



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 5 February 2019
Time: 6.30pm,
Location: Council Chamber
Contact: Lisa Jerome 01438242203

Members: Councillors: D Cullen (Chair), M McKay (Vice-Chair), D Bainbridge,
L Briscoe, M Downing, J Fraser, ME Gardner, J Hanafin,
L Harrington, L Kelly, G Lawrence, J Lloyd and G Snell

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 8 JANUARY 2019

To approve as a correct record the Minutes of the previous meeting held on Tuesday 8 January 2019.

Pages 3 – 6

3. 18/00416/FPM - BANK HOUSE, PRIMETT ROAD, STEVENAGE

To consider the reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.

Pages 7 – 32

4. 18/00515/S106 - LAND AT SIX HILLS HOUSE, LONDON ROAD, STEVENAGE

To consider the variation of "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM.

Pages 33 – 40

5. 18/00746/FP - GARAGE ON SYMONDS GREEN COMMON, SYMONDS GREEN LANE, STEVENAGE

To consider the demolition of double garage and reinstatement of Common Land.

Pages 41 – 48

6. 18/00732/FP - LAND TO THE FRONT OF 15 LANGTHORNE AVENUE, STEVENAGE

To consider the conversion of existing parking lay-bys and amenity land into end on parking bays with additional footpaths adjacent to the kerbs.

Pages 49 – 56

7. 18/00733/FP - LAND TO THE FRONT OF 2 TO 12 BOXBERRY AVENUE, STEVENAGE

To consider the change of use of public amenity land to hardstand to provide additional parking.

Pages 57 – 62

8. 18/00734/FP - 76 BROOK DRIVE, STEVENAGE

To consider a change of use of public amenity land to hardstand to provide additional parking.

Pages 63 – 70

9. 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 71 – 82

10. 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 83 – 84

11. URGENT PART I BUSINESS

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

12. 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.

13. URGENT PART II BUSINESS

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

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 8 January 2019

Time: 6.30pm

Place: Council Chamber

Present: Councillors: David Cullen (Chair), Maureen McKay (Vice-Chair), Doug Bainbridge, Lloyd Briscoe, Michael Downing, James Fraser, Michelle Gardner, Jody Hanafin, Lizzy Kelly, Graham Lawrence and John Lloyd.

Start / End Time: Start Time: 6.30pm
End Time: 6.57pm

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Liz Harrington and Graham Snell.

2 **MINUTES - 4 DECEMBER 2018**

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 4 December 2018 be approved as a correct record and signed by the Chair.

3 **4 TOWN SQUARE, STEVENAGE**

The Committee considered an application for proposed change of use from A1 (shops) and A2 (Professional & Financial Services) to Visitor Centre D1 (Non-residential Institutions) and shop front alteration.

The application was before the Committee for determination as the applicant was Stevenage Borough Council.

The Principal Planning Officer gave an introduction to the Committee, including a visual presentation. The main issues for consideration in the determination of the application were its acceptability in land use policy terms, the visual impact on the conservation area, impact on residential amenity, car parking and highway implications.

The Principal Planning Officer advised that he had concluded that the principle of the proposed change of use would not have a detrimental impact on the function of the town centre and, therefore, was compliant with the policies in the adopted and emerging local plans. Additionally, the proposed development would preserve the historic character of the Town Centre Conservation Area. Furthermore, the proposal would not harm the overall vitality and viability of the town centre nor would it have a detrimental impact on the environment or the amenities of nearby businesses and residential properties which were located on Queensway. Moreover, the site was well served by public transport and surface car parking.

Given the above, the Principal Planning Officer considered that the proposed development accorded with the Policies contained within the adopted Local Plan (2004), the Council's Emerging Local Plan (2016), the Council's Supplementary Planning Documents, the National Planning Policy Framework (2018) and National Planning Policy Guidance (2014).

A Member requested that the 4 parking spaces proposed for the rear yard should include one disabled space, and that consideration should be given to the widening of the entrance door to facilitate access for those using motorised wheelchairs and mobility vehicles. The Principal Planning Officer undertook to take up these matters with the applicant.

It was **RESOLVED** 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; BS18070 – 001; Proposed Floor Plan; Proposed Visitor Centre Floor Plan v7.
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The alterations to the shopfront hereby permitted shall be carried out in accordance with the details submitted with this application.

4 **BANK HOUSE, PRIMETT ROAD, STEVENAGE**

The Committee considered an application for the proposed reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.

The Principal Planning Officer commenced a visual presentation of the application. However, due to persistent technical problems with the visual presentation, it was felt that to proceed with the consideration of the application would be unfair to all involved, including the registered speakers.

It was therefore **RESOLVED** that, in view of the technical difficulties experienced at the meeting, the consideration of application 18/00416/FPM be deferred to the next meeting of the Committee.

5 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report be noted.

6 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

The Committee noted that an appeal had been submitted in relation to the refusal of application 17/00543/FP – 4 Fishers Green.

The Chair stated that a fresh application had been submitted regarding the erection of new dwellings at 4 Fishers Green, which would be determined by officers under Delegated Authority.

It was **RESOLVED** that the report be noted.

7 **URGENT PART I BUSINESS**

None.

8 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

9 **URGENT PART II BUSINESS**

None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	5 February 2019	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Chris Berry	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	18/00416/FPM
Location:	Bank House, Primett Road, Stevenage.
Proposal:	Reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.
Drawing Nos.:	BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan .
Applicant:	Good for Food Limited
Date Valid:	20 July 2018
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site is located on the southern side of Primett Road opposite George House. The site comprises a two-storey detached office block with a basement car park and surface car park to the front. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevation of the building have been designed to reflect the architectural appearance of the principal elevation.
- 1.2 To the east of the application site is Howarde Court and to the south adjacent to George House is Townsend Mews. To the west, the site is bordered by Lytton Way (A602) and to the east is Primett Road. To the north there is the vehicle and pedestrian underpass which connects Lytton Way with Primett Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 05/00159/FP sought permission for the installation of 3 air conditioning condenser units in recessed plant wall and basement car park and alterations to elevations. This application was granted planning permission in May 2005.
- 2.2 Advertisement consent application 10/00150/AD sought permission for the erection of 3no. non-illuminated signs. This application was granted advertisement consent in June 2010.
- 2.3 Prior approval application 14/00341/CPA sought permission for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 10 no. 2 bed and 16 no. 1 bed flats. It was determined that prior approval was not required in August 2014.
- 2.4 Prior approval application 14/00667/CPA sought permission for the change of use from Class B1(a) (Offices) to Class C3 (Residential) comprising 10no. two bed; 17no. one bed and 3no. studio apartments. It was determined that prior approval was not required in January 2015.
- 2.5 Planning application 14/00668/FP External alterations to facilitate change of use from Class B1(a) (Offices) to Class C3 (Residential) under planning permission reference number – 14/00341/CPA. Planning permission was granted in February 2015.
- 2.6 Prior approval application 14/00702/CPA sought permission for Change of use from Office (Class B1(a)) to Residential (Class C3) with 44no. studio apartments. It was determined that prior approval was not required in February 2015.

3. THE CURRENT APPLICATION

- 3.1 The proposed development seeks to extend the existing offices (Use Class B1a) which currently has a floor area 1,802 sq.m to an office with an internal floor area of 8,085 sq.m. The proposed development also comprises an ancillary restaurant/café on the ground floor. The proposed development would measure approximately 40m in length and span 41m in width with an overall height of approximately 35m (eight storeys). The proposed basement area would comprise of the parking lobby with associated secure cycle parking area and refuse bin stores. At ground floor level there would be the main reception/lobby, ancillary café/restaurant and office floorspace. In regards to floors two through to eight these would predominantly be offices. The roof of the building comprises all of the plant and equipment associated with the development.

3.2 The building would be constructed from contrasting materials comprising a mixture of concrete board, composite white stone and terracotta tiles. The windows which would be installed within the building would be polyester powder coated aluminium double glazed windows finished in black. The building would also comprise of outdoor terraces with associated glazing. The building has been designed as dual aspect with frontages onto both Primett Road and Lytton Way.

3.3 This application comes before the Planning and Development Committee as it is classed as a Major commercial development.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. At the time of drafting this report 16 objections have been received from numbers 5, 9, 11, 17 22, 24, 25, 27, 32, 33, 37, 38, 39, 42, 43, 44 George House, Primett Road.

4.2 The summary of the objections which have been received are as follows:-

- Loss of privacy;
- Loss of sunlight and daylight;
- Loss of views;
- Development is out of keeping with the wider area;
- The proposed development will reduce property values;
- The development during its construction phase would generate unacceptable levels of noise, dust and vehicle movements;
- The development would increase traffic on the highway network;
- Development will generate unacceptable levels of air pollution;
- There is not a need for additional offices in the town;
- The development would harm the setting of the conservation area;
- The development would appear overbearing;
- The development would pose a hazard to local residents;
- There is a greater need for housing in the town;
- The development would prejudice the safety of local residents;
- The proposed restaurant located in the building would generate unacceptable odour levels;
- The development would detrimentally impact on the domestic enjoyment of the properties in George House;
- The applicant has not undertaken a light assessment of George House;
- The development would generate unacceptable levels of overshadowing.

4.3 Please note that the aforementioned is not a verbatim of the comments and representations which have been received. However, a full version of the comments and representations which have been received are available to be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

5.1.1 The County Council as the Highways Authority consider the development to be in accordance with National and Local Policies. Therefore, the Highways Authority formal recommendation is that there are no objections to the development proposal subject to the recommended conditions and a S106 agreement to address sustainable transport and a highway informative.

5.2 Hertfordshire County Council Growth and Infrastructure Unit

- 5.2.1 Based on the information provided, HCC Growth and Infrastructure Unit will not be seeking financial contributions for the proposed development.

5.3 Hertfordshire County Council as Lead Local Flood Authority

- 5.3.1 The County Council as the Lead Local Flood Authority consider the proposed drainage scheme to be acceptable. The drainage strategy is based on attenuation and discharge into Thames Water surface water sewer network at a restricted discharge rate. The development would also incorporate a permeable pavement and blue roof discharging into a geo-cellular tank. The proposed drainage scheme is therefore considered to be acceptable subject to conditions.

5.4 Hertfordshire Constabulary as the Crime Prevention Design Service

- 5.4.1 The applicant has involved the Police Crime Prevention Design Service since early on in the application process. Therefore, there are no concerns from a Secured by Design perspective as a Police preferred minimum security standard has been agreed.

5.5 Council's Conservation Advisor (BEAMS)

- 5.5.1 Following a review of the amended plans, the proposed incorporation of windows to the north-eastern corner is an improvement on the solid red panelling previously proposed. This would appear less visually intrusive in longer views from within the Conservation Area. However, this does not change the view that the development is an unwelcome introduction as a 'backdrop' to the Conservation Area in some views.
- 5.5.2 The new development (through its height, width and visibility above the existing roof line of the historic and more modern properties fronting the High Street) detracts from the setting of this part of the Stevenage Old Town Conservation Area and the setting of the Grade II Listed Marquis of Lorne Public House, thereby impacting upon the significance of these designated heritage assets. However, the overall level of harm is considered to be 'less than substantial' as per NPPF paragraph 196. Consequently, it will be for Stevenage Borough Council as the decision maker, to weigh up the harm vs. any public benefit.

