surrounding environment or residential areas.”

The proposed development must, therefore, be considered having regard to policy NC2.

7.2.2 In accordance with this policy, the proposed development would not result in the loss of any convenience shopping and is not considered to be detrimental to the principal shopping function. Rather, the proposal would provide additional housing in accordance with criterion (a) and this in turn would support the principal shopping function of this small neighbourhood centre. Setting aside the environmental impact of the proposed development which will be considered later in this report, the proposed residential scheme is considered to be acceptable in relation to the criteria for small neighbourhood centres contained in policy NC2 of the District Plan.

7.2.3 There is no need to consider the loss of the public house which has been demolished and the site cleared since 2016.

#### National Planning Policy Framework March 2012 (NPPF)

7.2.4 The NPPF states at paragraph 49 that “housing applications should be considered in the context of the presumption in favour of sustainable development” and that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.” Taking these issues in turn, the site is considered to be in a sustainable location. Firstly, the application site lies approximately 2.2km to the south-east of Stevenage Town Centre and is immediately adjacent to the shops and services located within the Burwell Road small neighbourhood centre. Additionally, the site is in close proximity to an extensive network of cycle ways and footpaths. In terms of the pedestrian network there are footpaths along both Burwell Road

and Shephall Way and the site is also in close proximity to the dedicated cycle way that runs alongside Six Hills Way. The close proximity of the site to the designated cycle network ensures that it would be convenient to cycle from the site to local facilities, the bus and train station and the town centre.

7.2.5 With regard to passenger transport, there are bus stops in close proximity to the site, just to the west on Shephall Way and also to the north on Chertsey Rise. As such the application site is considered to be well served by bus routes. The railway station is located to the west side of the town, off of Lytton Way and approximately 2.5km from the application site. Additionally, the site is well served by local services and facilities. The Burwell Road small neighbourhood centre is immediately adjacent to the site and which contains a convenience store and takeaways and The Hyde large neighbourhood centre, which contains more shops and services, is only approximately 500m to the south of the site. The nearest schools are the Ashtree Primary School and Nursery, which is approximately 300m to the east of the application site and the Barnwell School East Campus 400m to the north-east of the application site. As such the site is well served by public transport and cycle and footway networks and also given the proximity to local services and facilities, it is considered to be in a sustainable location.

7.2.6 In relation to the five year supply of deliverable housing, paragraph 47 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The most up to date housing supply figures indicate that the Council is unable to provide a five year supply of deliverable housing and will not be able to until the Green Belt sites are released through the emerging Local Plan process. The fact that the Council is unable to meet its requirement to provide a five year supply of housing is thus a material consideration in the assessment of the application.

7.2.7 The fact that the site is considered to be in a sustainable location and that the Council is currently unable to provide a five year supply of deliverable housing sites are strong material considerations that significantly weigh in favour of the application.

### **7.3 Compliance with the Council's Housing Policies**

7.3.1 As the application site is not designated for housing in the adopted District Plan the application site is considered to be a 'windfall' site where policy H7 of the District Plan applies. Policy H7 sets out a number of criteria against which proposals for residential development on sites not allocated in the District Plan should be assessed against.

7.3.2 Firstly, as the site was formerly occupied by the March Hare public house, the site is considered to be previously developed land. The application site thus accords with the definition of previously developed land set out in Annex 2 of the NPPF. The NPPF states that previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The NPPF also advises that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. Further, as a previously developed site, the proposal would not result in the loss of any structural open space.

- 7.3.3 Criterion (c) of policy H7 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.3.4 Finally, policy H7 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As shown in paragraphs 7.2.4 and 7.2.5 above the site has good access to local facilities and services, the public transport network and both the pedestrian and cycle networks. The site has been demonstrated to be in a sustainable location and as such would comply with criteria (d) and (e) of policy H7 of the District Plan.
- 7.3.5 The proposal is, therefore, considered to accord with all the criteria of policy H7 of the District Plan, with the exception of criterion (c) which will be assessed in later sections of this report.

