

Public Document Pack



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 11 August 2020

Time: 6.30pm,

Location: Virtual (via Zoom)

Contact: Fungai Nyamukapa 01438 242707

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

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 13 JULY 2020

To approve as a correct record the Minutes of the previous meeting held on 13 July 2020

Pages 3 – 20

3. 20/00290/FP - FORMER DUPONT WEDGWOOD WAY STEVENAGE HERTS

To consider an application for a change of use from commercial (use classes A1/A2/A3/D1) to 6 no: one-bed units and 3 no: two-bed units with associated facade alterations, cycle parking, 12 car parking spaces and 3 visitor spaces

Pages 21 – 34

4. 25 THE OVAL, STEVENAGE

To consider the change of use from Class A1 (Dry Cleaners) to Class A5 (Hot Food Take Away).

Pages 35 – 42

5. INFORMATION REPORT - DELEGATED DECISIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 43 - 56

6. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 57 – 58

7. URGENT PART I BUSINESS

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

8. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

9. URGENT PART II BUSINESS

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

STEVENAGE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT COMMITTEE
MINUTES

Date: Monday, 13 July 2020

Time: 6.30pm

Place: Virtual (via Zoom)

Present: Councillors: Simon Speller (Chair), Maureen McKay (Vice Chair), Doug Bainbridge, Sandra Barr, Laurie Chester, Michael Downing, Michelle Gardner, Jody Hanafin, Lizzy Kelly, Graham Lawrence, John Lloyd, Graham Snell and Tom Wren

Start / End Time: Start Time: 6.30pm
End Time: 7.00pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

There were no apologies for absence.

There were no declarations of interest.

2 MINUTES - 18 JUNE 2020

It was **RESOLVED** that the Minutes of the meeting of the Planning and Development Committee held on 18 June 2020 be approved as a correct record and signed by the Chair.

3 19/00123/FPM - LAND TO WEST OF A1(M) AND SOUTH OF STEVENAGE ROAD, TODDS GREEN STEVENAGE

The Committee considered an application for the erection of 133 dwellings with associated amenity and open space provision, landscaping and access.

The Principal Planning Officer gave an introduction to the Committee. This application was originally determined by the Planning and Development Committee on 16 December 2019. The application was granted planning permission by the Committee subject to the completion of a S.106 legal agreement. Due to the global Covid-19 pandemic and the subsequent lockdown, the legal agreement could not be completed before the 1st April 2020 which is when the Council adopted a Community Infrastructure Levy (CIL). The application was referred back to Planning Committee for determination as the financial obligations to be secured as part of the legal agreement had changed.

Officers advised that since there was no fundamental difference between the current application and the previously approved application, the Council was not obliged to re-consult. However, officers had written to all those who had previously raised objections to the development. No additional public representations had been

received since the previous determination of the application.

With regards to bus service provision in the area, officers confirmed that the developer has agreed a financial contribution to fund an extra bus and to subsidise the operation of the service.

Officers provided clarification on Community Infrastructure Levy (CIL) money and Section 106 contributions. CIL money does not need to be used for providing infrastructure on the site it is collected from. As a result of this SBC and Hertfordshire County Council (HCC) would no longer be seeking CIL money for previously identified projects such as open outdoor sport, delivery of new secondary school, expansion of Mossbury Primary School and the enhancement of library services. Officers informed the Committee that due to the adoption of CIL, there would be a net £13,000 increase in developer contributions for this particular project.

Officers confirmed that CIL contributions could be sought for identified projects, such as GP provision, that were required for any particular site. HCC, SBC internal departments such as Stevenage Direct Services (SDS) and other partners would still continue to seek contributions for any infrastructure which was directly required as a result of a development through section 106. Section 106 agreements would remain alongside CIL but would be restricted to that infrastructure required to directly mitigate the impact of a proposal. Officers indicated that the Planning and Development Committee would oversee the pooled CIL funds. Providers such as HCC and SDS would be able to submit funding bids for infrastructure projects.

It was **RESOLVED:**

- 1 That planning permission be GRANTED subject to the applicant having first entered into a S106 agreement to secure/provide contributions towards:-
 - The provision of 30% affordable housing;
 - Biodiversity improvement works and maintenance to Fishers Green Common;
 - Sustainable Transport and Infrastructure contribution;
 - Travel Plan contribution;
 - Trees and plants from UK nurseries;
 - Secure the provision and on-going maintenance of the play areas;
 - Secure the provision of a maintenance company for the development;
 - GP Provision;
 - Provision of fire hydrants; and
 - Associated Section 278 Highway Works.

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

- 2 The proposal be subject to the following conditions:-
 - 1 The development hereby permitted shall be carried out in accordance

with the following approved plans:

SO01D; SO02 A; SO03; SK01 G; SK02; SK03 D; SK04 D; SK05 D; SK06 D; SK06.1; SK06.2; SK07 A; SK07.1; SK08; SK20 B; SK21 B; SK22 A; SK23 A; SK24 B; SK25 B; SK26 C; SK27 C; SK28 C; SK29 A; SK30 B; SK31 B; SK32 B; SK33 B; SK34 B; SK35 C; SK36 C; SK37 C; SK38 B; SK39 C; SK40 C; SK41 A; SK42 A; SK43 A; SK44 C; SK45 C; SK46 C; SK47 C; SK48 C; SK49 B; SK50 B; SK51 C; SK52 C; SK53 A; SK54 A; SK55 A; SK56 A; SK57 A; SK58 A; SK59 A; SK60 A; SK61; SK62; SK63; SK64 A; SK65 A; SK66 A; SK67; SK68; SK69 A; SK70; SK71 B; SK72 C; SK73 C; SK74 C; SK75 C; SK76 C; SK77; SK78; SK79; SK80; SK81; SK82; SK83; SK84; SK85; SK86; SK87; SK88; SK100; SK101; SK102; SK103; SK104; SK105; SK200A; SK201A; SK202A; SK203B; SK204B; SK205.1A; SK205.2A; SK206B; SK207B; SK208B; SK209A; SK210A; SK211B; SK212B; SK213.1A; SK213.2A; SK214A; SK215B; SK216B; LC 00331 01 G.

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 No development, above slab level, shall commence until a schedule and sample of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4 No development, above slab level, shall take place until details of all boundary treatment which includes walls, fences or other means of enclosure, including any retaining walls, have been submitted to and approved in writing by the Council as the Local Planning Authority. The boundary treatment, including any retaining wall, shall be constructed in accordance with the approved details. Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained.
- 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. These times apply to work which is audible at the site boundary.
- 6 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless a pre-works survey of the vegetation to be removed and surrounding vegetation, is undertaken immediately prior to removal by a suitable qualified, and approved confirmed by the local planning authority.
- 7 No development shall take place until a scheme for protecting the

proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the BWB Noise Impact Assessment report (Ref: MCP2136) dated February 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

- 8 No properties shall be occupied until confirmation has been provided that either all wastewater network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been submitted to and approved in writing by the local planning authority in consultation with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 9 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by BWB reference TGS-BWB-ZZ-XX-RP-YE-0001_FRA dated February 2019; Sustainable Drainage Statement carried out by BWB reference TGS-BWB-ZZ-XX-RP-CD-0001_SDS dated February 2019 and Technical Note carried out by BWB reference TGS-BWB-ZZ-XX-YE-0002_TN Revision P02 S2 dated 28 June 2019 and the following mitigation measures:-
 1. Limiting the surface water run-off generated by the 1 in 100 year + 40% allowance for climate change event critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Provide attenuation to ensure no increase in surface water run-off for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
 3. Implement drainage strategy as indicated on the drainage strategy drawing reference TGS-BWB-XX-ZZ-DR-CD-0004 and TGS-BWB-ZZ-XX-CD-DR-0006 and to include above ground SuDS features.
 4. Implemented drainage strategy to include daylighting of northern culvert with online detention basin with low flow channel for existing watercourses with detention basin as indicated on drawing TGS-BWB-XX-ZZ-DR-CD-0004.
 5. Implement drainage strategy to incorporate the central watercourse with detention basin indicated on drawing TGS-BWB-ZZ-XX-CD-DR-0006.

10 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by BWB reference TGS-BWB-ZZ-XX-RP-YE-0001_FRA dated February 2019; Sustainable Drainage Statement carried out by BWB reference TGS-BWB-ZZ-XX-RP-CD-0001_SDS dated February 2019 and Technical Note carried out by BWB reference TGS-BWB-ZZ-XX-YE-0002_TN Revision P02 S2 dated 28 June 2019. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 years rainfall event), this should be shown on a plan with estimated extents and depths.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + 40% allowance climate change rainfall event.
4. Details relating to the works to be carried out on the ordinary watercourses.

The scheme shall be fully implemented and subsequently maintained, 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.

11 Upon completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management should be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for both site drainage and overland flow route management
3. Details of any inspection and sign-off requirements for completed elements of the drainage systems.

12 Prior to the commencement of development, above slab level, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall deliver the ecological units to achieve no net

loss or where possible net gain to biodiversity and include the following:-

- a) Description and evaluation of features to be managed from a landscape and ecological perspective;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options achieving landscape and ecological aims and objectives;
- e) Prescriptions for landscape and ecological management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period) clearly marked on plans;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measure. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;
- l) Details of species specific measures as identified in the ecological report, definitively stated and marked on plans.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity and landscape objectives of the originally approved details.