5.6 Council's Car Parking Manager

- 5.6.1 Following an analysis of the application, there is currently capacity on normal weekdays to accommodate 98 additional cars. However, there are certain occasions when this is reduced where there are events such as Charter Fair and contract parking by rental companies. However, there are additional spaces in Church Lane South for Season Ticket use as with Primett Road South, but, all of the parking is offered on a first come first served basis.

5.7 Council's Environmental Health Section

- 5.7.1 The proposed development is considered to be acceptable. However, this is subject to conditions regarding contaminated land.

5.8 UK Power Networks

- 5.8.1 The company is the owner/occupier of the electricity substation located within 6m of the development. It is believed that the proposed works are notifiable under the Party Wall etc. Act 1996. Therefore, UK Power Networks objects to the planning application as the

applicant has neither served Notice in accordance with the Party Wall Act nor satisfied the company that the works are not notifiable. The applicant should provide details of the proposed works and liaise with the company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The applicant would need to be responsible for any costs associated with any appropriate measures required

5.9 Thames Water

5.9.1 No comment

5.10 Hertfordshire County Council Mineral and Waste Section

5.10.1 No comment.

5.11 Affinity Water

5.11.1 No comment.

5.12 Environment Agency

5.12.1 No comment.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

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, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted Local Plan

Policy TW1: Sustainable Development;
Policy TW2: Structural Open Space;
Policy TW8: Environmental Safeguards;
Policy TW9: Quality in Design;
Policy TW10: Crime Prevention;
Policy TW11: Planning Requirements;
Policy E7: Employment uses outside employment areas and homeworking;
Policy T6: Design Standard;
Policy T12: Bus Provision;
Policy T13: Cycleways;
Policy T14: Pedestrians;
Policy T15: Car Parking Strategy;
Policy EN27: Noise Pollution;
Policy EN29: Light Pollution;
Policy EN36: Water Conservation;
Policy EN38: Energy Conservation and Supply;

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP3: A strong, competitive economy;
Policy SP5: Infrastructure;
Policy SP6: Sustainable Transport;
Policy SP8: Good Design;
Policy SP11: Climate Change, Flooding and Pollution;
Policy SP13: The historic environment;
Policy EC7: Employment development on unallocated sites;
Policy TC13: Retail impact assessments;
Policy IT3: Infrastructure;
Policy IT4: Transport Assessments and Travel Plans;
Policy IT5: Parking and Access;

Policy IT6: Sustainable Transport;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy GD1: High Quality Design;
Policy FP1: Climate Change;
Policy FP2: Flood Risk in Flood Zone 1;
Policy FP7: Pollution;
Policy NH10: Conservation areas.

6.5 Supplementary Planning Documents

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

7. APPRAISAL

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the character and appearance of the conservation area, impact on amenities, means of access and highway safety, impact on the environment, development and flood risk.

7.2 Land Use Policy Considerations

Employment

7.2.1 The application site, given its location, does not fall within a designated employment area as defined by the proposals maps in the Stevenage District Plan Second Review 1991 – 2011 adopted 2004 (hereby referenced as the adopted Local Plan (2004)) and the Stevenage Borough Local Plan 2011 – 2031, publication draft January 2016 (hereby referred to as the emerging Local Plan (2016)). Notwithstanding this, the development site, given that it is currently occupied by Offices, would be classed as an employment use outside of an employment area under Policy E7 of the adopted Local Plan (2004) and Policy EC7 of the Emerging Local Plan (2016). In reference to Policy E7, it states that development proposals should not result in the loss of existing employment uses in residential areas unless it can be demonstrated that they are no longer viable or the existing activity has an adverse impact on the local environment. However, mixed use redevelopments of existing employment uses in residential areas may be acceptable providing the employment floorspace lost is adequately replaced. Turning to Policy EC7, this stipulates that planning permission for the loss of employment land on sites not allocated for any specific purpose would be granted where:-

- i. There is sufficient suitable employment land available elsewhere;
 - ii. The proposal provides overriding benefits against other objectives or policies in the plan;
- or
- iii. 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.

7.2.2 The proposed extension and refurbishment works to the existing office building would help to enhance the limited available Office space within the district of Stevenage. The proposal would also provide a modern, high quality office development which would help to address the current shortfall in employment floorspace (especially modern, high quality office spaces) within the Borough. To support this case, the Council's Employment Technical Paper dated December 2015 which forms part of the evidence base for the Emerging Local Plan, outlines that it is forecasted, as set out under paragraph 2.54 of this Technical Paper that there will be a requirement to provide 30 hectares of employment land over the plan period between 2011-2031. However, through the undertaking of the SLAA (Strategic Land Availability Assessment) it can be seen that a total of 19.4 hectares of land has been

identified on the supply side. Therefore, the opportunities identified will therefore deliver 56% of the required quantum employment (paragraphs 3.40 to 3.42). The aforementioned Employment Technical Paper was updated in December 2016. A synthesis of the supply-side and demand-side data suggests that there is insufficient land available to meet the trend-based requirement for at least 30ha. The opportunities identified will deliver approximately 62% of the required quantum of employment land, resulting in a shortfall of approximately 11.5ha (paragraphs 3.10 and 4.4).

- 7.2.3 Given the above evidence base, it has been established that Stevenage can only accommodate about half of its predicted employment growth over the Local Plan period (this has included the release of Green Belt land in order to meet the necessary demand). Therefore, the Council has had to rely on neighbouring authorities to support the necessary employment growth which would be generated over the local plan period. Emerging Local Plan Policy SP3 criterion e. identifies that we as the Council will work with Central Bedfordshire and North Hertfordshire District Council and paragraph 5.23 sets out that there is a shortfall of employment land of 11.5ha. Consequently, the provision of an additional 6,283 sq.m of office floor space (0.6 hectares) would help to meet some of this shortfall.
- 7.2.4 Taking the above into consideration combined with the fact that the proposed development does not seek a reduction or the loss of an existing established employment use, it is considered that the proposed development would accord with the policies set out in the adopted Local Plan (2004) and Emerging Local Plan (2016) along with the aims and objective set out in the National Planning Policy Framework (2018).

Retail impact and the sequential test

- 7.2.5 The NPPF reaffirms the Government's objectives for ensuring the vitality and viability of town centres. For proposals that are not in an existing centre, the NPPF states that a sequential test must be undertaken giving preference to town centre sites and then edge of centre sites before consideration is given to out of centre sites. For reference, under Annex 2: Glossary of the NPPF, offices are identified as main town centre uses. Additional to this, the NPPF states that for proposals of this nature (above the default threshold of 2,500m² – if there is no locally set threshold) an impact assessment must be undertaken which has to consider the following:-
- a) the impact of the development on existing, committed and planned public investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the development on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
- 7.2.6 The Planning Practice Guidance (PPG) (2014) reaffirms the 'town centre first' principle, that compliance with the sequential and impact tests does not guarantee that permission will be granted and that the Local Planning Authority will have to take into account all material considerations in reaching a decision. With regards to the sequential test, the PPG states that the applicant must demonstrate flexibility. A town centre site does not have to accommodate precisely the scale and form of the proposed development and consideration should be given to the contribution that more central sites are able to make.
- 7.2.7 The relevant adopted Local Plan Policies TR5 and TR6 of the Stevenage District Plan Second Review 1991 – 2011 adopted 2004, which relate to retail development, were not saved from September 2007. However, emerging Policy TC13: Retail impact assessments states that for main town centre uses, an impact assessment is required for any proposal in excess of 300m² for main town centre uses located outside of the town centre. This policy goes on to state that this should include an assessment of:

- i. The impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area; and
- ii. The impact of the proposal on town centre vitality and viability, including consumer choice and trade in the Town Centre and wider area, up to five years from the time that the application is made. For major schemes, where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time that the application is made.

- 7.2.8 Dealing with the sequential assessment, it is necessary to be clear that the proposal is to extend the existing office building by 6,283 sq.m of floor space. Given this, whilst the proposed development is classed as a “main town centre” use and falls on a site which is not within the defined boundary of Stevenage Town Centre, the use of the site as Offices has already been established. Consequently, it would be unreasonable to require the applicant to undertake a comprehensive “sequential assessment” in this instance.
- 7.2.9 Turning to impact on the town centre, as the proposal is in excess of 300m², in line with Policy TC13 of the Emerging Local Plan (2016), an impact assessment is required. Consequently, account should be taken of the impact the proposal would have on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. However, this policy was drawn up under the superseded National Planning Policy Framework (2012) which stated under paragraph 26, “when assessing applications for retail, leisure and office development outside of town centres.....local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold”.
- 7.2.10 The requirement to assess the impact of office developments has now been dropped under the National Planning Policy Framework (2018). The NPPF now states under paragraph 89 “when assessing applications for retail and leisure development outside town centres”. Given this, as the Emerging Local Plan (2016) has not been formally adopted due to the holding direction placed by the Ministry of Housing, Communities and Local Government and the NPPF is national policy, the Council is unable to assess the impact the development would have on the town centre. Therefore, it has to be determined that the development would not have a detrimental impact on the vitality and viability of the town centre in this instance.

7.3 Visual impact on the conservation area and the setting of a listed building

- 7.3.1 In terms of design, Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 stipulates that planning decisions should ensure development functions well and add 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 available for improving the character and quality of an area and the way it functions”.
- 7.3.2 Turning to the impact on the setting of the Old Town Conservation Area and the Marquis of Lorne which is a Grade II Listed Building, paragraphs 193 to 196 of the NPPF have to be considered in the determination of this planning application. This is because, as established through case law, if there is any harm to these heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 193, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial

harm to its significance. Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification which includes grade II listed buildings. Paragraph 195 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 196 of the NPPF (2018), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.3.3 Policy TW9 of the District Plan (2004) 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. Policy GD1 of the emerging Local Plan (2016) generally reflects the above policy. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD.
- 7.3.4 The Conservation Area Management Plan for the Old Town identifies that the High Street comprises of medieval burgage plot layout which include a number of carriage entrances. There are a number of listed buildings within the conservation area which include a 16th century hall house at 94-98 High Street, Inns and Public Houses such as the Red Lion, The White Lion (now the Mulberry Tree) and The Marquis of Lorne. There is also Middle Row/Baker Street which is the old market area and The Cromwell Hotel along with clusters of 15th and 16th Century buildings through to Victorian properties which run along the length of the High Street. The buildings along the High Street are generally two to three storeys in height.
- 7.3.5 The application site, which falls just outside of the Old Town Conservation Area, comprises a modern two-storey office building with basement car parking. The building is constructed from red brick at ground floor level with a hipped roof clad in grey roof tiles with two gable-end projections. On the principal elevation of the building is a glazed atrium incorporating a gable-end stone canopy supported by stone columns. At first floor level, the building is finished in stone with brick detailing below. For vertical emphasis, there is stone detailing which runs up the front elevation of the building. The fenestration detail is evenly spaced and comprises steel framed windows. The side and rear elevations of the building have been designed to reflect the architectural appearance of the principal elevation. The building is set back from Primett Road by a hardsurfaced car park.
- 7.3.6 To the south of the application site is George House which is a modern five storey building operated by McCarthy and Stone. To the east of the application is the modern residential development at Howarde Court which is two and three-storeys in height. There are also modern offices which front onto Primett Road. Beyond these buildings is the historic core of the Old Town Conservation Area. To the north of the application site is Primett Road surface car park and to the west beyond Lytton Way is Monument Court which is a seven storey modern residential development.
- 7.3.7 Given the above, the existing building is set within a modern context with the application building itself not overtly contributing positively to the conservation area, especially given the presence of the surface car park which does not create a positive high quality environment.

