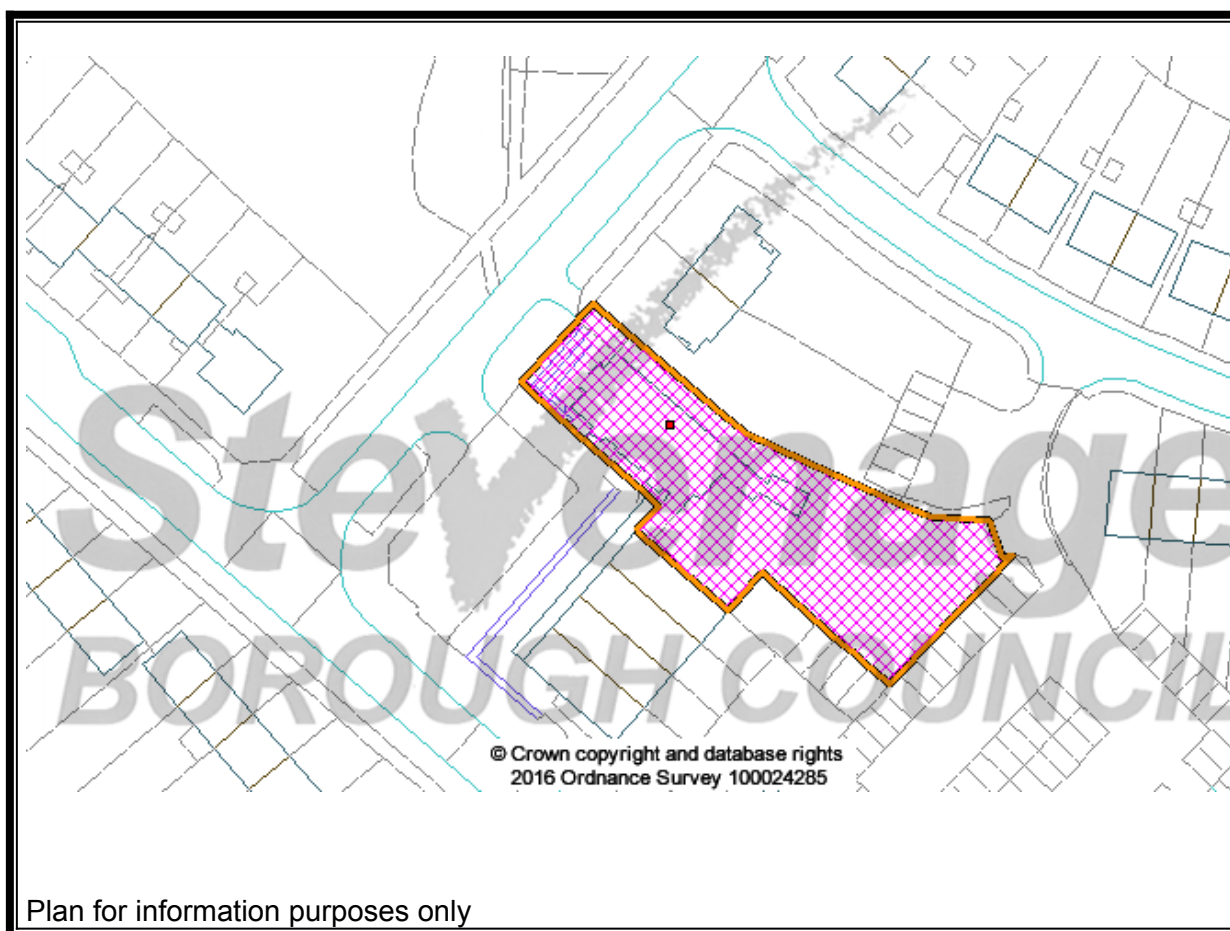


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>8 October 2019</b>	
<b>Author:</b>	<b>James Chettleburgh</b>	01438 242266
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>James Chettleburgh</b>	01438 242266