#### **7.4 Emerging Planning Policy**

- 7.4.1 The Stevenage Borough Local Plan 2011-2031 (the emerging Local Plan) has been through an Examination in Public and the Inspector's Report has now also just been received. Accordingly, material weight can now be applied to the policies contained therein. Policy HO1/3 allocates the application site and the adjacent neighbourhood centre for housing development with a capacity of 20 units. As such, the proposal is in general accordance with this policy by providing 15 dwellings on part of the overall site and does not preclude further development coming forward on the remainder of the site.
- 7.4.2 Emerging policy HO7 sets an affordable housing target of 25% affordable provision on previously developed sites. As the proposal would provide all affordable units, it is considered to be fully in accordance with this policy. In addition to the provision of affordable housing, financial contributions are also required in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments towards the improvement of nearby outdoor sports facilities and the off-site children's equipped play area. These contributions can be captured through a s106 agreement or unilateral undertaking.
- 7.4.3 Emerging policy HO9 relates to house type and sizes and requires an appropriate range of market and affordable house types and sizes taking into account structural imbalances in the existing housing stock. The emerging Local Plan does set out that there will be a greater requirement for smaller residential units in the ratio of residential development to come forward and thus the proposal would accord with this by providing smaller, one and two bedroom units.
- 7.4.4 This policy also requires that proposals provide a density and character of development appropriate to its location and surroundings and significantly higher densities should be achieved in easily accessible locations. The proposal would provide 15 units on a site area of 1,093m<sup>2</sup> which therefore equates to a residential density of approximately 137 dwellings per hectare. This high density is obviously a result of the flatted nature of the scheme but given that the site has been shown above to be in a sustainable location, this high density approach is considered to be acceptable in principle in this location, subject to the specific impact of the proposal on the character and appearance of the area.



7.4.5 As well as being in accordance with Development Plan policy, the proposal is also therefore considered to be in accordance with emerging planning policy and would contribute to the Council's five-year supply of housing.

## **7.5 Impact upon the Character and Appearance of the Area**

7.5.1 The former public house was of a residential scale, with the two storey element of the building of a similar scale to the existing housing in the vicinity. It is recognised that the proposal would be of a markedly different character, introducing a larger, three storey building into the area. Although different, the proposal is considered to have an acceptable impact on the character and appearance of the area for the following reasons.

7.5.2 Firstly, the scale of the building is considered to be acceptable. Whilst it adopts a three storey approach, it utilises the difference in levels between this site and the properties to the north-east on Burwell Road. Accordingly, the eaves height of the proposed building would be positioned slightly below the ridge height of the neighbouring residential property no. 10A Burwell Road. As it adopts a shallow roof pitch and with the difference in levels the scale of the building in relation to the neighbouring residential properties is considered to be acceptable. Whilst the building would evidently be of a different scale to the existing retail units in the Burwell Road neighbourhood centre, this is considered to be acceptable as they would have different functions, the proposal being residential whilst the retail units are obviously commercial and there was obviously a difference in scale between these single storey units and former two storey public house in any case.

7.5.3 Secondly, it is recognised that the predominant residential character of the area is of semi-detached and terraced dwellings of two storeys with traditional pitched roofs. However, this site is considered to be able to accommodate a different, distinctive form of development given its position within the defined small neighbourhood centre and at a prominent junction between Shephall Way and Burwell Road. Although providing a different form of development in the shape of a flatted development, the proposal does reference the roof form of the neighbouring residential properties by providing dual-pitched roofs in the form of a double ridge and valley arrangement on both the front and rear blocks.

7.5.4 Finally, although the proposal is of a different, contemporary design, this design itself is not considered to be harmful. As the building proposed would obviously differ from the traditional two storey residential development in the area, it is critical that the building is well designed in its own right and uses high quality materials. To achieve this the mass of the building has been divided into two distinct sections (the front and rear blocks), utilising the difference in levels across the site. This would ensure that the proposed sections of building would have a width more closely matched to those of neighbouring residential properties. Additionally, the facades of the building have been designed to complement the development of the massing with the elevations designed to create a strong distinction between the gable ends and flank walls. The gable ends have been designed to be of a more domestic scale with a conservative brick finish. The flank elevations have been designed to highlight their variety by using variously sized areas of white render.