The landscaping and habitats management scheme shall be implemented in accordance with the approved details.

- 13 The bat and bird box strategy as detailed in the approved plans and ecological report shall be fully installed prior to first occupation of dwelling units 16; 18; 21 to 23; 25 to 32 to 41; 46; 48 to 50; 53; 55; 56; 69; 72; 73; 83; 85; 91; 95; 114 to 116; 118 and 124 hereby permitted. The bat and bird boxes shall be retained thereafter.
- 14 Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles unless permission is granted on an application made to the Local Planning Authority.
- 15 Prior to the commencement of development (including site clearance) a

Construction Management Plan/Method Statement for the construction phases shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works of construction of the development shall only be carried out in accordance with the approved statement and Hertfordshire County Council's specifications. The Demolition/Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of construction phasing programme (including any pre-construction enabling works);
- (ii) Hours of operations including times of deliveries and removal of waste which should avoid school pick up/drop off times;
- (iii) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays only.
- (iv) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (v) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (vi) Details of the provisions for temporary car parking during construction which shall be provided prior to the commencement of construction activities;
- (vii) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (viii) Screening and hoarding;
- (ix) End of day tidying procedures;
- (x) Construction and storage compounds (including areas designated for car parking);
- (xi) Siting and details of wheel washing facilities;
- (xii) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xiii) Control measures to manage noise and dust;
- (xiv) Disposal of surplus materials;
- (xv) Post construction restoration/reinstatement of the working areas

and access to the public highway.

- (xvi) Details of the access and highways works from Fishers Green to accommodate construction traffic.
- (xvii) Details of consultation and compliant management with local businesses and neighbours.
- (xviii) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- (xix) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures;
- (xx) Details of a Site Waste Management Plan (SWMP) detailing actual waste arising and how waste is managed (i.e. re-used, recycled or sent off site for treatment or disposal) and where it is sent to. Further updated should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.

- 16 In the event contamination is found during site clearance and/or construction phase of the development, the applicant must undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

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

- 17 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment

must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 18 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
- 19 Prior to the first occupation of dwelling units 1 to 9; 25 to 32; 33 to 41 and 126 to 133 hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.
- 20 Prior to the first occupation of dwelling units 1 to 9; 25 to 32; 33 to 41 and 126 to 133; hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the approved details submitted with this planning application and shall be permanently retained in that form thereafter.
- 21 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
- 22 The landscaping scheme as detailed in the approved drawings shall be implemented in the first available planting season prior to the first occupation of the buildings or the completion of the development, whichever is the sooner.
- 23 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.
- 24 No development, including site clearance, shall commence until the trees as specified in the Arboricultural Impact Assessment, prepared

by BWB (dated February 2019) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Arboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment.

- 25 Within the areas to be fenced off in accordance with condition 24, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.
- 26 Prior to the first occupation of the dwellings hereby permitted, the measures to ensure the development is adaptable to climate changes as detailed in the Energy Statement (prepared by energist dated 15th February 2019) shall have been installed and implemented across the whole development in accordance with the approved details.
- 27 Prior to the commencement of development hereby permitted, the vehicular accesses shall be provided and thereafter retained at the position shown on the approved in principle drawing number General Arrangement drawing number 17 941 – SK01 revision G. The principal access road shall be provided 6.75 metres wide [except for some minor traffic calming features shown on the drawing] complete with 10.0 metres radius kerbs. Thereafter, the internal access roads connected to the principal access road shall be provided at least 5.5 metres wide completed with 8.0 metres radius kerbs to the specification of Hertfordshire County Council from the date of this permission and to the Local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage intercepted and disposed of separately so that it does not discharge from on onto the highway carriageway.
- 28 No development shall take place until full details (in the form of scaled plans and written specifications) to illustrate the following:-
 - i) roads;
 - ii) footways;
 - iii) cycleways;
 - iv) visibility splays;
 - v) access arrangements;
 - vi) parking provision in accordance with adopted standards;
 - vii) bus stops;
 - viii) turning area.

Have been submitted to and approved in writing by the Local Planning Authority. The details for i) to viii) shall thereafter be constructed in accordance with the approved details.

- 29 No development shall take place until a Servicing and Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements, waste collection points for the proposed development, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and circulation route and constructed in accordance with the approved details. Thereafter, the route shall be maintained in accordance with those approved details.
- 30 The provision of infrastructure both within the development site and on the wider routes that the proposed public transport service will travel to facilitate the delivery of the public transport strategy, shall comprise of, but is not limited to the following:-
- 1) high quality bus stop facilities to include raised height kerbs and shelters;
 - 2) real time information signs at key stops.
- Details of future locations of all bus stops within the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development works. The bus stops will need to be clearly marked out on-site during construction of the internal road to ensure visibility for future residents and the wider community.
- 31 Upon first occupation of any dwelling, the provision of two vouchers per dwelling entitling the residents to 12 months free bus travel within the area travelling to Stevenage Town Centre covered by a PlusBus season ticket will be made available. Residents will be able to apply for the vouchers via a scheme to be outlined in the Travel Plan to be approved. The vouchers are to be valid for exchange during the first six months following the occupation of the respective dwelling unit.
- 32 A network of footways/cycleways linking all areas of the development with the railway station, bus station and Stevenage Town Centre, which shall include a toucan crossing along Fishers Green in an appropriate location close to the new junction, shall be provided prior to occupation of any dwelling. The route shall be detailed and identified on a drawing showing appropriate hard surfacing, illustrated with a minimum width of 2.0 metres where possible or shared use provision with a cycleway with a minimum width of 3.0 metre shall be submitted to, prior to the commencement of development above slab level, and approved in writing by the Local Planning Authority. The network of footways/cycleways shall be implemented in accordance with the approved details and retained thereafter.
- 33 Prior to the occupation of any dwellings, full details shall be submitted to and approved in writing by the Local Planning Authority of the

proposed arrangements for the future management and maintenance of the proposed streets within the development. Following the provision of such streets in accordance with the approved details, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.

- 34 Prior to the commencement of the development, visibility splays measuring 2.4 metres x 53 metres to the north west and 2.4 metres x 54 metres to the south east shall be provided to each side of the main access onto Fishers Green and the visibility splays shall thereafter be maintained at all times free from any obstructions between 600mm and 2.0 metres above the level of the adjacent highway carriageway.
- 35 Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided each side of each access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstructions between 600mm and 2.0 metres above the level of the adjacent highway carriageway.
- 36 Prior to the commencement of each phase of the development, details of all materials to be used for hardsurfaced areas, including roads, associated drainage details, driveways and car parking areas shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details.
- 37 Prior to the first occupation of the development hereby permitted, the gradient of the main access road shall not be steeper than 1 in 50 for the first 12m thereafter the main access and internal access roads shall not be steeper than 1 in 20.
- 38 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 39 Piling or any other foundation design using penetrative methods shall not be permitted within the development other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater. The development shall be carried out in accordance with the approved details.
- 40 A scheme for managing any borehole installed within the development for the investigation of soils, groundwater or geotechnical purposes

shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the Residential Development Plot.

- 41 Notwithstanding the provisions of Classes B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking or re-enacting that Order with or without modification) no loft conversions including dormer windows / roof extensions, or roof lights and openings shall be constructed on the dwellinghouse(s) hereby permitted unless permission is granted on an application made to the Local Planning Authority.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVE

Hertfordshire County Council as Lead Local Flood Authority

Any works taking place within and/or over the culvert or within 3m of the top of the bank of the ordinary watercourse will require prior written consent from Hertfordshire County Council regardless of any planning permission. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

Hertfordshire County Council as Highways Authority

AN1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development->

[management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

AN2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website noted below:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN5. Rights of Way

Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service <http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/> (Tel: 0300 123 4047, email at row@hertfordshire.gov.uk) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way that routes through the site along the proposed development.

Reason: To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements using the access,

in the interests of pedestrian safety on a Public Right of Way.

The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.

The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority.

All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Reason: To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way.

Arboricultural Impact

Although the Arboricultural Impact Assessment mentions the need for an arboriculturalist if any large roots are encountered, it is suggested the whole section of the fence near the tree line should be supervised. Also, as this type of work could potentially weaken the root system and therefore, the trees stability, it is also suggested a Highways England inspector would want to be aware of this matter. This also applies to the aerial part of the tree as considerable amount of their crowns would have to be cut back to accommodate the installation of the high fence.

Cadent Gas

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

Requirements

BEFORE carrying out any work you must:

Carefully read these requirements including the attached guidance

documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 – 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

Excavating Safely - Avoiding injury when working near gas pipes:

<https://www.nationalgrid.com/sites/default/files/documents/24410-Excavating%20Safely%20Leaflet%20Gas.pdf>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<https://www.nationalgrid.com/sites/default/files/documents/24413-Excavating%20Safely%20Credit%20Card%20Gas.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<https://www.nationalgrid.com/sites/default/files/documents/24414ExcavatingSafelyCreditCardElectricity.pdf>

Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development

is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB. please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

4 INFORMATION REPORT - DELEGATED DECISIONS

Noted.

5 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

Noted.