- 7.3.8 The proposed development seeks to extend the existing offices (Use Class B1a) which currently has a floor area 1,802 sq.m to an office with an internal floor area of 8,085 sq.m. The proposed development also comprises an ancillary restaurant/café of the ground floor. The proposed development would measure approximately 40m in length and span 41m in width with an overall height of approximately 35m (eight storeys). The proposed basement area would comprise of the parking lobby with associated secure cycle parking area and refuse bin stores. At ground floor level there would be the main reception/lobby, ancillary café/restaurant and office floorspace. In regards to floor two through to eight these would predominantly be offices. The roof of the building comprises all of the plant and equipment associated with the development.
- 7.3.9 The proposed development adopts a contemporary modern design with an atrium which spans from the ground floor level to the roof. The ground floor level is recessed and bordered by green space with a two-storey colonnade along the eastern and northern aspects of the development. The new building would comprise of a box feature on the western elevation. The proposal comprises outdoor terraces across the upper floors with the building having a staggered floorplate with the highest part of the development positioned towards Lytton Way in order to reduce the impact on the Old Town Conservation Area to the east. The terraces are defined by obscure glazed balustrades with planters behind and the main entrance to the building comprises of a cantilevered copper box which is positioned above the double height lobby entrance. The western elevation of the building comprises of solid block work punctuated by copper boxes and slim line windows along with a glazed external lift shaft in order to break up the visual mass of this elevation.
- 7.3.10 Given the above, the proposed development has a well-defined top, middle and bottom with distinctive window patterns through the building. The use of outdoor terraces, the recessing of the ground floor level via the cantilevered upper floors, staggering of the floors, copper boxes, and use of brick work in order to frame the windows help to add more modulation to the built form of the office development. In addition, the proposed development would create a more active frontage onto Primett Road.
- 7.3.11 Notwithstanding the above, due to the building's height, it would be visible interspersedly from view points along the High Street whilst the existing building is not. In addition, as the application site lies adjacent to the Old Town Conservation Area and is located within 75m to the west of the Marquis of Lorne which is a Grade II Listed Building. Therefore, an assessment has to be made as to whether or not the development will have substantial harm on the significance of the heritage assets in question. It is noted that whilst the development is not within the curtilage of the listed building or falls within the defined boundary of the conservation area, it could be argued that it would still have an element of non-physical indirect harm on the aforementioned heritage assets.
- 7.3.12 With due regard to the above and assessing the development's impact on the setting of the conservation area and listed building, it is important to firstly consider the overall setting of the development site in context with these heritage assets. Firstly, as set out in paragraph 7.3.6 of this report, there is the existing modern five storey development at George House located due south of the site which also lies 72m west of the listed building. To the south of the Marquis of Lorne along the High Street is the modern Townsend Mews development which comprises a modern development of between 2 ½ to 4 storey's in height. The Games Yard development which lies off Primett Road adjacent to George House also comprises a four to five storey building and immediately to the rear of the Marquis of Lorne is the modern development of Howarde Court and Ireton Close. Additionally, there are modern office developments which front onto Primett Road which form the edge of the conservation area.
- 7.3.13 Taking the above into consideration, the proposed development in terms of its modern design would not be out of character due to the eclectic mix of modern architecture in the immediate vicinity of the site and more importantly, lie either within or border the

conservation area and already affect the setting of the listed building. In addition, these buildings would help to screen the bulk of the development from viewpoints along the conservation area. In terms of the proposed development, it has also been designed with a staggered built footprint in order to reduce the overall impact on the setting of the heritage assets. The part of the proposal fronting Primett Road would be four storeys with the tallest part of the development i.e. the eighth storey fronting onto Lytton Way. This reflects the height of the development located across Lytton Way which is Monument Court which is between six to eight storeys in height.

7.3.14 Consequently and as advised by the Council's Conservation Advisor, the development will generate an element of harm, but this is deemed to be less than substantial harm to the significance of the designated heritage assets. However, in line with paragraph 196 of the NPPF (2018), as it has been established that there would be less than substantial harm, it is still harm to the significance of the heritage assets and as such, an assessment needs to be made as to whether the public benefits the development will have outweigh this harm including, where appropriate, securing its optimum viable use. It can be concluded that the overall public benefit of the development does outweigh the harm. This is because firstly, as established under paragraph 7.2.2, there is a significant shortfall in employment to support the growth of Stevenage over the Emerging Local Plan period. This significantly weighs in favour of the application as it would help to generate additional employment opportunities for the town. In addition to this, the site is already an office development and, as such, the proposal would help to secure the optimum viable use of the site by increasing the level of office space available within the application site.

7.3.15 Given the aforementioned assessment, on balance, it is considered that the proposed development would not generate substantial harm to the setting of the Old Town Conservation Area or the Marquis of Lorne public house as the overall benefits of the development would outweigh this harm. In addition, the proposal would provide a high quality, contemporary modern development on a key gateway site and as such, it would not have a detrimental impact on the visual amenities of the wider street scene.

7.4 Impact upon Neighbouring Amenity

Privacy and outlook

7.4.1 Whilst the Council does not have a specific standard for commercial development in terms of privacy and outlook, Chapter 5 of the Design Guide SPD (2009) for new dwellings does provide a useful guide for separation distances to ensure a development does not affect the privacy and outlook of existing residential developments. This guide states that privacy is an important aspect of residential environments to ensure that a reasonable degree of privacy for residents is provided, both within their habitable rooms and garden areas. Therefore, the position of dwellings and the arrangement of their rooms and windows, should not create significant overlooking of other dwellings or private garden areas, nor should they lead to overbearing impacts or adversely affect the residential amenities of neighbouring properties. Therefore, the guide sets out the minimum separation distances that should be achieved for the new buildings and/or disposition of windows to mitigate against overlooking.

7.4.2 Turning to the impact on the owner/occupiers of properties in George House, as the side elevation of this development faces onto the southern (side) elevation of the proposed office development, there is no set separation distance guidance for side-to-side elevations in the SPD. Therefore, a professional judgement has to be made as to the impact the development may have on the owner/occupiers who reside in George House. The proposed development at ground to third floor level would have a separation distance of approximately 13m to 15m. This is not too dissimilar to the existing situation whereby Bank House as it currently stands, is positioned approximately 14m from the side elevation of George House. Additionally, the floors of the proposed office building combined with the window positioning have been designed to ensure that there is no direct overlooking onto the northern elevation of George

House. Furthermore, the outdoor terrace areas would comprise of 1.8m tall screens with toughened obscure glass with planters behind to again ensure there is no direct overlooking of the properties within George House.

- 7.4.3 In regards to the upper floor levels (floors four to eight), these stagger back from the edge of the development site which increases the level of separation to approximately between 19m to 27m to the properties in George House. This helps to ensure the development does not result in direct overlooking of the properties in the aforementioned building. Moreover, the development has been designed in a way to ensure that it is not overbearing, due to its staggered nature, to the owner/occupiers of George House. Therefore, it can be summarised that the proposed development would not harm the privacy or appear overbearing to the existing occupiers of George House.
- 7.4.4 With respect to the impact on numbers 6 to 20 Howarde Court, as the proposed eastern elevation (front) of the building faces onto the western (rear) elevation of the properties in this development, there is no front to rear elevation separation distance standard set out in the Design Guide. Therefore, a professional judgement has to be made as to whether or not the proposed development would harm the privacy and outlook of the occupiers of the aforementioned development. Looking at the existing situation, there is currently a separation distance of approximately 27m. In regards to the proposed development before the Council, the ground and first floor levels would be positioned approximately 27m from the properties in Howarde Court. Therefore, the overall impact from the floors would be no worse than the current situation.
- 7.4.5 Turning to the proposed development at second floor level, the nearest part of the development (proposed meeting room), would be located 19m from the rear elevation of Howarde Court. However, at this level, the proposed development would look onto the roof level of the aforementioned building which comprises dormer windows. Following an assessment of the approved floor plans for Howarde Court (03/00065/FP), the dormer windows appear to serve internal hallways, large open plan kitchen/dining rooms/living rooms and a bedroom to one of the properties which is dual aspect. Consequently, whilst there is potential loss privacy at this level, there is enough separation distance combined with the overall design of the development to ensure that the level of overlooking is such that there are insufficient grounds to warrant refusal in this instance. Moreover, as the building has a staggered footprint whereby the upper levels are stepped back from Primett Road, the proposal would not appear overbearing to the occupiers in Howarde Court.
- 7.4.6 In relation to the impact on the properties located within Monument Court which is positioned across Lytton Way, there would be a separation distance of over 45m. Given the significant level of separation between the two developments, it is considered that the proposed development would not harm the outlook or the privacy of the occupiers within Monument Court.
- 7.4.7 Given the aforementioned assessment, it is considered that the proposed development would not harm the outlook or the privacy of existing residential properties which lie in close proximity to the development site.

Daylight

- 7.4.8 BRE "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" in terms of light from the sky/daylight, provides guidance on the effects of new development on existing building. The guide states that "in designing a new development...it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive". Guidance is further provided to establish whether or not an existing building receives enough skylight, when a new development is constructed. The guidance sets out that an angle should be measured to the horizontal subtended by the new development at the centre of the lowest window. If this angle is less

than 25 degrees for the whole of the development then it is likely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

- 7.4.9 In regards to the impact on the properties within Howarde Court and George House, it has been established that the development would subtend the 25 degrees as taken from the relevant habitable room windows. Given this, in line with the BRE Guide there is a requirement to undertake an analysis of the Vertical Sky Component (VSC) which is the ratio of the direct sky illuminance falling on the vertical wall at a reference point. The guide states that for good levels of daylight, the VSC of a window needs to be 27%, then a comparison of existing and proposed levels of VSC have to be calculated. In addition, good levels of skylight can be achieved if VSC are within 0.8 times their former value. However, if these levels fall below this standard, then a calculation of the no-skyline test has to be undertaken to calculate the percentage of a room which can receive direct sunlight.
- 7.4.10 Following an assessment of the proposed development, it has been established that all of the rooms within Howarde Court would receive more 27% VSC following the erection of the development. In addition, the applicant has also undertaken an Average Daylight Factor (ADF) assessment which also demonstrates that following completion of the development, the rooms within Howarde Court would still receive sufficient daylight in line with the BRE guide.
- 7.4.11 In relation to the impact on George House, any windows which serve circulation spaces have not been considered as defined by the BRE Guide as these do not serve habitable rooms. However, an assessment has to be made as to the impact the development may have on living rooms, dining rooms and kitchens, however, bedrooms should also be analysed but are less important. Dealing with the apartments located on the junction of Primett Road and Lytton Way, the windows serving bedroom 2 and the main window serving the open plan living rooms/dining room are positioned on the western elevation of the building. Given this, the development would not affect the level of light which is currently being received in these rooms.
- 7.4.12 Notwithstanding the above, it is noted that the kitchen window and the window serving bedroom 1 would look onto the southern elevation of the proposed office development. However, due to the design of the proposed development where the upper levels are staggered back, the VSC levels achieved in these rooms would exceed the 27% standard set out in the BRE Guide. Turning to the area of George House which is located on the junction of Primett Road and The Games Yard, the ground floor level of the building is the secure refuse area, cycle store and plant room. In terms of the property located on the fourth floor, due to its design with the main windows looking out towards the Games Yard combined with the fact it has a large outdoor terrace, the level of daylight which is received in this property would be acceptable. However, the most likely affected properties within this part of George House are located on the first, second and third floor levels.
- 7.4.13 Dealing with the most affected properties within George House, it is noted that the open plan living room/dining rooms are dual aspect with additional windows on the eastern elevation of the building are orientated towards The Games Yard. Consequently, there would be sufficient daylight being received in these rooms. However, the most affected rooms would be the 2 bedrooms and kitchen within each of the properties. Following an assessment of these rooms individually, due to the level of separation between George House and the proposed development, combined with the overall design of the development where the upper floors are staggered, the VSC levels would still exceed the 27% standard as set out in the BRE Guide.
- 7.4.14 Given the aforementioned assessment, the proposed development would not have a detrimental impact on the level of daylight which is currently received by neighbouring residential properties.