Application No:	19/00294/FPM
Location:	The March Hare, 10 Burwell Road, Stevenage.
Proposal:	Variation of condition 1 of planning permission 17/00586/FPM to amend approved drawings.
Drawing Nos.:	12287-W-002 E; 12287-W-003-E; 12287-W-004-E; 12287-W-007-B; 12287-W-008-C; 12287-W-009-B; 12287-W-001-1 <sup>st</sup> ; 12287-W-015-C.
Applicant:	Stevenage Borough Council
Date Valid:	15 May 2019
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site comprises the site of the former March Hare public house and its associated curtilage and has a site area of 1,093m<sup>2</sup>. The site has now been redeveloped and comprises of two distinct but linked three-storey residential blocks of apartments. The development is constructed from facing brick and elements of vertical metal cladding. The valley roof arrangement of the building has been finished in metal and the fenestration detailing of the building comprises of uPVC windows and doors finished in anthracite grey. A number of properties have also been fitted out with Juliette balconies.
- 1.2 The site is in the ownership of the Borough Council and is situated close to the junction of Burwell Road and Shephall Way. The site is bounded to the north by no. 10A Burwell Road, to the east by a garage compound accessed off of Chertsey Rise, to the south by the shops in the Burwell Road Neighbourhood Centre, their car park and associated garage compound and to the west by Burwell Road.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Application 2/0122/61 sought permission for a post sign and illuminated signs. Advertisement consent was granted in August 1961.
- 2.2 Application 2/0008/62 sought permission for the erection of brick private garage. Planning permission granted in February 1962.
- 2.3 Application 2/0115/62 sought permission for the erection of brick private garage. Planning permission granted in July 1962.
- 2.4 Application 2/0257/80 sought permission for the conversion of off-licence bar, conversion of store to W.C. and new external elevational alterations. Planning permission was granted in September 1980.
- 2.5 Application 2/0400/90 sought permission for the ground floor rear bar extension. Planning permission granted in July 1991.
- 2.6 Application 17/00586/FPM sought permission for the erection of 6no two bedroom and 9no one bedroom flats with associated parking. Planning permission was granted in February 2018.
- 2.7 Application 18/00162/COND sought to discharge conditions 3 (materials), 4 (landscaping), 9 (tree protection) and 11 (boundary treatments) attached to planning permission reference number 17/00586/FPM. The conditions were discharged in April 2018.

## **3. THE CURRENT APPLICATION**

- 3.1 This application seeks to vary condition 1 attached to planning permission 17/00586/FPM to amend the approved plans. For reference, this condition states the following:-

The development hereby permitted shall be carried out in accordance with the following approved plans:  
211A; 214A; 215A; 212; 213; 219;

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

- 3.2 The proposed amendment to the planning permission comprises the omission of the external balconies which are to be replaced with Juliet balconies. The balconies themselves consist of 1100mm high balcony rails which are finished in black. The amendment also seeks the enclosure of the internal balconies creating a larger living area to the apartments and to replace the ground floor window in the north-east elevation with a door. In addition, the render detailing previously approved by the Council have also been omitted to be replaced with facing brick. Following a recent site visit, the Juliet balconies appear to have been installed. In addition, the other amendments have also already been undertaken to the building. The applicant has advised that the Juliette balconies and the omission of the external rendering were put forward in order to simplify the maintenance of the building and reduce the cost/disruption to tenants. With regards to the recessed balconies, these were designed out and the space would be better used to increase the size of internal accommodation to benefit the tenants all year round. The proposal also seeks to amend the pedestrian and ramped access from Burwell Road into the flatted development.
- 3.3 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant so that the only issue for consideration in the determination of this application is how the variation of condition 1 referred to above would impact on the approved scheme.
- 3.4 This application has been referred to the Planning and Development Committee as Stevenage Borough Council is the applicant and landowner.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 This application has been publicised by way of letters to adjoining premises and the erection of a site notice at the site. The application was also publicised in the local press. At the time of drafting this report, no comments or representations have been received.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Lead Local Flood Authority**

- 5.1.1 We note the request to amend the words of the surface water drainage condition to occupation rather than pre-commencement. Following a review of the information submitted in support of the application, we do not have objections to the amended wording.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

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

## **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

## **6.3 Adopted Local Plan**

SP1 - Presumption in favour of sustainable development;  
 SP2 - Sustainable development in Stevenage;  
 SP8 - Good design;  
 GD1 – High quality design.