6 URGENT PART I BUSINESS

The Assistant Director (Planning and Regulation) updated the Committee on scheduled training sessions. Members were informed that a session covering the Community Infrastructure Levy would be held at the end of the next Committee meeting on 11 August 2020. The Assistant Director advised Members to submit questions in advance.

7 EXCLUSION OF THE PRESS AND PUBLIC

Not required.

8 URGENT PART II BUSINESS

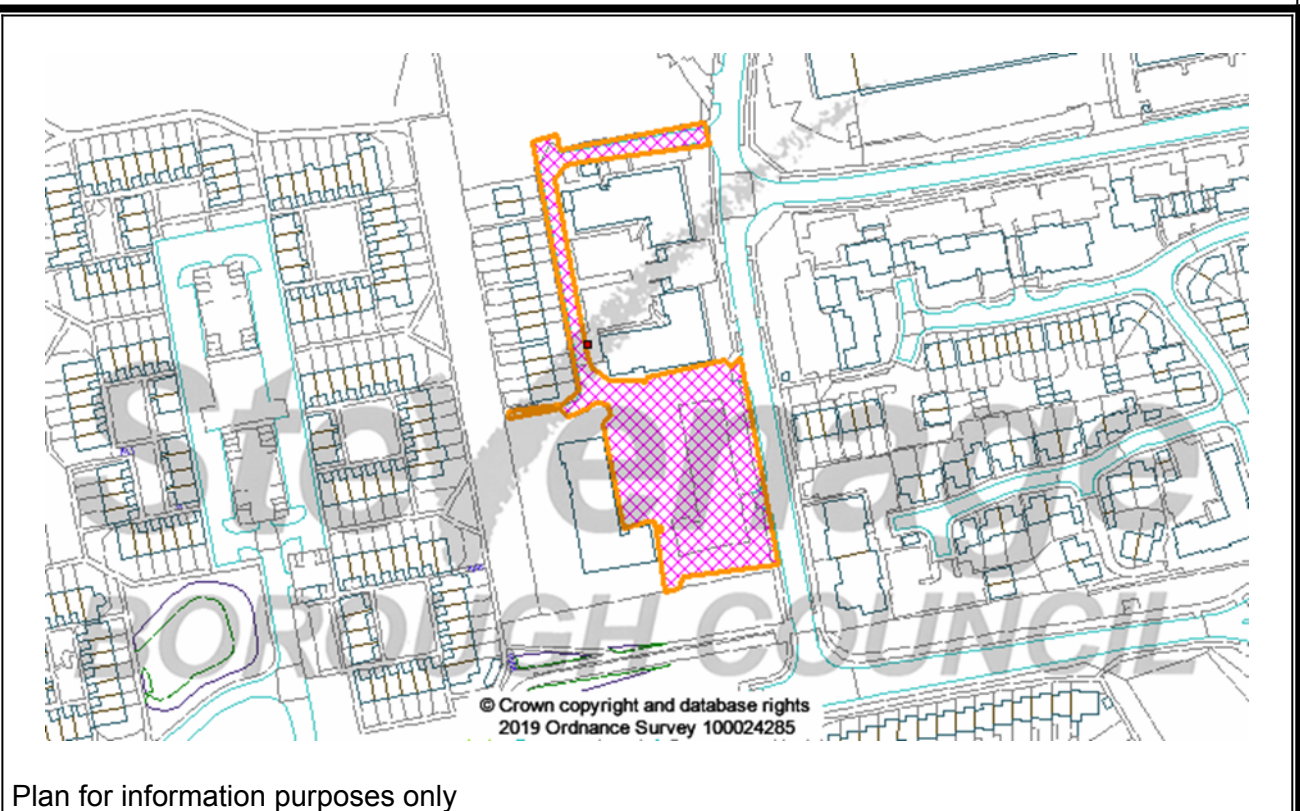
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	11 August 2020	
Author:	Ailsa Davis	01438 242747
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	01438 242747

Application No:	20/00290/FP
Location:	Former DuPont Wedgwood Way Stevenage Herts
Proposal:	Change of use from commercial (use classes A1/A2/A3/D1) to 6 no: one-bed units and 3 no: two-bed units with associated facade alterations, cycle parking, 12 car parking spaces and 3 visitor spaces
Drawing Nos.:	20 0105-1000 G; 20 0105-1001B; 20 0105-1002; 20 0105-1001 E
Applicant:	Stevenage Borough Council
Date Valid:	3 June 2020
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is the former DuPont UK Headquarter offices and training area, which is located in the north east of Stevenage, approximately 2.8km from Stevenage town centre. The site is 0.6 hectares in size and is broadly rectangular in shape. The site is situated in the south western corner of the Pin Green Industrial

Estate and is bounded by Wedgwood Way to the east, amenity grassland, a path and cycleway to the south with Martins Way beyond, a tree belt to the west, beyond which are residential properties in Ely Close and industrial and commercial buildings of the industrial estate to the north. To the north west of the application site is Wellfield Wood which is a designated Wildlife Site.

- 1.2 Following the recent residential redevelopment of the site granted planning permission in 2016, the application site subject to this proposal comprises a 5 storey residential block (Block A/Chilton House), accommodating 56 flats and 900sq.m of commercial floorspace on the ground floor which has been sub-divided into 4 units. One of the units has been occupied by Budgens convenience store. The 3 remaining commercial units are vacant and have never been let. The applicant has submitted evidence to demonstrate the units have been actively marketed for over two years.

2. RELEVANT PLANNING HISTORY

- 2.1 Prior approval application 14/00553/CPA sought for the change of use from Offices (Use Class B1 (a)) to 1no. 3 bed, 38no. 2 bed, 33no. 1 bed and 1no. studio residential units. Prior approval not required 25.11.2014.
- 2.2 Outline planning permission ref. 15/00253/OPM sought for the demolition of existing buildings and provision of up to 200 new homes, up to 900 sqm of Use classes A1/A2/A3/D1, provision of residential amenity space and associated access and car parking. Outline planning permission granted 11.08.2016.
- 2.3 Variation of s106 agreement ref. 16/00742/S106 sought for variation of clause 3.1.3.3 (affordable housing), clause 3.1.4.1 (affordable housing), clause 12.5 (obligation exclusion), and clause 5.4 of schedules 2 and 4 and clause 8 of schedule 4 (mortgagee exclusion) of the section 106 Agreement (dated 11 August 2016) approved under planning permission 15/00253/OPM. Variation to s106 agreement granted 6 December 2018.
- 2.4 Reserved matters approval ref. 16/00782/RMM sought pursuant to planning permission 15/00253/OPM for the erection of 38 no. two bedroom apartments, 42 no. one bedroom apartments, and 14 no. 3 bedroom dwellings, seeking approval of the appearance, landscaping, layout and scale. Reserved matters approval granted 21.02.2017.
- 2.5 Discharge of condition application ref. 17/00121/COND sought for discharge of conditions 6 (Code of Construction Practice), 8 (Travel Plan), 10 (Construction Method Statement), 11 (site layout drawing), 13 (tree protection fencing), 15 (scheme of external lighting), 16 (bird boxes), 20 (surface water drainage scheme), 21 (boundary treatment), 22 (materials) and 24 (drainage strategy) attached to outline planning permission 15/00253/OPM. Conditions discharged 21.04.2017.
- 2.6 A non-material amendment application ref. 17/00333/NMA to planning permission reference number 15/00253/OPM sought permission to alter the southern access into the site to utilise the existing access. Planning permission granted 9 June 2017.
- 2.7 Planning permission ref. 17/00376/FPM sought for the erection of apartment building containing 70 apartments with associated access, parking and landscaping. Planning permission granted 21 December 2017.
- 2.8 Reserved matters approval ref. 17/00185/RMM sought pursuant to outline planning permission 15/00253/OPM for 37 no. one bedroom apartments, 67 no. two bedroom

apartments and commercial space; seeking the approval of the appearance, landscaping, layout and scale. Reserved matters approval granted 9 June 2017.

- 2.9 Variation of condition 1 (approved plans) attached to reserved matters approval reference number 17/00185/RMM granted 14 March 2018.

3. THE CURRENT APPLICATION

- 3.1 Following over two years of unsuccessful marketing, the current application seeks planning permission for the proposed change of use of the remaining 3 ground floor commercial units (use classes A1/A2/A3/D1) to six one-bed flats and three two-bed flats with associated façade alterations, cycle parking, 12 allocated car parking spaces and 3 visitor spaces.
- 3.2 This application was originally submitted with no details of off street car parking. After seeking clarification from the applicant, a proposed car parking plan was submitted. This allocated 12 spaces for the proposed flats and 5 spaces for staff parking in connection with the convenience store.
- 3.3 Following a second public consultation, a revised car parking plan was submitted allocating an additional 3 spaces for visitor parking.
- 3.4 This application comes before the Committee for determination as it was called in at the request of Councillor Barr.