7.5.5 Key to achieving an appropriate design is the use of high quality materials. With a condition attached to the grant of any planning permission requiring samples of materials, the design of the building is considered to be acceptable and in accordance with policy TW9 of the District Plan, emerging policy GD1 and the NPPF which all require a high standard of design.

## **7.6 Impact upon Neighbouring Amenity**

- 7.6.1 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.
- 7.6.2 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. 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 have the potential to overlook the end of the rear gardens of both nos. 10A and 10B Burwell Road and accordingly a condition can be attached to the grant of any planning permission to ensure an effective privacy screen to be fitted to the side of the balconies which would mitigate against any undue overlooking of these neighbouring properties.
- 7.6.3 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, again with the provision of privacy screens to the side elevations of the nearest balconies on the first and second floors, any overlooking from this oblique angle can be suitably mitigated against. Finally, on this issue the separation distance between the nearest balcony and the side elevation of no. 37 Parker's Field would be approximately 65m. This would be well in excess of the 25m back to side distance between existing and new dwellings for proposals of over two storeys in height set out in the Stevenage Design Guide. This relationship would therefore be acceptable. No. 246 Shephall Way is not in use as a residential property (it is the Shephall Dental Surgery) and therefore loss of privacy issues are not as important as if it were in residential use. However, again suitable privacy screens on the side of the nearest balconies on the rear elevation of the proposed building would mitigate any loss of privacy to the Shephall Dental Surgery.
- 7.6.4 In relation to the overbearing impact on no. 10A Burwell Road, it is recognised that the proposal would bring built form right up to the boundary of the site, whereas the former March Hare was offset off of this boundary to allow for access. However, the amount of built form right on this boundary would only extend for 11.1m and the majority of this would be adjacent to the side elevation of no. 10A Burwell Road with only approximately 3.6m projecting beyond the rear elevation of no. 10A. The remainder of the built form of the proposal would be offset off of the boundary by at least 2.3m. Whilst the proposal is considered to have an impact on no. 10A Burwell Road by reason of its proximity to the boundary, the short depth of projection of building actually on the boundary beyond the rear elevation of no. 10A, the offset off of the boundary of the majority of the building and the fact that no. 10A is, itself, offset off this common boundary would ensure that this overbearing impact would not be so detrimental to the neighbouring property to warrant a reason for refusal.
- 7.6.5 With regard to any loss of light to nos. 10A and 10B Burwell Road, the proposed building would easily pass the necessary 45 degree test on elevation for the relevant affected

windows at no. 10B Burwell Road. In relation to 10A Burwell Road again the built form would pass on the relevant elevation test. Further, taking a 45 degree line drawn from the nearest part of the proposed building, the centre of the nearest affected window at no. 10A Burwell Road would lie outside of this 45 degree angle and as such the impact on the light from sky currently enjoyed by the existing building is not considered to be unduly affected.

- 7.6.6 In relation to sunlight, the proposal would subtend an angle of 25 degrees measured from the centre of the nearest affected window at no. 10A Burwell Road. Accordingly, a full sunlight assessment has been undertaken on the proposal. This test demonstrates that the window would still receive more than 25% of annual probable sunlight hours. Accordingly, whilst it is recognised that there would be a loss of some afternoon and evening sunlight as a result of the proposal, the test demonstrates that this would not be adversely detrimental to the amenity currently enjoyed.

#### Future Residential Amenity

- 7.6.7 With regard to the nationally described space standards set out in the emerging Local Plan the proposed new dwellings have been designed to meet these minimum standards such that the nine, one bed (2 person) flats have an internal floor area of 50m<sup>2</sup>, the three, two bed (3 person) flats have an internal floor area of 61m<sup>2</sup> and the three, two bed (4 person) flats have an internal area of 70m<sup>2</sup>. Accordingly, a sufficient amount of internal accommodation is provided in accordance with emerging policy.
- 7.6.8 In terms of amenity space the proposal combines a mix of communal open space, private gardens and balconies and each unit would either have a private garden or a balcony. This arrangement is considered to be acceptable for a flatted scheme of this nature. Additionally, the amount of amenity space provided is above the minimum standard of 150m<sup>2</sup> necessary for a 15 unit development of this size as set out in the Stevenage Design Guide.