Sunlight

- 7.4.15 The BRE “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice” under section 3.2, states that an obstruction to sunlight may become an issue if some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building. In addition, in the section drawn perpendicular to the existing window wall, the new development subtends an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. It is important to note that bedrooms and kitchens are considered to be less important, although care should be taken not to block out too much sun.
- 7.4.16 Turning to the impact on the properties in George House, as the development is located due north of the aforementioned building, it would not result in any loss of sunlight to the occupiers of this development. In relation to the impact on the development at Monument Court, due to the level of separation, the proposed development would not result in a loss of the level of sunlight (Annual Probable Sunlight Hours - APSH) which is currently received.
- 7.4.17 In relation to the impact on the properties in Howarde Court, following an assessment of the proposed development, the living rooms windows located on the western elevation of the building would be affected by the development. This is because the new development would subtend an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. Therefore, the applicant has undertaken a full sunlight assessment of the properties in Howarde Court which are affected by the development. This assessment has identified that all of the affected rooms would still receive more than 371.5 hours of sunlight in the summer months and over 74.3 hours of sunlight in the winter months which accords with the BRE Guide. Therefore, the level of sunlight these properties would receive would be acceptable in this instance.
- 7.4.18 Given the aforementioned assessment, it is concluded that the proposed development would not have a detrimental impact on the level of sunlight which is currently received by nearby existing residential properties.

Overshadowing

- 7.4.19 As set out in paragraph 7.4.16, as the development is located north of George House, it would not generate an unacceptable level of overshadowing to these properties. In respect to the development at Monument Court, due to the significant level of separation, the development would not cause an overshadowing to these properties. With regards to the impact on Howarde Court, due to the separation distance between the development and the aforementioned building, combined with its overall design, it would not generate an unacceptable level of overshadowing to the existing building.

External lighting

- 7.4.20 In regard to external lighting, the applicant has not submitted any details of lighting which would be installed on the development or around the application site. However, to ensure that any external lighting does not affect the amenities of nearby residential properties, it is recommended a condition be imposed to any permission granted in order to deal with external lighting. This condition will require details of any external lighting to be installed to be submitted to the Council as Local Planning Authority for its approval prior to it first being installed.

7.5 Impact on the highway network

- 7.5.1 The application site is currently accessed off Primett Road which is a local service road off Lytton Way (A602). The proposed development would seek stop-up the existing vehicle access off Primett Road and to create a new vehicular access near the underpass/slip road.

This access would serve the proposed basement car park which would service the office development. The access would be the main access and egress but traffic directed one way. The access point into the basement car park and egress point are both 3m in width with the main road through the car park being 6.45m in width. The new access, given its design, would meet the specifications set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council (HCC) Highways Design Guide as there would be adequate vehicle-to-vehicle visibility and inter-visibility lines.

- 7.5.2 In terms of traffic generation, the proposed development would change the amount of office space being delivered on the site. Given this, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays using TRICS (Trip Rate Information Computer System). Looking at the existing development, the gross external floor area of the building is 4,357 sq.m. The proposed development would have a gross external floor area 13,138 sq.m. This would equate to an uplift of 8,781 sq.m and as such, the existing office represents 33.2% of the proposed floorspace. The applicant also undertook a survey on a weekday for a 6 hour survey period of between 07:00 to 10:00 and 16:00 to 19:00. This is to help form some base data for the modelling.
- 7.5.3 Taking the aforementioned into consideration, the proposed development would generate 108 arrivals in the AM Peak (08:00 – 09:00) of which 36 (33.2%) of these arrivals would be existing. Therefore, the proposed development would generate an additional 72 arrivals during the AM peak. In regards to departures, the proposed development would generate 122 trips in the PM peak (17:00 – 18:00) of which 41 (33.2%) of these trips would be existing. Consequently, there would be an additional 81 departures on the highway network during the PM peak period.
- 7.5.4 In assessing trip distribution, the proposed development would generate during the AM and PM peaks 2 arrivals and 2 departures every minute. The development can only be accessed by north-bound traffic on Lytton Way (A602) via the access slip road in order to park in the basement. The remainder of vehicles would park in the nearby surface car parks and as such, these can be accessed via Lytton Way in both north-bound and south-bound traffic through to Primett Road. Some vehicles would also access the car parks via Drapers Way. This would split up the vehicle distribution of the development and this is a similar situation when persons depart from the development site. Furthermore, as the site is in a sustainable location, employees would also access the site via bus or by bicycle up from the train station.
- 7.5.5 In terms of servicing the building, the daily trip generation of the proposed development would be between 24 to 25 trips of which 4 to 5 of these trips would be during peak hours. The Transport Assessment identifies that there would be an increase of 8 service vehicle movements during the day or around 1-2 trips during the peak hours. Therefore, this increase is considered negligible from a highways perspective. Following consultation with Hertfordshire County Council as Highways Authority, it is considered that the level of traffic generated by the new development would not have a significant impact on Primett Road, Lytton Way or the wider highway network. However, as part of the planning application, the applicant has submitted an initial Travel Plan to encourage a modal shift from the use of the private car to more sustainable forms of travel. Through consultation with the Highways Authority, it is recommended a condition be imposed requiring a Full Travel Plan be submitted with all the relevant surveys undertaken using TRICS. In order to monitor the Travel Plan, the Highways Authority has also recommended a financial contribution of £6,000 which has been agreed with the developer. In addition, a financial contribution of £133,952 has also been secured in order to make improvements to sustainable transport infrastructure in Stevenage Town Centre as well as improvement to the local cycle network.
- 7.5.6 Further to the above, as the proposed development would have a relatively low trip generation compared with the existing baseline traffic generated by the existing

development, there would not be a significant impact on the highway network. However, in regards to construction traffic, as this could potentially have an impact on the highway, it is recommended a condition be imposed if planning permission were to be granted. This condition would require the submission of a Construction Management Plan/Method Statement to ensure construction traffic, the siting of cabins, storage of construction equipment etc. does not prejudice the safety and operation of the highway network.

7.5.7 Turning to highway safety, the applicant has undertaken a review of accident data which is set out in the applicant's Highway Safety Audit. Following a review of this data, it has been demonstrated by the applicant that the development would be unlikely to exacerbate existing accident concerns.

7.5.8 In summary, subject to a S106 Agreement securing the relevant monetary contributions, and imposition of conditions, the proposed development, as advised by HCC as the Highways Authority, would not have a detrimental impact on the safety and operation of the highway network. In addition, any works to be undertaken on the highway would have to be agreed via a S278 Agreement of the Highways Act with the County Council.

7.6 Parking Provision

7.6.1 Policy T15 of the Local Plan (2004) states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. Policy IT5 of the emerging Local Plan (2016) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.

7.6.2 The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces which would be required to support the proposed development. The relevant parking requirements for the development proposal would be 1 space per 30m² gross floor area which is to be created. Given the proposal seeks to create an additional gross floor area (the total floor area inside the building envelope) of 10,316 sq.m (increase of 7,922 sq.m of gross floor area over the existing building). Given this, there would be a requirement to provide 344 parking spaces. However, as the site is located within non-residential accessibility zone 2, the base car parking standards can be reduced 25% to 50% of the maximum number of spaces which are required.

7.6.3 Taking into consideration of the above, there would be a requirement to provide between 87 spaces to 173 parking spaces. The proposed basement car park would provide 48 parking spaces which equates to a shortfall of between 39 parking spaces to 125 parking spaces. Therefore, the proposal could result in on-street parking which could potentially prejudice highway safety. However, through negotiations with the Council's Car Parking Manager, the applicant would be looking to secure 98 permits on a monthly basis to use the nearby Primett Road car park. The Council's Car Parking Manager has advised that there is sufficient capacity within the Primett Road Car Park which can accommodate the additional parking that is required. In addition, during event days such as the Charter Fair, the Car Parking Manager has confirmed that permit holders would have access to the car parks on Church Lane as well.

7.6.4 In addition to the above, the site is accessible by public modes of transport with bus stops easily accessible along the High Street. Furthermore, the applicant is providing 70 secure cycle parking spaces within the basement area which exceeds the Council's Cycle Standards set out in the Parking Standards SPD. This will help to encourage a modal shift as the site is easily accessible to the local cycle network which connects the development site to Stevenage Train Station. This would help in part to compensate the shortfall in parking provision within the development. In addition to this, a financial contribution of £133,952 has been secured towards sustainable transport infrastructure in the town centre which could also fund improvements to the wider cycle network.

7.7 Development and flood risk

7.7.1 The application site is situated within Flood Zone 1, which has a low probability of flooding. However, as the application is classed as a Major residential application, there is a statutory requirement to consult Hertfordshire County Council as the Lead Local Flood Authority (LLFA). The LLFA has confirmed that the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site. Accordingly, the LLFA raise no objection on flood risk grounds subject to conditions which are included in section 9.1 of this report.

7.8 Land contamination

7.8.1 The site generally comprises of the existing office building, surface car parks and an electricity substation. The applicant has therefore undertaken a Preliminary Environmental Risk Assessment to determine what levels of contamination there may be on-site. The Assessment identified low to moderate risk from the substation along with potential pollutants such as hydrocarbons. In addition, there is also the potential for ground water to be contaminated.

7.8.2 Taking into consideration of the above, as the assessment is only preliminary, the Council's Environmental Health Section recommends the imposition of a capture all condition regarding contamination. This condition requires a watching brief be undertaken and in the event any contaminants are found that a relevant remediation strategy be submitted to the Council for its approval. With this condition in place, it would ensure that not only the health of persons using the site are protected, but also that the wider environment such as surface groundwater is not affected by any potential contaminants if they are found.

7.9 Other Matters

Sustainable construction and climate change

7.9.1 Policy EN36 of the District Plan states that development proposals will be encouraged to reduce water consumption and run-off by using suitable water conservation and storage measures such as the use of rainwater, water efficient devices and by recycling water. Policy EN38 of the same document states that development proposals will be expected to demonstrate that methods of maximising energy efficiency and supplying of energy in the development need to be considered. Policy FP1 of the Emerging Local Plan (2016) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day, including external water use;
- Improving energy performance of buildings;
- Reducing energy consumption through efficiency measures;
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.9.2 As part of the application submission, the applicant has provided an Energy Statement to demonstrate how the development would be adaptable to climate change. It is set out in the Statement that development has an optimised design in order to balance thermal control from within and outside the building. The proposal also utilises large amounts of glazing in order to best respond to the annual sun path which helps to reduce the reliance on artificial lighting. In addition, the building has been designed with areas of overhang to provide shading in order to help to reduce the overheating of certain parts of the building.