4. PUBLIC REPRESENTATIONS

- 4.1 This planning application has been publicised by way of a site notice and the occupiers of the existing flats in Block A and neighbouring properties have been notified about the application via a letter. A second neighbour consultation was carried out following receipt of the amended car parking plan where the description of development was also changed to include the provision of 12 parking spaces.
- 4.2 At the time of drafting this report, a total of 36 objections have been received from neighbouring residents, 24 objections to the first consultation where no off street parking was being provided and 11 to the second consultation where 12 spaces were proposed. The main issues of concern relate to:

First consultation (no car parking proposed)

- Parking on this site is already a problem. Property owners get 1 allocated space per plot and some people have multiple vehicles. This is already causing the surrounding streets to get congested with parking occurring outside of marked parking bays;
- There is already a massive parking issue within the development with people parking at angles on corners and in front of cycle/bin stores blocking access; we have all received letters from Metropolitan stating so, as it is causing issues for waste collection;
- Shops and services such as a pharmacy and hairdressers are needed as part of this development as some people do not drive or have access to a car;
- Adding additional flats with potentially up to another 18 cars, as many homes have more than one car without creating additional parking is going to cause a larger problem for existing residents and local workers.
- The removal of the commercial units will have a direct impact on house values;
- The ground floor should be made into underground parking instead to serve existing residents and their visitors;

- The area would benefit massively from having the amenities that were proposed when residents invested their money in the development. If it really is such a struggle to fill the retail spaces, the planners for Chase Homes should look to utilise this space to solve some of the issues caused by not supplying enough space for its current residents and their visitors to park;
- Do not want the proposed flats to be social rented;
- Purpose of the ground floor units when the block was originally built was for business use. This initially attracted me to the development.

Second consultation (12 car parking spaces proposed)

- This was not what was agreed when I purchased the property and signed the contract. I was advised that the units would be for commercial use (Classes A1/A2/A3/D1) only;
- There still won't be enough parking spaces;
- There are no disabled parking spaces;
- Council / social housing properties would devalue our own properties;
- This is using existing parking. This will just exacerbate the existing parking issues. Where will visitors now park? New parking should be found and not from existing spaces;
- The parking that has now been allocated to the new proposed flats, we were told when purchasing our properties that these would be visitor spaces/unallocated spaces;
- We were sold our property with the understanding from MVTH that these unallocated spaces were visitors parking.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.2 The scale of the development on transport and highway impact would be considered to have a negligible effect on vehicular trips than the present use. The traffic generation from the development would not alter significantly therefore and would not have a detrimental impact on highway safety. No objection.

5.3 Council's Environmental Health Section

- 5.4 No objection, subject to the imposition of conditions relating to contaminated land, hours of construction and dust emissions. However, issues relating to contaminated land and dust were dealt with when Block A was constructed.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.2 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).

6.3 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.

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

6.5 Central Government Advice

6.6 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.

6.7 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.

6.8 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.

6.9 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP6: Sustainable transport;
Policy SP8: Good design;
Policy SP11: Climate change, flooding and pollution;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy HO5: Windfall Sites
Policy HC2: Local Shops
Policy FP7: Pollution

6.10 Supplementary Planning Documents

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

6.11 Community Infrastructure Levy Charging Schedule

6.12 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

7. APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design and visual impact on the surrounding area, impact upon neighbouring amenities, amenities of future occupiers, parking provision and highway implications.

7.2 Land Use Policy Considerations

- 7.3 The application site is not designated within Stevenage Local Plan 2011 – 2031 (2019). The commercial units subject to this application were granted planning permission in August 2016 for a flexible commercial use of up to 900sq.m covering use classes A1/A2/A3/D1 as part of the residential redevelopment of the site of the former DuPont UK Headquarter offices known as the 'Forster Oaks' development. The units form part of a 5 storey block of flats known as Chilton House.
- 7.4 The existing permission allows for shops (use class A1), financial and professional services (use class A2), food and drink (use class A3) and non-residential institutions (use class D1). The application submission advises A3 use cannot be carried out due to the agreement of sale on the residential flats above. This leaves A1, A2 and D1 as potential uses for the units.
- 7.5 Only A1 use is explicitly protected in the Local Plan under Policy HC2 'Local Shops', while D1 use is promoted within opportunity areas and sought to be retained in accompanying text throughout the Local Plan. It is not however policy protected. It should also be considered that although the commercial units have been provided, their uses have only been taken up with one convenience shop (Budgens) which is to be retained. The remainder only have the potential for these uses and as such, their substitution with residential units does not actually result in the loss of an active business.
- 7.6 Policy HC2 states that freestanding shops and small parades will generally be retained, with redevelopment of existing sites to alternative use only being permitted where:
- a. Satisfactory on- or off-site provision is made to replace a loss of use(s);
 - b. It can be demonstrated that there is no longer a need for a particular facility or that alternate facilities are available locally;
 - c. The particular facility, or any reasonable replacement is not, and will not, be viable on that site;
 - d. The proposals provide overriding benefits against other objectives or policies in the plan; or
 - e. It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time.
- 7.7 The application is accompanied by evidence to demonstrate the efforts taken to market the units and enquiries received. The report by Savills provides commentary on market conditions, how they have affected the letting of the units and the likelihood of securing commercial tenants going forward. It is considered that together, they demonstrate that an extended and appropriate marketing exercise has

been carried out, that no realistic tenants have come forward (notwithstanding the convenience shop) and that there is little prospect of letting the remaining units in the future.

- 7.8 As such, it is considered that this application demonstrates parts (b) and (e) of Policy HC2 have been satisfied, in that the evidence and Savills report show there is alternative retail provision currently available in the immediate vicinity and that the site has been marketed for a considerable period of time – more than two years – with no realistic tenants coming forward. On this basis, it is concluded that the policy tests in this case have been met and the loss of the commercial units is acceptable.
- 7.9 Turning then to the principle of additional housing on this site, the principle of residential development within urban areas is set out in both national and local policy. Paragraph 61 of the National Planning Policy Framework (NPPF) (2019) requires that the planning system should deliver a mix of housing in terms of size, type, tenure and price to support a wide variety of households in all areas. Policy SP7 of the Local Plan states that the Council will support applications for housing development on unallocated sites where they are in suitable locations. As an unallocated site in the Local Plan, Policy HO5 relates to non-designated sites known as 'windfall' housing sites stating that permission for unallocated sites will be granted where:
- (a) The site is on previously developed land or is a small, underused urban site;
 - (b) There is good access to local facilities;
 - (c) There will be no detrimental impact on the environment and the surrounding properties;
 - (d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and
 - (e) The proposed development would not overburden existing infrastructure.
- 7.10 For the purpose of clarity, the definition of previously-developed land, as stated within the NPPF, 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 application site does meet the definition of previously developed land as it comprises an existing building, therefore complies with criterion (a) of Policy HO5.
- 7.11 The site is also conveniently located to access local facilities. The Marketing Commentary report accompanying the application sets out all of the facilities and services within a mile of the site, including the Great Ashby Neighbourhood Centre which provides a convenience store, estate agents, Chinese/Fish and Chips takeaway, barbers, hair salon, vets, pharmacy and a nursery. It is considered therefore, that the site also complies with criterion (b) of Policy HO5. The impact on the environment and surrounding properties is addressed further in this report (criterion c of Policy HO5). The proposal would not prejudice the ability of the Council to deliver strategic residential development and nine additional dwellings would not overburden existing infrastructure, complying with criteria d and e of Policy HO5.
- 7.12 It is therefore concluded that, subject to a satisfactory impact on the environment and surrounding properties to be discussed below, the proposal is acceptable in terms of land use.

Community Infrastructure Levy

- 7.13 The development is liable for Community Infrastructure Levy under the Council's adopted Charging Schedule (2020). The CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

<i>Development Type</i>	<i>CIL Rate (£ per square meter)</i>	
	<i>Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension</i>	<i>Zone 2: Everywhere else</i>
<i>Residential</i>		
<i>Market housing</i>	<i>£40/m²</i>	<i>£100/m²</i>
<i>Sheltered housing</i>	<i>£100/m²</i>	
<i>Extracare housing</i>	<i>£40/m²</i>	
<i>Retail development</i>	<i>£60/m²</i>	
<i>All other development</i>	<i>£0/m²</i>	

- 7.14 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

- 7.15 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

7.16 Design and visual impact on the surrounding area

- 7.17 In terms of design, Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions".
- 7.18 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town's built fabric. Policy GD1 of the Local Plan generally 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.
- 7.19 The Design and Access Statement accompanying the application advises the design ethos of the proposal is to mimic the fenestration and openings of the floors above, thus providing a cohesive scheme that allows the overall building to read as a singular entity. Due to existing structural columns and gas meter boxes, the

applicant has advised it has been necessary in parts to introduce dummy windows and half-height windows as opposed to full height as per the floors above. Due to the commercial floor to ceiling heights of the ground floor units, there would be a large brick void between the ground and first floors if the openings in the façade were simply bricked up.

- 7.20 In order to avoid a large expanse of blank brickwork that would be to the detriment to the building's appearance, the extent of glazing on the ground floor units is taller than those on the floors above. This has been designed to increase the amount of light that the new residential properties will receive and to improve the appearance of the building.
- 7.21 In order to improve the appearance further, a girder-effect fascia has been added to the front elevation of the building. This ties the commercial unit to the remainder of the elevation (the shop signage will be accommodated within the girder fascia) and appropriately dresses the façade, creating interest as opposed to a large brick void.
- 7.22 Overall it is considered that the design of the proposal will be appropriate to the existing residential block and the locality in general.