## **6.4 Supplementary Planning Documents**

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

## **7. APPRAISAL**

7.1 As set out previously, when considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted.

7.2 The main issues for consideration of this application are, therefore, the acceptability of the changes to the scheme in respect of the visual impact on the area and impact on residential amenity.

### **7.3 Visual impact on the area**

7.3.1 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. In addition, the NPPF sets out that developments should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.

7.3.2 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”. Policy GD1 of the Local Plan (2019) and the Council’s Design Guide SPD (2009) generally reflects the above policy.

7.3.3 The proposed development, as outlined under paragraph 3.2 of this report, comprises the omission of the external projecting balconies. These have been replaced with Juliette balconies with 1100mmm high metal railings finished in black. In terms of their siting and position, the Juliette balconies are positioned on the western, eastern and southern elevations which serve the open plan kitchen, living and dining room areas. The balconies are located at first and second floor level on all three elevations with the southern elevation comprising a ground floor Juliette balcony.

7.3.4 In regards to the recessed balconies, these were originally located on the southern elevation and would have served flats 3 (ground floor), 8 (first floor) and 13 (second floor). However, these have now been omitted and fully incorporated into the open plan kitchen, dining and living room areas. These rooms, as set out in paragraph 7.2.3, are now being served with Juliette balconies. In terms of the installation of a door following the omission of a window, this would be located on the northern elevation of the building at ground floor level. The door would serve the internal stair core in order to form an emergency exit.

- 7.3.5 The scheme which is before the Council also comprises the omission of the render detailing on the southern and northern elevations. This detailing has now been replaced with matching facing brick. With regards to the pedestrian and ramped access, this has been altered to take into account the positioning of drainage channels as well as the changes in land levels. This re-arrangement does still ensure people with disabilities can see easily access the building such as wheel chair users.
- 7.3.6 Taking the aforementioned into consideration, it is considered that whilst the approved design of the development has been amended, it still comprises of a contemporary modern appearance with the use of high quality materials. Additionally, the facades of the building are well designed and complement the development in terms of massing with the elevations constructed and designed in a way to create a strong distinction between the gable ends and flank walls. The gable ends have also been designed to be more domestic in scale with a conservative brick finish. Consequently, the amendments to the approved scheme do not harm its character and appearance. In addition, the development as it currently stands does not harm the visual amenities of the wider street scene.

#### **7.4 Impact on residential amenity**

- 7.4.1 In relation to the impact of the proposal on existing residential amenity, the most affected properties would be nos. 10A and 10B Burwell Road, no. 248 Shephall Way and no. 37 Parker's Field. Firstly, it is recognised that the proposal would have an impact on nos. 10A and 10B Burwell Road and accordingly an assessment of the significance of this impact has to be made. In relation to any loss of privacy issues to these two neighbouring properties, the proposal has been designed to avoid any habitable room windows in its facing side (north-eastern) elevation. Only five windows and the entrance doors are included in this elevation and these serve a stair well and landing and, as such, would not result in any undue loss of privacy to either nos. 10A or 10B Burwell Road.
- 7.4.2 Whilst balconies are included on the front and rear elevations of the proposed building, the balconies at the front would not overlook any of the private rear amenity space of no. 10A Burwell Road. The balconies at the rear being Juliette balconies would no longer result in any direct overlooking to both numbers 10A and 10B. With regard to any loss of privacy to no. 248 Shephall Way, the balconies on the front elevation have the potential to overlook the rear amenity area of no. 248. However, as these are no longer projecting and there is a sufficient separation distance of over 21m combined with the fact the private garden is not located directly opposite of the development, it is considered that there would not be a detrimental impact to the privacy of the occupiers of number 248. Accordingly, it is not considered the revised scheme would have a detrimental impact on the amenities of neighbouring residential properties.