- 7.9.3 The proposed development also comprises energy efficient mechanical ventilation systems and air source heat pumps, thermally efficient walls (including internal walls) which would be air tight. Furthermore, energy efficient lighting with dimming controls and photovoltaic panels would be provided on the roof. The development would also utilise efficient water appliances and systems. Finally the proposed development would have a suitable drainage system to ensure the development does not overload the existing sewer network.
- 7.9.4 Given the above, it is considered that the development has been designed in order to be adaptable to climate change through the use of sustainable technologies and construction.

Impact on property values

- 7.9.5 Concerns have been raised about the impact that the development would have on property values. However, despite the concerns raised, it has long been established through planning case law that in the assessment of planning applications, it is the conventional tests of impact on planning policies and amenity harm to neighbouring uses or the character of an area as a whole that are the deciding issues and not any possible consequential effects on nearby property values.

Odour

- 7.9.6 Some concerns have been raised by residents that the proposed development is likely to generate increased issues of odour from the restaurant area. Whilst these concerns are noted, if odours were to generate an issue in the future and cause a statutory nuisance, then the Council's Environmental Health Section have powers to enforce against such nuisances.

UK Power Networks objection

- 7.9.7 It is noted that UK Power Networks has raised objection to the planning application as a Party Wall etc. Act 1996 Notice has not been served by the applicant. However, matters regarding Party Walls fall outside the scope of planning legislation and law as it is a civil matter. Therefore, it is down to the applicant to submit the requisite notice on UK Power Networks under the Party Wall Act, at the relevant time.

Electric Vehicle Charging Points

- 7.9.8 Comments from HCC Highways have been received regarding the requirement to secure electric vehicle (EV) charging points. In regards to EV's, the District Plan (2004), the Emerging Local Plan (2016) and the Council's Parking Standards SPD (2009) do not have any requirements for a developer, at this current time, to provide EV charging points. However, it is noted that there is a drive by Central Government as well in HCC's Local Transport Plan 4 (2018) to provide EV charging points in order to help tackle climate change. Therefore, if members were minded to grant planning permission, a condition could be imposed to require the applicant to provide details of EV charge points which are to be agreed in writing by the Council. This condition would then require the applicant or developer to install the EV points based on the details provided. It has been advised by the applicant that they are willing to consider EV points as part of the parking provision with the basement.

Loss of views

- 7.9.9 Whilst concerns have been raised about the loss of views, this is not considered to be a material planning consideration. However, an assessment has been undertaken to determine whether or not the development would harm the outlook and amenities of nearby residential properties. This assessment is set out in Section 7.4 of this report.

Noise

- 7.9.10 It is noted that concerns have been raised in regards to noise, especially during the construction phase of the development. Therefore, if planning permission were to be granted, a condition could be imposed restricting the hours of construction accordingly.

Dust, air pollution and construction traffic

- 7.9.11 Concerns have been raised that during the construction phase of the development, there may be issues regarding dust, air pollution and construction traffic. In regards to dust and construction traffic, it has been recommended by the Highway Authority that a construction management plan condition should be imposed. This will require details on construction traffic management to be submitted to and approved by the Council as the Local Planning Authority. In terms of dust, a condition can also be imposed requiring the applicant to provide details of how they will manage dust to ensure residents nearby are not affected during the construction phase of development. In terms of air pollution, the Council's Environmental Health Section has not raised any concerns and the site does not fall within an Air Quality Management Area.

8. CONCLUSIONS

- 8.1 In summary, the principle of office development on this site is acceptable and it would help to deliver employment space which the evidence base of the Emerging Local Plan identifies there is a need for. The development has been carefully designed so as not to have a detrimental impact on the setting of the Old Town Conservation and the nearby Grade II Listed Building as well as the wider street scene. Furthermore, the proposed development would not have a detrimental impact on the amenities of neighbouring properties and the development would not prejudice highway safety.
- 8.2 Additionally, whilst there is a shortfall in parking on-site, an agreement has been reached with the Council's Car Parking Manager to secure permits to allow staff to park within the nearby Council owned car parks. Further to this, the site is deemed to be in a sustainable location with the provision of secured cycling facilities for staff. In addition, the site is accessible to the High Street where there are local facilities for future employees including bus stops and nearby cycleway. The development would have an acceptable drainage strategy and subject to conditions, issues with contamination would be carefully controlled.
- 8.3 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2004), the Council's Emerging Local Plan (2016), the Council's Supplementary Planning Documents, the NPPF (2018) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into and completed a S106 legal agreement to secure/provide financial contributions towards:-
- A financial contribution towards sustainable transport infrastructure in Stevenage Town Centre and cycle network; and
 - The cost of assessing and evaluating the Travel Plan.

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor and subject to the following conditions:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking 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 The development hereby permitted shall be constructed in accordance with the materials and finishes as set out in the application.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area, including the setting of the Conservation Area.

- 4 Notwithstanding the details specified in the application submission, no landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.

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

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

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

- 6 No 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.

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

- 7 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.

REASON:- In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety.

8 Prior to the commencement of development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
- (ii) Hours of operations including times of deliveries and removal of waste;
- (iii) 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;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of the provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway; and
- (xii) Disposal of surplus materials.

REASON:- To minimise the impact of construction vehicles and to maintain the amenity of the local area.

9 No development, including site clearance or demolition works, shall commence until a scheme of dust control measures has been submitted to and approved in writing by the Local Planning Authority and shall be adhered to throughout the construction period. Dust and airborne particles from operations on site shall be minimised by spraying with water or by carrying out of other such works that maybe necessary.

REASON:- In order to protect the amenities of nearby residential properties and to protect the wider environment.

10 The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on drawing number BH17-PL-A201 C1 the existing access has been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

REASON:- In order to protect highway safety and the amenity of other users of the public highway.

- 11 No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.
REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.
- 12 Prior to the first occupation of the development 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.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.
- 13 Prior to the first occupation of the development 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.
REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.
- 14 Prior to the first occupation of the development hereby permitted the basement car parking area shall have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained and retained permanently and shall be used for no other purpose at any time.
REASON:- To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.
- 15 No development shall take place (excluding demolition and site clearance) until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Council as the Local Planning Authority. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and thereafter permanently retained.
REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.
- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy, prepared by Create Consulting Engineers Ltd, Ref. JJ/CS/P17-1397/02, dated 4 June 2018 and the following mitigation measures detailed within the drainage strategy:
1. Limiting the surface water run off generated by the 1 in 100 year + 40% for climate change critical storm to a maximum rate of 12.0 l/s.
 2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer, including SuDS features as indicated on drawing title Proposed Ground flood plan (Permeable paving area), Project number BH17-PL-A202, date 16/03/18; Proposed Roof plan (Blue roof), project number BH17-PL-A210 date 16/03/18 and Proposed basement plan (Geocellular storage), project number BH17PL-A201, date 16/03/18.
 3. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

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

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

17 No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;

1. Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event, including the whole site area.

2. Clarification as to where the drain at the entrance of the basement will be connecting and supporting calculations.

3. Updated full detailed surface water drainage plan showing the proposed discharge point to Thames Water sewer, the location of the proposed SuDS features, the pipe runs, size and node numbers.

4. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers along with all corresponding detailed calculations/modelling.

5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

6. In case of informal flooding within the site this should be shown on a plan including extent and depth.

7. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.

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

18 Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

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

19 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site clearance and/or construction phase of the development, 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

20 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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval of the Local Planning Authority. 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

21 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

22 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.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

23 Within 6 months of implementing the permission hereby approved, the applicant shall submit a final Travel Plan with the object of reducing staff travelling to the development by private car which shall be implemented after its approval by the Local Planning Authority.

REASON:- To encourage a modal shift from the private car to more sustainable forms of transport.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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.

INFORMATIVE

Hertfordshire Constabulary Crime Prevention Design Advisor.

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227 or by email on mark.montgomery@herts.pnn.police.uk.

Hertfordshire County Council as Highways Authority.

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

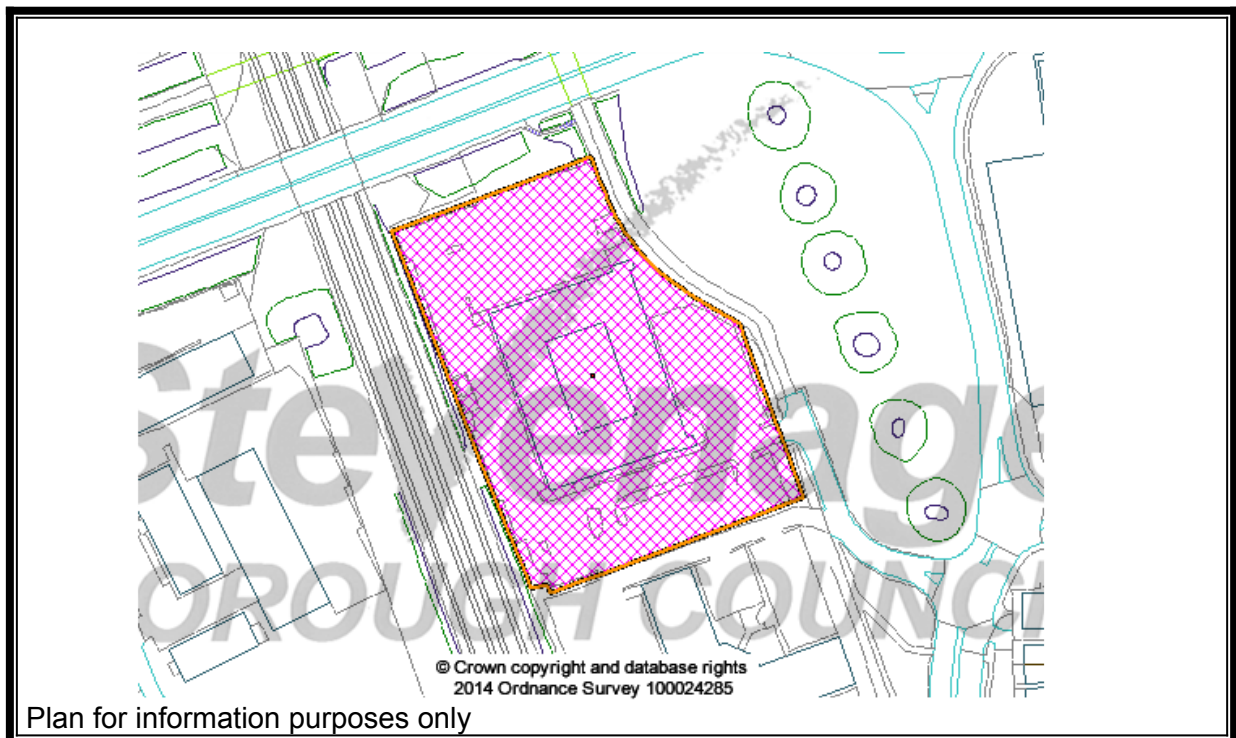
Prior to commencement of the development the applicant shall contact Network Management North at NM.North@hertfordshire.gov.uk or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	5 February 2019	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Chris Berry	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	18/00515/S106
Location:	Land at Six Hills House, London Road, Stevenage.
Proposal:	Variation of "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM.
Drawing Nos.:	Site Location Plan.
Applicant:	Blackmore SPV16 Ltd;
Date Valid:	21 August 2018
Recommendation:	Agree Variation of S106 Agreement.