7.23 Impact upon Neighbouring Amenity

- 7.24 The proposed flats would be located on the ground floor of an existing residential block; therefore the introduction of this use into a building already built and designed for residential use is unlikely to raise any amenity concerns with existing residents located above in terms of noise. The separation distance between the rear elevation of Block A and the rear elevation of Block B is approximately 31m which is also in excess of the 30m back to back separation distance set out in the Design Guide. There is already a degree of mutual overlooking between the two blocks and as such, it is not considered that nine additional flats on the ground floor will significantly change this relationship as to warrant a refusal of planning permission.
- 7.25 Policy FP7 of the Local Plan (2019) stipulates that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Taking this policy into consideration, it is considered that construction work associated with the proposed development could have an impact on the amenities of residents living above.
- 7.26 Given the aforementioned, the Council's Environmental Health section has recommended a condition be imposed to restrict the hours of construction. With this condition in place, the development should not have a detrimental impact on the amenities of residents living in floors 1 – 5 above and in adjacent blocks B to the north and C to the east.

7.27 Amenity of Occupiers of Proposed Dwellings

- 7.28 The Local Plan stipulates criterion for new development in respect of living standards, in line with the space standards contained in the Nationally Described Space Standards (2015). These standards address the total unit space and bedroom sizes to ensure proposed residential units provide a good living environment.
- 7.29 The proposal comprises 1 x double bed studio flat; 5 x double bed one bedroom flats; 2 x two bedroom (1 x double, 1 x single) flats and 1 x two bedroom (2 x double bedroom) flat. The standards recommend the minimum gross internal floor area for a one bedroom dwelling with 2 bed spaces would be 50sq.m. For a two bedroom flat

with 3 bed spaces, the minimum floor area is 61sq.m. For a two bedroom flat with 4 bed spaces, the minimum floor area is 70sq.m.

- 7.30 The submitted floor plan suggests only one of the six 1 bedroom flats will comply with the standards, however the remaining four range between 47 – 49sq.m, with the studio flat at 39sq.m. The two bedroom flats with 3 bed spaces are under at 57 and 59sq.m respectively. However, the two bedroom flat with 4 bed spaces is over compliant at 73sq.m. Whilst the flats are slightly below the standards, they are not significantly under the recommended floor area such that they would create a substandard living environment for future occupiers. Built in storage space is shown on the floor plan provided.
- 7.31 The standards also stipulate bedroom sizes for double rooms. A double bedroom should be a minimum of 11.5sq.m in area. All nine flats comply with this requirement, lending weight to the conclusion that they will provide an acceptable living environment. The proposed flats would also have windows serving all habitable rooms. As such, the outlook from and daylight/sunlight levels within the dwellings are considered to provide an acceptable form of living accommodation for the proposed occupiers.
- 7.32 Turning then to external amenity space, whilst the proposed flats do not have any private amenity space there is existing communal amenity space available for use as part of the wider development, which was secured as part of the original 2016 planning permission. The 0.2 hectare area is located in the north east corner of the site adjacent to Block E and includes an informal children's play area. It is therefore considered that the proposal is acceptable in this regard.
- 7.33 Parking Provision**
- 7.34 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Car Parking Standards SPD (2012) sets out the maximum amount of off-street parking for residential dwellings. The parking standards require 1 space per 1 bedroom dwelling and 1.5 spaces per 2 bedroom dwellings, giving a total requirement of 10.5 spaces (rounded up to 11) for this proposal.
- 7.35 When the original outline planning permission for the site was granted (ref. 15/00253/OPM), a 25% reduction in parking provision was agreed on the basis that the Council accepted the site had the characteristics of an accessibility Zone 3 location with the inclusion of the small local centre. However, since the flats have been built it is clear from the consultation responses to this application and the views of the local Members that inadequacy of parking is a problem with this development. On this basis, a similar 25% reduction cannot be considered for this application, particularly in light of the fact the majority of commercial units in the 'local centre' are being converted to residential use (subject to planning permission).
- 7.36 The applicant has therefore submitted a proposed car parking plan which shows a total of 12 spaces allocated to the proposed flats, 5 spaces for staff parking in connection with the existing convenience store and 3 visitor spaces. These spaces are existing; however the applicant has advised that they were previously allocated for use by the commercial units which were never occupied. Should planning permission be granted for their change of use to residential, the spaces will be available for use by the future occupiers of the proposed flats.
- 7.37 The provision of 12 car parking spaces is in excess of the requirement for 11 spaces as set out within the Council's Car Parking Standards SPD (2012). Whilst this application cannot rectify any deficiency in existing parking levels, it should not

worsen the existing situation. The fact the proposal is now being supported by car parking provision in excess of that required by the Council's Parking SPD should ensure this is the case. On this basis, it is considered the proposal is acceptable in this regard.

7.38 In recognition of the parking issues raised by the neighbour consultation responses, the applicant is able to offer an additional 3 parking spaces to be allocated as visitor parking to serve the development as a whole. These spaces are shown on the proposed car parking plan, which is subject to a planning condition to ensure they are delivered.

7.39 In terms of cycle parking provision, there is a requirement to provide 1 long term space per flat giving a total of 9 spaces to be provided in secure cycle storage. A cycle storage shed accommodating 9 bike racks is shown on the submitted drawings. This will be located to the south west of Block A, at the rear of the convenience store.

7.40 Highway implications

7.41 Hertfordshire County Council as Highway Authority have commented as follows:

7.42 The residential/industrial area has a range of transport connections with bus stops to Stevenage town centre. The nearest being a 3-minute walk to Cartwright Road for the No 7 service. The site benefits from pedestrian facilities that provide access to the surrounding residential areas, local shops, restaurants, employment sites and public transport facilities are accessible by bus, walking and cycling. It should be noted that connected to the proposed dwellings is a convenience store (Budgens).

7.43 There are also a number of primary schools within acceptable walking distance the nearest being a 0.4 mile 9-minute walk. The nearest secondary school is Nobel which is approx.1-mile and an 18-minute walk, it can therefore be considered to be fairly well located in terms of sustainable access. Furthermore, it accords with the requirements of the National Planning Policy Framework in relation to promoting sustainable transport.

7.44 The proposals for parking are for 12 spaces (see drawing 20 0105-1001 D) and 9 cycle spaces, there are no proposed alterations to the existing vehicular or pedestrian access. No proposed disabled parking provision has been provided. The scale of the development on transport and highway impact would be considered to have a negligible effect on vehicular trips than the present use. The traffic generation from the development would not alter significantly and would not have a detrimental impact on highway safety.

7.45 Other Matters

Refuse and recycling

7.46 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-

- Residual Waste - 240 litres;
- Cans and Plastics - 55 litres;
- Paper and cardboard - 55 litres;
- Glass - 20 litres;
- Garden Waste (For the dwellinghouses) - 240 litres.

- 7.47 It is set out on the submitted floor plan that there would be storage for refuse and recycling on the ground floor. Therefore, the proposed refuse and recycle storage is considered to be acceptable.

8. CONCLUSIONS

- 8.1 In summary, the principle of the proposed change of use has been established to be acceptable as the applicant has demonstrated sufficient evidence to confirm that parts (b) and (e) of Policy HC2 have been satisfied. The submitted evidence and Savills report show there is alternative retail provision currently available in the immediate vicinity and that the site has been marketed for a considerable period of time – more than two years – with no realistic tenants coming forward. On this basis, it is concluded that the policy tests in this case have been met and the loss of the commercial units is acceptable.
- 8.2 As a windfall site, the proposed residential flats are considered acceptable in principle and meet the requirements of Policy HO5. Furthermore, the proposed elevational alterations would not have a detrimental impact on the character and appearance of the area and the proposal would provide an acceptable living environment for future occupiers, whilst not raising any amenity issues with adjacent flats in Blocks B and C and in Block A above.
- 8.3 The allocation of 12 parking spaces to serve the proposed flats and 3 visitor spaces is in excess of the Council's Parking SPD (2012) requirement and whilst this application cannot address the existing parking issues on the site, it will not worsen the current situation. The car and cycle parking provision meets the policy requirements and is considered acceptable.
- 8.4 As such, the proposed development is in accordance with the Policies specified in the adopted Local Plan (2019), the Council's Design Guide SPD (2009), the Council's Car Parking Standards SPD (2012), the NPPF (2019) and PPG (2014).

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

20 0105-1000 G; 20 0105-1001B; 20 0105-1002; 20 0105-1001 E
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 The building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays
0900 to 1300 Saturdays
And not at all on Sundays and Bank Holidays.

The hours specified relate to activities which are audible at the site boundary.

REASON:- To satisfactorily protect the residential amenities of nearby occupiers and the operation of adjoining businesses.

4. The parking spaces as shown on drawing ref. 20 0105-1001 E shall be provided in accordance with the approved plan.

REASON:- To ensure adequate car parking facilities are provided to serve the proposed development.