#### **7.5 Development and flood risk**

- 7.5.1 The approval of this application would see the need for the LPA to impose the conditions as stated on the existing permission where necessary. In some cases this will require re-wording to ensure they are appropriate considering the extent of the works carried out to date. Condition 14 of the permission relates to drainage and it is proposed to re-impose this condition but re-worded to seek submission of details prior to occupation instead of pre-commencement.

- 7.5.2 The Lead Local Flood Authority has been consulted and has no objections to the change of wording. The surface water drainage strategy for the proposed development utilises SuDS features to intercept and convey all pluvial surface water runoff. The design of the system aims to attenuate runoff and limit flows into the Sewer System. Detailed engineering drawings have been provided to support the proposed scheme and a SuDS Maintenance plan has been provided and includes an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure. These details are all found to be acceptable.

## 8. CONCLUSION

- 8.1 The proposed amendments to planning permission 17/00586/FPM would not have a detrimental impact on the character and appearance of the development and the visual amenities of the street scene. In addition, the amendments would not result in a detrimental impact on the amenities of neighbouring residential properties. Furthermore, the drainage scheme as delivered as part of this development is considered to be acceptable.

## 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:  
12287-W-002 E; 12287-W-003-E; 12287-W-004-E; 12287-W-007-B; 12287-W-008-C;  
12287-W-009-B; 12287-W-001-1<sup>st</sup>; 12287-W-015-C.

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

- 2 The development hereby permitted shall be completed in accordance with the following approved materials:-

- Facing Brickwork:- Traditional Brick and Stone (TBS) 'Audley Antique' bricks;
- Roof cladding:- Euroclad aluminium panel in a Vieozinc colour;
- uPVC Windows and doors finished in Anthracite Grey;
- Metal Juliette balconies finished in Anthracite Grey; and
- uPVC gutters and downpipes finished in black.

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

- 3 The soft and hard landscaping scheme as detailed on drawing number 12287-W-015-1<sup>st</sup> as submitted under discharge of condition application 18/00162/COND shall be implemented within the first available planting season following the first occupation of the building or the completion of the development whichever is the sooner.

**REASON: -** To ensure a satisfactory appearance for the development.

- 4 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**REASON: -** To ensure a satisfactory appearance for the development.

- 5 No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on

Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** - To safeguard the amenities of the occupiers of neighbouring properties.

- 6 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The Local Planning Authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.

Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out, and a report that provides verification that the required works have been carried out shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 14 days to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

**REASON:** - To safeguard the amenities of any future occupiers.

- 7 No removal of trees, scrub or hedges, shall be carried out on site between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.

**REASON:** - Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

- 8 The tree protection measures as detailed on drawing number 12287-W-015-1 shall be retained during the remainder of the construction phase of development and shall only be removed once the development has been completed.

**REASON:-** In order to protect trees which are to be retained as part of the development.

- 9 Within the areas to be fenced off in accordance with condition 8, there shall be no alteration to the ground levels and they shall be kept clear of construction vehicles, materials, surplus soil, temporary buildings, plant and machinery.

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

- 10 The boundary treatment as detailed under discharge of condition application 18/00162/COND shall be completed before the new dwelling is occupied.

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

- 11 The development hereby permitted shall not be brought into use until the existing access to the former public house from Burwell Road has been closed and the footway reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

**REASON:** - In the interests of highway safety and amenity.



- 12 The development permitted by this planning permission shall be carried out in accordance with the approved SuDS and Surface-Water Strategy dated September 2017 and the following mitigation measures detailed within the drainage strategy:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event plus 40% of climate change event.

2. Providing storage to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event providing a minimum of 37.5 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in underground attenuation tanks.

3. Discharge of surface water from the private drain at the rate of 5 l/s into the Thames Water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**REASON:** - To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

### **Pro-active Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

## **10. BACKGROUND DOCUMENTS**

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