1. SITE DESCRIPTION

- 1.1 The application site is located at the northern end of the Six Hills House site and is currently occupied by surface car parking. To the south of the application site is Six Hills House which is an existing part four storey, part eight storey building which has been converted into residential apartments.
- 1.2 To the north of the application site is Six Hills Way, beyond which is Stevenage Police Station. To the east of the application site is the Six Hills Common which is an established Wildlife Site and comprises the Six Hills Mounds which is classed as a Scheduled Ancient Monument. Beyond the common is Asda supermarket and the North Herfordshire College Campus. To the south of the application site is Kings Court which is a five storey office building with residential properties to the east of this office block which front London Road. To the west of the application site is the East Coast railway line with Gunnels Wood Employment Area beyond.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application reference 2/0131/80 sought permission for an office development. Permission was granted in June 1980.
- 2.2 Planning application reference 2/0342/80 sought permission for car parking and landscaping ancillary to the office development. Permission was granted in November 1980.
- 2.3 Planning application reference 2/0099/85 sought permission for 36 additional car parking spaces. Permission was granted in May 1985.
- 2.4 Prior approval application reference 14/00328/CPA sought approval for change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3) comprising 52 no. one bedroom and 80 no. two bedroom flats. This application was granted in August 2014.
- 2.5 Planning application reference 14/00639/FPM sought permission for the construction of 17no. three bed and 1no. two bed duplex units on roof area of floors 3 and 8, including external alterations to existing building and construction of refuse and cycle storage, pumping housing and new sub-station. The proposal also comprised of alterations to existing car parking layout incorporating additional landscaping and a new footpath/cycleway. This application was withdrawn in August 2016.
- 2.6 Planning application reference 15/00078/FP sought permission for the erection of 4no. bin and bicycle stores, 1 no. sub-station and 1 no. pumping station. This application was granted in April 2015.
- 2.7 Prior approval application reference 15/00225/CPA sought approval for the change of use of commercial roof top plant enclosures (Class B1) to 15no. residential apartments (Class C3). This application was granted in June 2015.
- 2.8 Planning application reference 15/00293/FP sought permission for the erection of a 4 storey lift enclosure alongside existing stair tower and external alterations to existing building. This application was granted planning permission in July 2015.
- 2.9 Prior approval application reference 15/00483/CPA sought prior approval for the change of use of the office building (Use Class B1(a)) to Residential dwellings (Use Class C3) comprising 128 no. one, two and three bedroom apartments. This application was granted in October 2015.

- 2.10 Discharge of condition application 15/00708/COND sought partial discharge of condition 3 (Archaeology) attached to planning permission reference 15/00078/FP. The application was partially discharged in January 2016.
- 2.11 Non-material amendment application 16/00250/NMA sought a non-material amendment to planning permission 15/00078/FP to relocate and increase the size of substation, amend the size and adjust positions of the bin store, increase in size and relocation of pumping station and amendment to the cycle canopy design. The Non-material amendment was agreed in May 2016.
- 2.12 Discharge of condition application 16/00252/COND sought to discharge condition 7 (Tree protection) attached to planning permission reference 15/00078/FP. A response to the discharge of condition was issued in June 2016.
- 2.13 Planning application reference 16/00482/FPM sought permission for the erection of an 8 storey residential building comprising of no. 17 one bedroom residential units, no. 35 two bedroom units, no. 12 three bedroom units, and associated access. This application was granted planning permission in December 2017.
- 2.14 Deed of variation application 18/00515/S106 sought to vary the "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM. This application was granted by the Planning and Development Committee on the 6th November 2018.

3. THE CURRENT APPLICATION

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (as amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference 16/00482/FPM in respect to the following financial contributions:-
- Affordable Housing;
 - Children's Playspace;
 - Outdoor Sports Facilities; and
 - Primary Education.
- 3.2 Under Section 1 "Definitions", the "Contribution Trigger Event" is defined as "*....Commencement of Development has not occurred and the notice required by clause 5.1.4(a) of this Agreement has not been provided by 8 November 2018 being the date two years from being the committee dated Planning Permission was granted subject to completion of this Agreement*". In reference to clause 5.1.4(a) as set out above, this requires the applicant to notify the Council in writing within seven days when they are seeking to commence development.
- 3.3 Under the original Deed of Variation application, which was determined by the Council's Planning and Development on 6th November 2018, the applicant sought the Contribution Trigger Event to be amended to 28 February 2019. The reason why the applicant is seeking to amend the contribution trigger event again is because they are unable to commence works on site due to the following:-
- Relocation of a sewer to be agreed with Thames Water;
 - Relocation of a high voltage electricity cable to be agreed by UK Power Networks; and
 - Sign Off on the Construction Method Statement by Network Rail due to the proximity of the development to the East coast mainline.

- 3.4 In addition to the above, the applicant sought the inclusion of an additional clause to clarify who is responsible for the planning obligations as set out within the S106 Legal Agreement. This additional clause which would be addressed in Section 2 of the Agreement will read as follows:-

“The Parties agree that the obligations contained in this Deed shall not be enforceable against any mortgagee or chargee from time to time of the whole or part of the Site unless it takes possession of the Site as a mortgagee in possession in which case the mortgages or the chargee will be bound by the obligations in this Deed as if it were a person deriving title from the Owner on the basis that its liability will cease once it has parted with its interest in the Site [without prejudice to its liability for any subsisting breach of its covenants in this clause prior to parting with such interest].”

- 3.5 However, since this application to modify the S106 agreement was determined by the Council’s Planning and Development Committee, the original purchaser of the site no longer has an interest in developing out the approved scheme. In addition, the applicant has advised that whilst they have actively marketed the site to find a new purchaser they are reluctant to take on the development unless the “Contribution Trigger Event” is extended. This is because any prospective purchasers of the site do not consider there would be sufficient time to finalise any outstanding matters with UK Power Networks, Thames Water and Network Rail as well discharge the relevant conditions attached to planning permission 16/00482/FPM.
- 3.6 Given the aforementioned, the applicant is seeking to extend the contributor trigger event to the 28th February 2020. This should allow sufficient time for the site to be sold, for the new owner/purchaser of the site to resolve any outstanding planning issues and to commence development on the site in line with the above planning permission. The applicant does not seek any further changes to the S106 agreement.

4. PUBLIC REPRESENTATIONS

- 4.1 A site notice has been erected in accordance with Section 5 (1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulation 1992. No comments or representations have been received.

5. CONSULTATIONS

5.1 Network Rail

- 5.1.1 Following discussions with the Asset Protection Team they have confirmed that the developer has entered into discussions and subsequently a Basic Asset Protection Agreement has been signed and paid for. The proximity of the East Coast Main Line and the associated 25kv overhead lines is problematic for the build. The developer needs to locate scaffolding on Network Rail land to facilitate the build. This requires Network Rail oversight, supervision on site, close co-operation with the builder and critically, overnight possessions (line closures with isolation of electrical overhead equipment) in order for the scaffolding to be constructed safely, both for the workers involved and the operational railway.
- 5.1.2 There are currently on-going site meetings between Network Rail engineers and the developer. It is noted that the scope of works and timescales will be part of the agreement that has been entered into which includes issues such as construction methodology.

5.2 Thames Water

5.2.1 No comment.

5.3 UK Power Networks

5.3.1 There is a requirement to remove cables from the site, however, a final programme has not yet been agreed with the developer.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

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, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. 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 Central Government Legislation

- Town and Country Planning Act 1990 (as amended);
- Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992;
- Planning Practice Guidance (2014).

7. APPRAISAL

7.1 The main issue for consideration in the determination of this application is whether the proposed variations to the S106 agreement as set out under Section 3 of this report is acceptable to the Council as the Local Planning Authority.

7.2 Planning Policy Considerations

7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act (1990), an application can be made to the Local Planning Authority to seek to vary the terms of a Section 106 agreement. This application has therefore been submitted, in accordance with the Town and Country Planning (Modifications and Discharge of Planning Obligations) Regulation 1992, to seek to vary the payment of the financial contributions as specified in paragraphs 3.1 to 3.3 of this report.

7.2.2 The amendment sought to move the “Contribution Trigger Event” from 8 November 2018 to 28 February 2020 would allow any future owner of the site sufficient time to finalise and agree the Construction Methodology with Network Rail. This will ensure that when the development does commence, it does not prejudice the safety and operation of the East Coast Main Line during the construction phase of the development. In addition, it allows the developer to agree the removal and relocation of power cables with UK Power Network which currently run through the development site.

7.2.3 With respect to the sewer network, whilst Thames Water have not provided any comments on this particular application, under planning application reference 16/00482/FPM, they advised that through the centre of the development site, there are currently easements and wayleaves in place. This is because of the presence of a public sewer and therefore, this restricts the developer’s ability to break ground in order to build out the approved development until the aforementioned sewer can be repositioned. Given this, the developer is still negotiating with Thames Water to seek agreement to relocate the existing public sewer pipe at this current time.

7.2.4 Given the aforementioned, it is clearly evident that the developer is unable to commence any development on-site until the outstanding matters with the relevant utility companies and Network Rail have all been resolved. Consequently, the proposed amendment to the “Contribution Trigger Event” to the 28 February 2020 allows a realistic timeframe to ensure agreements can be reached with Thames Water, UK Power Network and Network Rail as

well as the developer discharging the relevant pre-commencement conditions attached to planning permission 16/00482/FPM. In addition, the applicant is not seeking to reduce any financial contributions which have already been secured by the Council as the Local Planning Authority.

- 7.2.5 In relation to the additional clause to be added to Section 2 as referenced under paragraph 3.3, this clause sets out who is responsible for the obligations as per the legal agreement. What this clause establishes is that the Deed is not enforceable on any mortgagee or chargee who has an interest in the site unless the mortgagee or chargee takes possession of the site. Notwithstanding this, the legal agreement would still be enforceable on whoever the owner of the land is, presently or in the future, as the legal agreement runs with the land. Furthermore, if the owner of the land was to go into administration, then enforcement would then revert to the mortgagee or chargee who has taken possession of the land in question.

8. CONCLUSIONS

- 8.1 All of the proposed changes to the S106 agreement as described are minor in nature and allows the developer sufficient time to reach agreements with Network Rail, UK Power Networks and Thames Water. In addition, the additional clause relates to a hypothetical position should the landowner go into administration and that they are responsible for all the obligations set out in the agreement. As such, the proposed changes are not considered to weaken the Council's position in anyway. Therefore, the proposed changes are considered to be acceptable and it is recommended that this deed of variation can be agreed.

9. RECOMMENDATIONS

- 9.1 The Committee agree to the variation to the definition "Contribution Trigger Event" and to add an additional clause to Section 2 of the S106 agreement dated 6 December 2017 and to delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variation to the S106 agreement.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Local Plan 2011-2031 Publication Draft.
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 July 2018 and National Planning Policy Guidance March 2014.