Informative

1. Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

Pro-active statement

1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

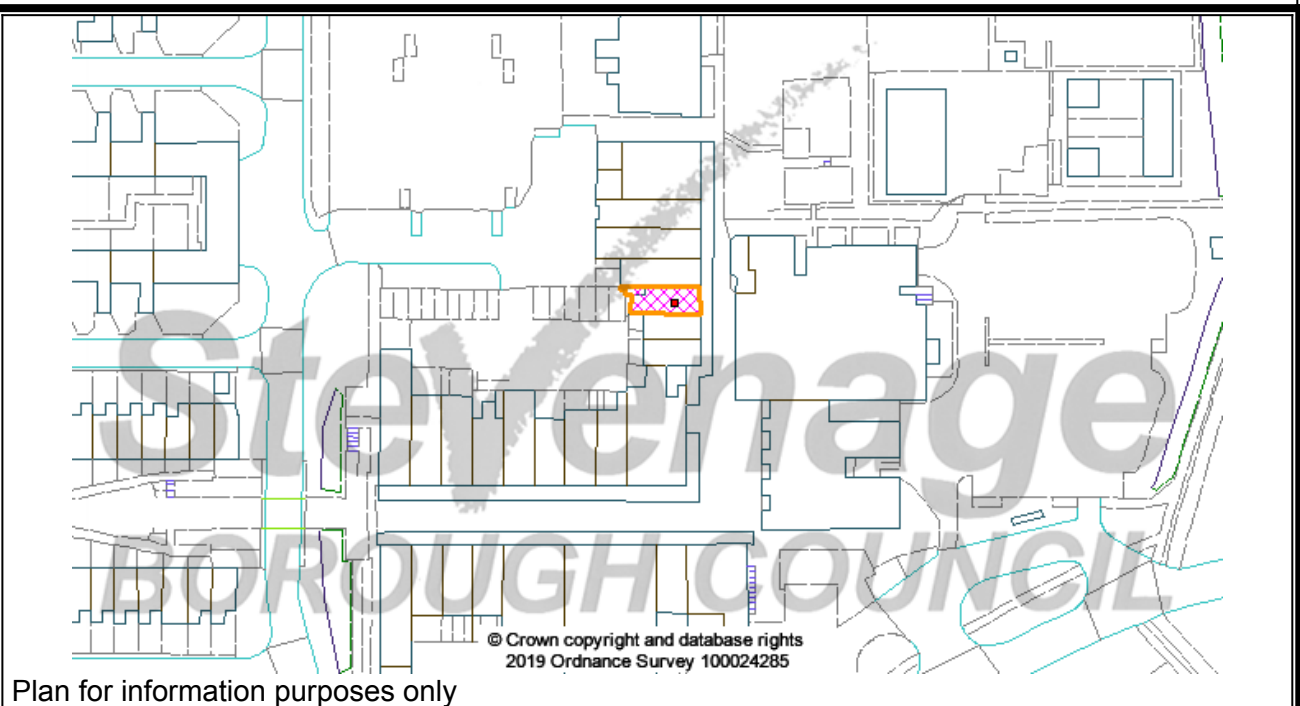
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
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 February 2019 and Planning Policy Guidance March 2014.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	11 August 2020	
Author:	Dave Rusling	01438 242270
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Dave Rusling	01438 242270

Application No:	20/00029/FP
Location:	25, The Oval, Stevenage Herts
Proposal:	Change of use from Class A1 (Dry Cleaners) to Class A5 (Hot Food Take Away)
Drawing Nos.:	Site location plan, proposed layout plan
Applicant:	Miss Resna Begum
Date Valid:	14 February 2020
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is located within the northern part of The Oval, which is a designated Local Centre. The site comprises a single storey flat roof building within a parade of shops. The premises are adjoined by a Launderette to the north and a Take Away to the south. To the east, opposite, is the Community Centre, whilst to the rear the property backs onto a service area and garages. The property, which is currently vacant, and has been so since May last year, was previously used as a Dry Cleaners.

2. RELEVANT PLANNING HISTORY

- 2.1 None Relevant.

3. THE CURRENT APPLICATION

- 3.1 The application seeks planning permission to change the premises from a Dry Cleaners (Use Class A1) to a hot food take away (Use Class A5). It is not intended to undertake any external alterations to the premises, save for any requirements that may be needed to introduce extraction equipment within or at the premises to deal with cooking odours.
- 3.2 This application comes before the Committee for determination as the property is in the ownership of Stevenage Borough Council and there have been more than 5 objections to the proposal.

4. PUBLIC REPRESENTATIONS

- 4.1 This planning application has been publicised by way of a site notice and letters to the occupiers of adjoining properties.
- 4.2 At the time of drafting this report, objections had been received from the occupiers of 1, 3, 4/6, 12A, 13, 15, 17A and 23 The Oval, 5, 7, 61, 93 and 247, Jessop Road, 16 Wisden Road, 22 Mildmay Road, 207, Vardon Road and 32 Stevenage Road, Walkern. A further objection was received from an unknown address. The objections are:-
- There are already a number of hot food outlets serving the local community. A further outlet would saturate the area.
 - There is already anti-social behaviour in the area and this will be increased by another food outlet as it will attract more customers.
 - Another hot-food outlet will increase the amount of noise and refuse pollution in the area.
 - There are a lot of residential flats in the vicinity of the shop. Another premises trading on that part of the road will reduce the residents' enjoyment of life by creating noise, pollution and nuisance.
 - Have not been informed what type of fooderie it will be as with an A3 they can open up a shop with what they please, this is a huge concern

5. CONSULTATIONS

5.1 Council's Environmental Health Section

- 5.1.1 No objection, subject to the imposition of conditions relating to details of food extraction.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development

plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

- 6.3.1 National Design Guide (2019).

6.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

Policy SP8: Good design;
SP4 - Vital Town Centre;
IT5 - Parking and Access;
HC1 - District, Local, Neighbourhood Centres;
TC13 - Retail Impact Assessments;
FP7 - Pollution;

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy Charging Schedule

- 6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development.

7. APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design and visual impact on the surrounding area, impact upon neighbouring amenities and adequacy of car parking.

7.2 Land Use Policy Considerations

7.2.1 Policy HC1 of the Adopted Local Plan identifies The Oval as a Local Centre, therefore, under this policy, permission for development proposals in this centre will be granted where:-

- a. The proposal is in keeping with the size and role of the centre;
- b. District and Local Centres would continue to provide a range of retail, light industrial (use class B1(b)), health, social, community, leisure, cultural and / or residential use and retain at least 50% of ground-floor units and floorspace in the main retail area as Class A1 (shops) use....;
- d. The proposal does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- e. An impact assessment has been provided, where required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

7.2.2 The proposed development would result in the creation of a take away restaurant (Use Class A5) and would generally conform to the aforementioned policies. However, as the proposed development would result in the loss of an existing shop (Use Class A1) an assessment has to be made as to whether or not the proposal would result in the total level of ground floorspace for A1 retail being below 50%. Following an assessment of the proposed development, it would result in the reduction of the total number of units currently in A1 use from 17 to 16. At present 57% of the units are in A1 use and if permission were to be granted this would be reduced to 53%. Given this, whilst the proposal would reduce the overall retail mix with the centre, it would still ensure that at least 50% of the units would still be within the A1 use class.

7.2.3 Turning to the retail impact assessment, whilst the proposed development is classed as a "Main Town Centre Use" as it would be below the 300 sq.m floor area threshold set out under Policy TC13 of the Adopted Local Plan, the applicant would not be required to submit an Impact Assessment.

7.2.4 Given the aforementioned assessment, the proposed development, despite the loss of the retail premises, would accord with Local Plan Policy. Furthermore, if planning permission were to be granted the development would also help to bring a vacant unit back into use (the premises have been vacant since May 2019).

7.3 Design and visual impact

7.3.1 The proposed development does not seek to extend or alter the existing the building. However, the applicant is seeking to install an external extraction system which, although not clear from the submission, would either be installed on the flat roof area of the building running to the rear or alternatively could be run internally to the rear of the premises and extracted through a vent in the rear elevation of the property. Consequently, should permission be granted a condition would need to be imposed requiring such details to be submitted to the Council for approval.

7.3.2 Whilst the the applicant has not provided any detailed plans showing what the extraction system would look like when fitted to the building externally, it is clear that this would be feasible as is the case with nearby take away premises at Nos.23 and 31 which extract to the rear of the premises.

7.4 Impact on residential amenity

- 7.4.1 Given the siting and nature of the proposed development, there is the potential for it to have an impact on the amenities of nearby residents. However, in the case of this part of the Local Centre, there is no residential accommodation above the units which are single storey. Furthermore, any extraction of fumes would be directed to the rear of the building toward the rear courtyard area. Whilst there are other residential units elsewhere in the Local Centre these are sufficiently distant not to be affected. Furthermore, it is important to note that this is an established Local Centre which comprises of other hot food takeaway premises, commercial and retail premises.
- 7.4.2 Turning to the hours of operation, the applicant has not specified the opening hours, however, to accord with similar such premises in the local centre the following hours are recommended:-
- 11am to 11pm Mondays to Thursdays, Sunday and Bank Holidays
 - 11am to midnight Fridays and Saturdays.
- 7.4.3 It is considered that the hours of operation would not harm the amenities of nearby residential properties and would reflect the similar opening hours afforded to similar surrounding businesses.