### **7.7 Impact on the Highway Network**

- 7.7.1 Hertfordshire County Council as Highway Authority has stated that the level of visibility from the existing access (that joins the service road to the garage compound to the rear) would be appropriate for the level of use it will receive and complies with Manual for Streets. It is also stated that the parking area conforms to HCC standards.
- 7.7.2 The Highway Authority has further stated the proposal is not considered to have a significant impact on the local highway network. Given this assessment the Highway Authority has stated that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to a condition to close off the existing access and reinstate the footway and which should be attached to the grant of any planning permission.

### **7.8 Parking Provision**

- 7.8.1 The proposal would provide 17 car parking spaces and 15 cycle parking spaces. 9 no. one bed flats and 6 no. two bed flats would require 18 parking spaces in accordance with the Council's Parking Provision Supplementary Planning Document (SPD). It is therefore recognised that the proposal is one space short of the Council's usual parking standards. However, this would provide one space per unit and two visitor parking spaces. Given that the proposal is only one space short of the Council's adopted parking standards and given

the sustainable location of the site, this is considered to be sufficient parking provision in this instance.

- 7.8.2 The cycle parking standard is one space per unit. As 15 cycle spaces are to be provided in a secure shed in a corner of the car park, this is entirely in accordance with the Parking Provision SPD.

## **7.9 Matters Raised in Representations**

- 7.9.1 The issues raised concerning overlooking, loss of daylight, sunlight, over-dominance and parking have been addressed in the paragraphs above. In relation to the stated 'right to light' this is a legal right which sits outside of the planning system and as such does not need to be considered further here. The report has demonstrated that the proposal would not result in an undue loss of daylight or sunlight. In relation to the comments of the Council's Parks and Amenities department, further detail of the soft and hard landscaping can be required through a condition attached to the grant of any planning permission.

## **8. CONCLUSION**

- 8.1 The proposed residential development of the site complies with the National Planning Policy Framework and both current Development Plan policy and the emerging Local Plan. It is considered that the proposal would have an acceptable impact on the character and appearance of the area and whilst the proposal would have an impact on neighbouring residential amenity, this is not considered to be sufficient to sustain a reason for refusal. Additionally, the proposed scheme would not adversely affect the operation or safety of the local highway network and would provide a sufficient level of car and cycle parking. Providing 15 units of affordable accommodation is welcomed and other developer contributions can be satisfactorily addressed through the use of a s106 agreement or unilateral undertaking.

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into and completed a s106 legal agreement or unilateral undertaking to secure / provide financial contributions towards:-

- The provision of 25% affordable housing;
- Primary education and youth services;
- The improvement of outdoor sports provision;
- The provision of a contribution towards children's play space and the relevant open space maintenance sum;
- The provision of fire hydrants.

The detail of which would be delegated to the Assistant Director of Planning and Regulation in conjunction with an appointed solicitor on behalf of the Council and subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 211A, 212, 213, 214A, 215A and 219.

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

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

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

- 3 No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the relevant privacy screens for the side of the balconies. Development shall be carried out in accordance with the approved details.

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

- 4 No development shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting. The approved landscaping scheme 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.

- 5 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.

- 6 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.

- 7 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.

8 No removal of trees, scrub or hedges, shall be carried out on site between the 1<sup>st</sup> March and 31<sup>st</sup> 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 No development, including any site clearance or demolition works, shall commence until the trees and hedges to be retained on the site have been protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.

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

10 Within the areas to be fenced off in accordance with condition 9, there shall be no alteration to the ground level 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.

11 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the new dwelling is occupied.

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

12 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.

13 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 m<sup>3</sup> (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.

14 No development shall take place until the final design of the drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles is completed and submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final detailed engineering drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Final calculations behind the proposed drainage plans in order to demonstrate that no flooding will take place during any rainfall event below and up to the 1 in 30 year rainfall event and that any flooding up to the 1 in 100 year event + 40% climate change allowance will be limited to informal flooding.
3. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.
4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

**REASON:** - To prevent the increased risk of flooding, both on and off site.

### **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 District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

6. Central Government advice contained in the National Planning Policy Framework March 2012 and National Planning Policy Guidance March 2014.
7. Letters received containing representations referred to in this report.