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Meeting: Planning and Development Agenda Item:
Committee

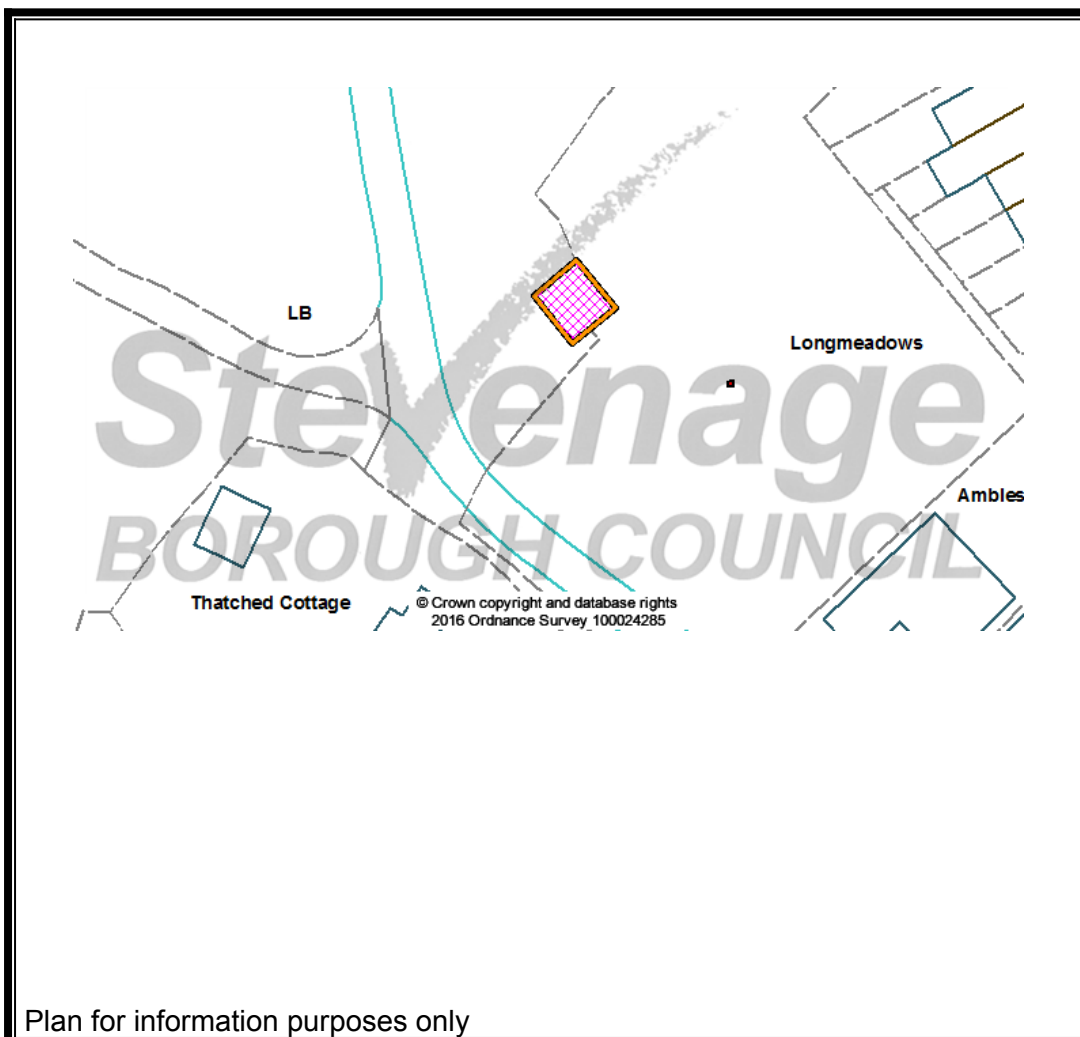
Date: 5 February 2019

Author: James Chettleburgh 01438 242266

Lead Officer: Chris Berry 01438 242257

Contact Officer: James Chettleburgh 01438 242266

Application No:	18/00746/FP
Location:	Garage on Symonds Green Common, Symonds Green Lane, Stevenage
Proposal:	Demolition of double garage and reinstatement of Common Land.
Drawing Nos.:	Site Location Plan; Garage Location Map.
Applicant:	Joel Gainsford
Date Valid:	07 December 2018
Recommendation:	GRANT PLANNING PERMISSION



Plan for information purposes only

1. SITE DESCRIPTION

- 1.1 The application site is located within Symonds Green Common which lies within the Symonds Green Conservation Area. The site comprises a detached, double garage with a gable-end roof. The garage is constructed with a stock red brick with the roof clad in concrete inter-locking tiles. On the principal elevation of the building is a set of timber garage doors and timber roof hatch. On the southern elevation is a timber access door to the garage and a timber window.
- 1.2 To the north of the application site, beyond the adjoining tree belt lies the main area of Symonds Green Common which is also designated a wildlife site and a Green Link. There is also the Crooked Billet public house which fronts onto the Common. To the east of the site lies Eastbourne Avenue which comprises 1960's style terraced houses and Eastbourne Lodge which is a detached property within a spacious plot. To the west of the site is the Thatched Cottage which is grade II Listed Building which is a timber frame with plaster infilling with a thatched roof property. To the south of the application lies the former Longmeadows site which has recently been demolished to facilitate the construction of 4 no. detached properties which were granted planning permission under planning reference 16/00645/FP which was determined in February 2018.

2. RELEVANT PLANNING HISTORY

- 2.1 Under planning application 2/0402/83 permission was sought for the erection of a double garage. This application was granted in December 1983. However, the Council as landowner as well as being responsible for the Common did not give consent for the erection of the garage. Notwithstanding this, the approved garage was erected on the common back in 1983.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the demolition for the existing double garage and to reinstate the land to common land. The reason planning permission is required is because the site is located within a conservation area and as such, it would not be classed as permitted development in line with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Council as the applicant is therefore, seeking planning permission to demolish the garage as it is an unauthorised structure on the common.
- 3.2 The application comes before the planning committee for determination as the land owner is Stevenage Borough Council.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. In addition, the application has been publicised in the local press. No comments or representations have been received.

5. CONSULTATIONS

5.1 Council's Environmental Health Section

- 5.1.1 There is no objection to the application. The pre-construction information document covers all environmental health issues.

5.2 Council's Conservation and Historic Advisor

5.2.1 The garage proposed for demolition is a late 20th century structure. Removing the garage and returning the site to grass as part of the common land is considered to enhance the character and appearance of Symonds Green Common and the Symonds Green Conservation Area.

5.3 Herts and Middlesex Wildlife Trust

5.3.1 I am satisfied that there are no bats in the garage to be impacted.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

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, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. 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

TW2 Structural Open Space
TW8 Environmental Safeguards
TW9 Quality in Design
EN9 Archaeology and Development
EN10 Green Link
EN13 Trees in New Developments
EN17 Wildlife Sites and Regionally Important Geological Sites (RIGS)
EN27 Noise Pollution
L23 Horse and Pony Route

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

SP1 Presumption in Favour of Sustainable Development
SP2 Sustainable Development in Stevenage
SP8 Good Design
SP11 Climate Change, Flooding and Pollution
SP12 Green Infrastructure and the Natural Environment
SP13 The Historic Environment
GD1 High Quality Design.
SP8 Good Design
FP7 Pollution
NH2 Wildlife Sites
NH4 Green Links
NH5 Trees and Woodlands
NH6 General Protection for Open Space.
NH9 Areas of archaeological significance
NH10 Conservation Areas

6.5 Supplementary Planning Documents

Stevenage Design Guide 2009;
Symonds Green Conservation Area Management Plan SPD 2012.

7 APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are the impact upon the character and appearance of the conservation area and the common, impact on amenity, the environment and ecology.

7.2 Impact upon the Character and Appearance of the Conservation Area and the Common

- 7.2.1 Paragraph 127 of the National Planning Policy Framework (NPPF) 2018 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 fails to make opportunities available for

improving the character and quality of an area and the way it functions". Paragraph 193 of the same document stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF goes on to state that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent.

- 7.2.2 Policy TW9 of the District Plan (2004) 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. Policy GD1 of the emerging Local Plan (2016) generally reflects the above policy. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD. The Symonds Green Conservation Area Management Plan SPD (2012) stipulates that all development in the conservation area, must respond to its immediate environment and context in terms of scale, alignment, form, materials and detailing. In terms of development layout, it will be encouraged for this to be informal in order to reflect the original rural nature of the Green.
- 7.2.3 The application site is located within the Symonds Green Conservation Area. The conservation area is centred around the Green, the ponds and the Crooked Billet public house. These provide an attractive focal point to the area and depict its rural character. The area is defined by a mixture of historic properties with the oldest structure in the conservation area being Oakfield Farm which dates back to the 16th Century. In the 17th Century a road which ran north from Old Stevenage to Titmore Green led to the developments such as Willow Cottage and the Thatched Cottage.
- 7.2.4 In the latter half of the 20th century, Newlyn Close, Dunwich Farm and Southwold Close were developed and this area has a leafy and regular character and appearance. The 20th century properties are laid out in a cul-de-sac arrangement with higher densities which have significantly altered the character and appearance of the conservation area.
- 7.2.5 The existing detached double garage is an unexceptional single-storey building which is located in the centre of the Conservation Area and forms part of Symonds Green Common and opposite the Thatched Cottage. The existing garage is constructed from red brick with a gable-end clad in concrete tiles with timber doors and windows. The proposal seeks to demolish the existing garage and to reinstate the land to grass as the structure is an unauthorised development on Common Land.
- 7.2.6 Following consultation with the Council's Conservation and Historic Advisor, they consider the demolition of the garage would enhance the visual appearance of the conservation area. This is because of its semi-rural characteristics as defined in the Conservation Area Management Plan. In addition, they consider that by removing the garage, it would enhance the overall setting of the Common. Given this, it is considered that the proposed demolition of the garage would enhance the character and appearance of the Conservation Area, Symonds Green Common and the visual amenities of the wider street scene.

7.3 Impact on Amenity and the environment

7.3.1 It is considered that due to the proximity of nearby residential properties, there is the potential the demolition works could affect the amenities of nearby residential properties. Given this, the applicant will be looking to undertake demolition works during the following hours:-

- Monday to Friday – 8:00am to 5:00pm;
- Saturday – 08:00am to 1:00pm; and
- Sundays and Bank Holidays – Works not to be undertaken on site.

- 7.3.2 The aforementioned hours would restrict the timeframe to undertake demolition to reduce the period of disturbance to local residents. In regards to noise, the applicant would limit the noisy activities on site where possible and would restrict the use of radios or other audio equipment. In terms of dust, the materials and skips will be positioned in designated areas away from residential properties and would be covered. All of the waste will be removed by a licenced and registered skip company during the demolition of the garage. In addition, the applicant would also adopt dust suppression measures where necessary and clean route surfaces so they are dust free. The site is also to be kept in a tidy manner and all chemicals and toxic substances will be stored and disposed of in accordance with COSHH (Control of Substances Hazardous to Health) Regulations.
- 7.3.3 In terms of asbestos, prior to the demolition of the garages, an asbestos survey would be undertaken and in the event any is identified, it will be handled and removed in accordance with HSE regulations by a licenced contractor. In regards to remediation, once all of the materials following demolition have been removed from the site, including the concrete base, the applicant will be laying down grass which will be maintained accordingly.
- 7.3.4 Following consultation with the Council's Environmental Health Section, it is considered that the demolition and restoration of the site will be carried out in an appropriate manner which does not prejudice the amenities of nearby residential properties. Furthermore, the development would be managed to ensure that it does not impact upon the wider environment including Symonds Green Common.