7.5 Car parking

- 7.5.1 Policy IT5 of the Adopted Local Plan states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. This policy generally reflects the policies set out in within the NPPF (2019). The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces for a take away use (Use Class A5).
- 7.5.2 The Parking Standards stipulate that in respect of a take away, 1 space per 3 sqm of floorspace of public area plus 3 spaces per 4 employees should be provided. From the submitted plans, whilst the exact floor area is not provided it does identify a small waiting area to the front of the property. In terms of the number of staff, the applicant has confirmed that this will be a family run business employing 4 members of staff. In view of this, whilst it is not possible to derive a figure in respect of the waiting area 3 spaces would be required for staff.
- 7.5.3 The proposed development does not seek to provide any off-street parking as there is currently no space within the service yard to the rear to provide the necessary parking. Notwithstanding this, the application site does fall within a Local Centre and, as such, there would be surface car parking available in two large car parks which currently serve the centre. In addition, the site is also accessible by public transport as there are bus stops in close proximity to the site. There are also cycle parking facilities available directly opposite the premises which could be used by staff and customers. Finally, it has to be noted that there is no off-street parking serving the existing/previous use which also relied on the parking of vehicles in the main car parks which serve the Local Centre. Consequently, the parking situation is no different and combined with the fact the site is in a sustainable location, there are insufficient ground to refuse the application.
- 7.5.4 Given the aforementioned assessment, it is considered that the proposed development would be acceptable as parking would be readily available within the Local Centre to serve the development.

7.6 Other Matters

- 7.6.1 There have been a number of objections to the application in respect of the fact there are sufficient similar units in the Local Centre. However, as demonstrated above, the application accords with the Council's adopted local plan policy for such uses. In terms of competition between similar units this is not a material planning consideration. Similarly, the type of use within use class A5 is not something that can be controlled by the planning legislation.
- 7.6.2 In terms of anti-social behaviour, there is no evidence to suggest that this would be worsened by allowing this additional take away establishment. Matters of noise and disturbance have been addressed elsewhere in this report. Finally, in terms of refuse, there are a number of bins provided within the Local Centre.

8. CONCLUSIONS

- 8.1 In summary, it has been demonstrated that the proposed development would be acceptable in land use policy terms, any alterations to the appearance of the building by way of extraction can be controlled by the imposition of a condition. The development is located such that it would not harm the amenities of nearby residential properties and, finally, there is sufficient car parking serving the Local Centre to accommodate users of the premises and staff.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, proposed layout plan.
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. Notwithstanding the details of the proposed extraction system which has been submitted with this application, prior to the commencement of the development hereby permitted, details of how the plant, ducting and extraction system are to be installed to the rear of the building shall be submitted to and approved in writing by the local planning authority. The approved system shall thereafter be installed in accordance with the approved details prior to the first use of the development and the extraction system shall be maintained in accordance with the manufacturer's specification.
REASON:- In order to protect the character and appearance of the building, the visual amenities of the area as well as the amenities of nearby residents and business premises and to preserve the wider environment.
 4. The use of the premises for the purposes hereby permitted shall operate only between the hours of 11.00 and 23.00 Mondays to Thursdays, Sundays and Bank Holidays and 11.00 to midnight Fridays and Saturdays and at no other time.
REASON: To protect the amenity of the occupiers of adjoining and nearby business and residential properties.

Informative

1. Community Infrastructure Levy

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This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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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 (paragraph 38) 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 Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
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6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Dave Rusling 01438 242270

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 17/00621/FP

 Date Received : 04.09.17

 Location : 33 Peartree Way Stevenage Herts SG2 9DZ

 Proposal : Single storey rear extension to create 1 bedroom flat with
 associated access and car parking facilities (amended
 application).

 Date of Decision : 29.07.20

 Decision : **Planning Permission is GRANTED**

2. Application No : 20/00059/FPH

 Date Received : 24.01.20

 Location : Sheen Cottage Rectory Lane Stevenage Herts

 Proposal : Proposed two storey rear extension replacement detached
 garage including removal of Cedar tree

 Date of Decision : 17.07.20

 Decision : **Planning Permission is GRANTED**

3. Application No : 20/00080/COND
Date Received : 03.02.20
Location : 12 North Road Stevenage Herts SG1 4AL
Proposal : Discharge of conditions 4 (boundary treatments); 5 (landscaping); 10 (tree fencing); 13 (site waste management plan); 19 (construction management plan); 20 (electric vehicle charging points) and 23 (drainage scheme design) attached to planning permission reference number 18/00740/FPM
Date of Decision : 14.07.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
4. Application No : 20/00104/COND
Date Received : 20.02.20
Location : 12 North Road Stevenage Herts SG1 4AL
Proposal : Discharge of condition 3 (Materials) attached to planning permission reference number 18/00740/FPM
Date of Decision : 13.07.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
5. Application No : 20/00162/LB
Date Received : 16.03.20
Location : 53A High Street Stevenage Herts SG1 3AQ
Proposal : Internal and external repair and alteration of first floor flat over a shop.
Date of Decision : 15.07.20
Decision : **Listed Building Consent is GRANTED**
6. Application No : 20/00174/FPH
Date Received : 26.03.20
Location : 90 Bandley Rise Stevenage Herts SG2 9NT
Proposal : Single storey rear extension
Date of Decision : 02.07.20
Decision : **Planning Permission is GRANTED**

7. Application No : 20/00215/FPH
 Date Received : 23.04.20
 Location : 3 Southsea Road Stevenage Herts SG1 2PH
 Proposal : Raising of roof and introduction of dormer windows to existing garage to facilitate use as a residential annexe
 Date of Decision : 10.07.20
 Decision : **Planning Permission is GRANTED**
8. Application No : 20/00227/FP
 Date Received : 28.04.20
 Location : Land To The Rear Of 36 Fellowes Way And 57 Woodland Way Stevenage Herts SG2 8BW
 Proposal : Erection of 1no. one bedroom bungalow
 Date of Decision : 03.07.20
 Decision : **Planning Permission is GRANTED**
9. Application No : 20/00232/FPH
 Date Received : 30.04.20
 Location : 1 Peartree Way Stevenage Herts SG2 9DP
 Proposal : Single storey front and side extensions
 Date of Decision : 24.07.20
 Decision : **Planning Permission is GRANTED**
10. Application No : 20/00244/FPH
 Date Received : 07.05.20
 Location : 63 Blenheim Way Stevenage Herts SG2 8TD
 Proposal : Part two storey, part first floor front extension
 Date of Decision : 21.07.20
 Decision : **Planning Permission is GRANTED**

11. Application No : 20/00248/FPH
Date Received : 11.05.20
Location : 40 Hayfield Stevenage Herts SG2 7JP
Proposal : Single storey link extension to existing double garage to facilitate use as living accommodation.
Date of Decision : 07.07.20
Decision : **Planning Permission is GRANTED**
12. Application No : 20/00251/COND
Date Received : 12.05.20
Location : Land At Chadwell Road Norton Green Stevenage Herts
Proposal : Discharge of condition 25 (external lighting) attached to planning permission reference number 15/00101/FPM
Date of Decision : 07.07.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
13. Application No : 20/00258/FP
Date Received : 15.05.20
Location : 2 Paddocks Close Stevenage Herts SG2 9UD
Proposal : Change of use from highway land to residential land
Date of Decision : 03.07.20
Decision : **Planning Permission is GRANTED**
14. Application No : 20/00260/CLPD
Date Received : 18.05.20
Location : 112 Mobbsbury Way Stevenage Herts SG2 0JA
Proposal : Certificate of lawfulness for a single storey side extension
Date of Decision : 13.07.20
Decision : **Certificate of Lawfulness is APPROVED**

15. Application No : 20/00261/COND
Date Received : 18.05.20
Location : 20 Rockingham Way Stevenage Herts SG1 1SQ
Proposal : Discharge of condition 6 (arboricultural method statement)
attached to planning permission reference number 17/00533/FP
Date of Decision : 10.07.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
16. Application No : 20/00262/FPH
Date Received : 18.05.20
Location : 20 Rockingham Way Stevenage Herts SG1 1SQ
Proposal : Replacement garage
Date of Decision : 02.07.20
Decision : **Planning Permission is GRANTED**
17. Application No : 20/00264/FPH
Date Received : 19.05.20
Location : 1 Dove Road Stevenage Herts SG1 3YJ
Proposal : Single storey side and rear extension
Date of Decision : 29.07.20
Decision : **Planning Permission is GRANTED**
18. Application No : 20/00266/PATELE
Date Received : 19.05.20
Location : Street Works Maxwell Road Maxwell Road Stevenage Herts
Proposal : Installation of 18 metre high pole with wrap around cabinet, 6no
antennas, 3no. new equipment cabinets and ancillary
development thereto.
Date of Decision : 14.07.20
Decision : **Prior Approval is NOT REQUIRED**

19. Application No : 20/00267/FP
Date Received : 20.05.20
Location : 35 The Oundle Stevenage Herts SG2 8JY
Proposal : Change of use from adopted highway land to residential use for driveway
Date of Decision : 07.07.20
Decision : **Planning Permission is GRANTED**
20. Application No : 20/00269/FPH
Date Received : 21.05.20
Location : 1 The Noke Stevenage Herts SG2 8LH
Proposal : Two storey side and rear extension.
Date of Decision : 16.07.20
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed development, if approved, would result in inadequate car parking provision to serve the property in line with the Council's adopted parking standards. This is likely to result in additional on-street parking which would give rise to conditions prejudicial to the free flow of traffic and conditions of highway safety in the vicinity of the application site. The proposal is therefore contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Parking Provision SPD (2012), the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).
21. Application No : 20/00272/FP
Date Received : 26.05.20
Location : 130 Durham Road Stevenage Herts SG1 4HZ
Proposal : Change of use from public amenity land to residential land including creation of a hardstand.
Date of Decision : 07.07.20
Decision : **Planning Permission is GRANTED**

22. Application No : 20/00275/PATELE
Date Received : 26.05.20
Location : Junction Of Six Hills Way & Shephall Way Stevenage Herts
Proposal : Installation of 1no 20 metre galvanised steel pole and 2no. new equipment cabinets and ancillary development
Date of Decision : 17.07.20
Decision : **Prior Approval is NOT REQUIRED**
23. Application No : 20/00277/FPH
Date Received : 28.05.20
Location : 30 Ashleigh Stevenage Herts SG2 9UP
Proposal : Creation of front porch.
Date of Decision : 13.07.20
Decision : **Planning Permission is GRANTED**
24. Application No : 20/00279/TPCA
Date Received : 29.05.20
Location : 13 Orchard Road Stevenage Herts SG1 3HD
Proposal : Reduce height by approx 40% (around 3.5 metres) and prune out of shape branches by a maximum of 2 metres to 1no. Conifer tree
Date of Decision : 02.07.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
25. Application No : 20/00280/FP
Date Received : 29.05.20
Location : 85 - 129 Hopton Road Stevenage Herts SG1 2LE
Proposal : New roof perimeter guarding
Date of Decision : 08.07.20
Decision : **Planning Permission is GRANTED**

26. Application No : 20/00281/TPTPO
Date Received : 29.05.20
Location : 5 Essex Close Stevenage Herts SG1 3FA
Proposal : Removal of dead and broken branches, thinning and or reduction to a maximum of 3ft carried out to suitable growth points of 1No: (T1) Blue Atlantic Cedar protected by TPO 120
Date of Decision : 10.07.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
27. Application No : 20/00282/FP
Date Received : 29.05.20
Location : 131-163 Hopton Road Stevenage Herts SG1 2LF
Proposal : New roof perimeter guarding
Date of Decision : 08.07.20
Decision : **Planning Permission is GRANTED**
28. Application No : 20/00283/FPH
Date Received : 30.05.20
Location : 10 Symonds Green Road Stevenage Herts SG1 2HA
Proposal : Two storey side extension.
Date of Decision : 27.07.20
Decision : **Planning Permission is GRANTED**
29. Application No : 20/00287/CLPD
Date Received : 02.06.20
Location : 8 Broadview Stevenage Herts SG1 3TT
Proposal : Certificate of lawfulness for proposed outbuilding
Date of Decision : 10.07.20
Decision : **Certificate of Lawfulness is APPROVED**

30. Application No : 20/00289/FP
Date Received : 03.06.20
Location : 37 Long Leaves Stevenage Herts SG2 9AX
Proposal : Change of use from public amenity land to private residential land
Date of Decision : 08.07.20
Decision : **Planning Permission is GRANTED**
31. Application No : 20/00291/HPA
Date Received : 04.06.20
Location : 10 Burymead Stevenage Herts SG1 4AX
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.00m, for which the maximum height will be 3.20m and the height of the eaves will be 2.50
Date of Decision : 07.07.20
Decision : **Prior Approval is NOT REQUIRED**
32. Application No : 20/00293/FP
Date Received : 05.06.20
Location : 45 Lonsdale Road Stevenage Herts SG1 5DB
Proposal : Conversion of existing 3 bedroom dwelling to 2 no. 1 bedroom flats
Date of Decision : 22.07.20
Decision : **Planning Permission is GRANTED**
33. Application No : 20/00294/FP
Date Received : 09.06.20
Location : 211 York Road Stevenage Herts SG1 4HB
Proposal : Change of use from public highway land to residential use to use as garden land and erection of boundary fence
Date of Decision : 20.07.20
Decision : **Planning Permission is GRANTED**

34. Application No : 20/00297/HPA
Date Received : 09.06.20
Location : 17 Tamar Close Stevenage Herts
Proposal : Single storey rear extension which will extend beyond the rear of the original house by 3.5 metres, for which the maximum height will be 3.5 metres and the height of the eaves will be 2.4 metres
Date of Decision : 07.07.20
Decision : **Prior Approval is NOT REQUIRED**
35. Application No : 20/00299/FP
Date Received : 10.06.20
Location : 8 Ruckles Close Stevenage Herts SG1 1PE
Proposal : Change of use from public amenity land to driveway.
Date of Decision : 20.07.20
Decision : **Planning Permission is GRANTED**
36. Application No : 20/00305/AD
Date Received : 11.06.20
Location : Unit 2 Monkswood Retail Park Elder Way Stevenage
Proposal : 2no. internally illuminated and 1no.non-illuminated signs and 4no. non-illuminated panel signs applied to existing totem signs.
Date of Decision : 14.07.20
Decision : **Advertisement Consent is GRANTED**
37. Application No : 20/00310/NMA
Date Received : 12.06.20
Location : 168 Fairview Road Stevenage Herts SG1 2NE
Proposal : Non Material Amendment to change materials to render on existing walls and all new walls to be "Old Fulford" red brick attached to planning permission 20/00156/FPH
Date of Decision : 02.07.20
Decision : **Non Material Amendment AGREED**

38. Application No : 20/00320/FPH
Date Received : 17.06.20
Location : 63 Warwick Road Stevenage Herts SG2 0QT
Proposal : Erection of front extension
Date of Decision : 22.07.20
Decision : **Planning Permission is GRANTED**
39. Application No : 20/00321/TPCA
Date Received : 17.06.20
Location : 2 The Priory Rectory Lane Stevenage Herts
Proposal : Remove lower limb over hanging garden on east side and crown lift low limb on south side by 5m to 1no. Common Beech
Date of Decision : 24.07.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
40. Application No : 20/00330/HPA
Date Received : 22.06.20
Location : 11 Tates Way Stevenage Herts SG1 4WP
Proposal : Single storey rear extension which will extend beyond the rear of the original house by 4.50metres, for which the maximum height will be 3.85 metres and the height of the eaves will be 2.25 metres
Date of Decision : 22.07.20
Decision : **Prior Approval is NOT REQUIRED**
41. Application No : 20/00332/FPH
Date Received : 22.06.20
Location : 227 Ripon Road Stevenage Herts SG1 4LR
Proposal : Single storey front extension
Date of Decision : 24.07.20
Decision : **Planning Permission is GRANTED**

42. Application No : 20/00337/NMA
Date Received : 23.06.20
Location : 83 Brook Drive Stevenage Herts SG2 8TP
Proposal : Non material amendment to planning permission reference number 18/00078/FP to increase the width of the proposed dwelling by 100mm
Date of Decision : 16.07.20
Decision : **Non Material Amendment AGREED**
43. Application No : 20/00342/COND
Date Received : 24.06.20
Location : Plot 2000 Gunnels Wood Road Stevenage Herts
Proposal : Discharge of Conditions 18 (External Lighting) attached to planning permission number 19/00673/FPM
Date of Decision : 22.07.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
44. Application No : 20/00343/COND
Date Received : 24.06.20
Location : Plot 2000 Gunnels Wood Road Stevenage Herts
Proposal : Discharge of Conditions 3 (Hardsurface Materials) and 20 (Boundary Treatment) attached to planning permission number 19/00673/FPM
Date of Decision : 22.07.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
45. Application No : 20/00351/HPA
Date Received : 01.07.20
Location : 21 Collenswood Road Stevenage Herts SG2 9ER
Proposal : Single storey rear extension which will extend beyond the rear of the original house by 3.26metres, for which the maximum height will be 3.38 metres and the height of the eaves will be 2.49 metres
Date of Decision : 29.07.20
Decision : **Prior Approval is NOT REQUIRED**

46. Application No : 20/00356/NMA
 Date Received : 02.07.20
 Location : 127 Fairview Road Stevenage Herts SG1 2NP
 Proposal : Non material amendment to planning permission reference number 17/00415/FPH to remove bay window on right handside of building.
 Date of Decision : 14.07.20
 Decision : **Non Material Amendment AGREED**
47. Application No : 20/00381/NMA
 Date Received : 13.07.20
 Location : 206 Broadwater Crescent Stevenage Herts SG2 8ER
 Proposal : Non material amendment to planning permission reference number 18/00683/FPH to introduce window to West elevation of the porch extension
 Date of Decision : 29.07.20
 Decision : **Non Material Amendment AGREED**

BACKGROUND PAPERS

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

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 11 August 2020

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – David Rusling 01438 242270

1. APPEALS RECEIVED

1.1 None

2. DECISIONS AWAITED

2.1 17/00730/ENF, 18b Boulton Road. Appeal against serving of Enforcement Notice relating to an unauthorised gym operating from the premises.

This appeal for Boulton Road has been re-started as of 18 February 2020 to allow for the procedure to be changed from written representations to a hearing.

2.2 19/00529/FPH. 2 Whitney Drive. Appeal against refusal of permission for a prt two storey, part first floor side extension.

2.3 20/00102/ENF. Land between Watercress Close, Coopers Close and Walnut Tree Close. Appeal against serving of Enforcement Notice relating to the unauthorised erection of 2m high hoarding enclosing open space between all three roads.

3. DECISIONS RECEIVED

3.1 None.

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