7.4 Impact on Ecology

- 7.4.1 As the Planning Authority, the Council has a duty to comply with the requirements of Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. In particular, the Council must 'have regard to the requirement of the Habitats Directive so far as they may be affected by [the decision whether to grant planning permission]'. Under the regulations it is an offence to deliberately disturb wild animals of any European protected species, or to damage or destroy a breeding site or resting place of any such an animal of such a species. The development could, therefore, be likely to offend Article 12 of the Habitats Directive, by amounting to a disturbance in accordance with the Article.
- 7.4.2 The applicant has submitted as part of this application a Bat Survey which includes a preliminary root assessment along with an emergence and activity survey. The surveys undertaken did not identify the presence of bats within the double garage which is due to be demolished. In addition, the surveys identified that a European Protected Species (EPS) licence is not required for the proposed demolition of the garage. Turning to breeding birds and their nests, these are protected under the Wildlife and Countryside Act 1981 (as amended). However, the demolition works do not consist of or require the removal of any existing trees or hedges and as such, nesting birds would not be affected by the proposal. Following consultation with Herts and Middlesex Wildlife Trust, it is considered that the proposed demolition works are acceptable as bats would not be affected in this instance. In addition, the development would not cause any harm to nesting and breeding birds. Consequently, the removal of the garage would not affect the habitat of any protected species.

7.5 Other matters

Impact on Archaeology

- 7.5.1 Whilst the application site is located in an Area of Archaeological Significance as defined in the District Plan (2004) and the Emerging Local Plan (2016), as the proposed development is seeking to demolish the existing double garage and would not be breaking ground, it would not have a detrimental impact on any potential archaeological remains.

Horse and Pony Route

- 7.5.2 Policy L23 of the adopted Local Plan (2004) states that if there is any reduction to the existing and proposed horse and pony route, the development would not be permitted. In addition, any development which does adversely affect the route, the scheme would only be acceptable if a satisfactory alternative route is provided.
- 7.5.3 Turning to the emerging Local Plan (2016), there are no policies relating to Horse and Pony routes existing or proposed. Therefore, this application can only be determined against the Council's adopted Local Plan policies.
- 7.5.4 Symonds Green Lane which runs along the south/western boundary of the application site is designated as an existing Horse and Pony route. Notwithstanding, the proposed development is for the demolition of an existing garage which is sited away from the established horse and pony route. In addition, there is sufficient land around the garage to allow contractors to undertake the necessary demolition works which does not result in the temporary stopping up of the route. Consequently, the demolition works would not result in the reduction or adversely affect the horse and pony route in this instance.

8 CONCLUSIONS

- 8.1 In summary, the proposed demolition of the existing garages and reinstatement of the land as Common would enhance the character and appearance of the Symonds Green Conservation Area and Common. In addition, the development would enhance the visual amenities of the wider street scene. Furthermore, the development would not harm the amenities of nearby residential properties nor would it have a detrimental impact on protected species. Therefore, it is considered that the proposed demolition of the double garage would comply with the policies contained in the Stevenage District Plan Second Review 1991 – 2011 (adopted 2004), the Stevenage Borough Local Plan – Publication Draft – January 2016, the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

9 RECOMMENDATIONS

- 9.1 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; Garage Location Map.
REASON:- For the avoidance of doubt and in the interest of proper planning.
 2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 3. No demolition works 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 08:00 and 17:00 Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted in October 2009 and Symonds Green Conservation Area Management Plan adopted July 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.

Meeting: Planning and Development Agenda Item:
Committee

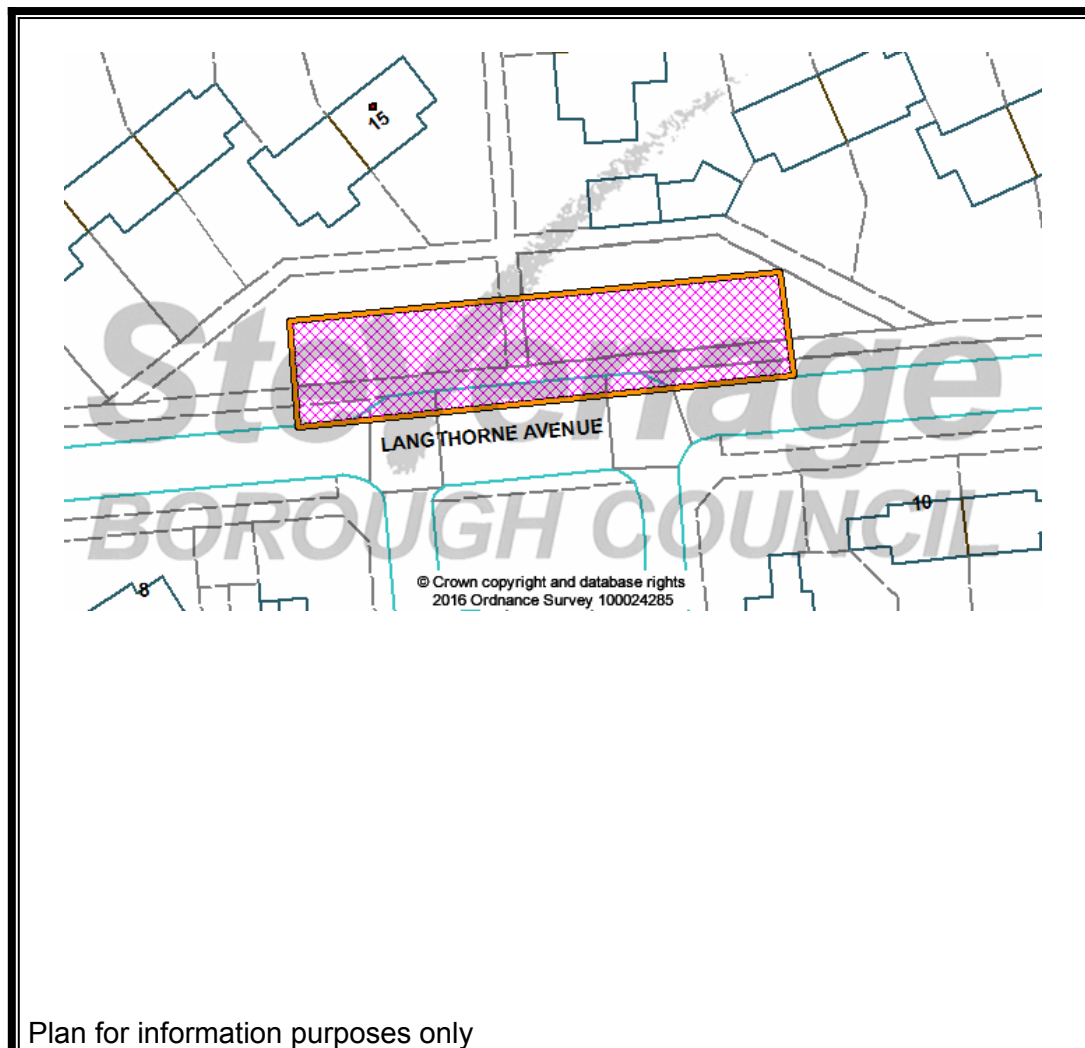
Date: 5 February 2019

Author: James Chettleburgh 01438 242266

Lead Officer: Chris Berry 01438 242257

Contact Officer: James Chettleburgh 01438 242266

Application No:	18/00732/FP
Location:	Land to front of 15 Langthorne Avenue, Stevenage
Proposal:	Conversion of existing parking lay-bys and amenity land into end on parking bays with additional footpaths adjacent to the kerbs.
Drawing Nos.:	RS/LAN/01; RS/LAN/02a; RS/LAN/03.
Applicant:	Russell Sparrow
Date Valid:	29 November 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the northern side of Langthorne Avenue opposite the junction with Boxberry Close. The site which spans 49m in width and 7m in length, comprises an area of public amenity land and highway verge as well as on-street parking for 3 vehicles. To the north of the site are numbers 5 to 25 Langthorne Avenue which are semi-detached dwellinghouses and to the west is an existing vehicle cross-over which currently serves number 7 Langthorne Avenue. There are also four trees which are located within the public amenity space which borders the application site.

RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history associated with the site.

2. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission to re-configure the existing lay-by utilising some of the adjoining amenity land/grassed verge in order to turn the spaces through 90 degrees. This will enable the number of spaces to be increased from 3 to 16. The area of soft landscaping, including land to the north of the site, is approximately 593 sq.m in area. The proposed development would result in a reduction of soft landscaping by approximately 202 sq.m or 34%. The rest of the amenity land, including the trees would be retained as part of the development.
- 3.2 The application comes before the planning committee for determination as the land owner is Stevenage Borough Council and the works are proposed on behalf of the Council by the Engineering Services Section.

3. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. No comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 Hertfordshire County Council as Highway Authority comment that the proposal would not have an unreasonable impact on the safety and operation of the highway network. However, this is subject to a condition that the works are to be carried out to the current specification of Hertfordshire County Council.

5.2 Council's Parks and Amenities Section

- 5.2.1 We do not object the above proposed parking scheme which would result in a small loss of amenity open space. Whilst the proposal will result in a small loss of amenity land, we determine the potential impact to visual amenity to be minimal. We also identify the scheme's objectives in alleviating the ongoing parking issues in the area which we hope will result in minimised damage of existing verges from vehicle parking.
- 5.2.2 For the perimeter path around the proposed parking bays, consideration should be given to making this less angular where it adjoins the existing surrounding pathway. By blending in, this will help reduce wear patches over the adjoined grass areas. The central area within the parking scheme (where there is an existing street lamp column) shall not be planted as this will cause maintenance issues. This area should be appropriately hard landscaped.

5.3 Council's Arboricultural and Conservation Manager

- 5.3.1 There are no concerns from an arboricultural perspective. However, as the footpath would be intruding the root protection of the existing Black Walnut Trees, it is suggested that a 20% overall reduction to the three trees likely to be affected by the development should be undertaken before the commencement of works. In addition, it is suggested that there should not be any excavation closer than 2 metres away from any of these tree trunks.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

- 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, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. 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

TW2 Structural Open Space
TW8 Environmental Safeguards
TW9 Quality in Design
T6 Design Standards
T15 Car Parking Strategy
EN13 Trees in New Developments

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

GD1 High Quality Design.
NH6 General Protection for Open Space.
SP8 Good Design
IT5 Parking and Access
IT8 Public Parking Provision
NH5 Trees and Woodlands

6.5 Supplementary Planning Documents

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

7 APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are the impact of the loss of this piece of amenity land on the character and appearance of the area, the impact on neighbour amenity and the acceptability of the new parking in highway safety terms.

7.2 Impact upon the Character and Appearance of the Area

- 7.2.1 The application site forms land in the ownership of the Borough Council and constitutes two small areas of landscaped open space as defined by policy TW2 of the Local Plan. Policy TW2 states that development proposals which have an unacceptable adverse impact on structural open spaces of the town will not be permitted. The criteria used in assessing the impact that a development proposal may have are a) the size, form, function and character of the structural open space affected by the development proposal; and b) the impact of the development proposal on the structural open space.
- 7.2.2 Furthermore, the new emerging Local Plan Policy NH6 for general protection of open space states that the loss of unallocated open space should have regard to the quality and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.
- 7.2.3 It is considered that the proposed development, whilst it reduces the overall size of the amenity area by 34% does not compromise the recreational use of the open space for local residents and has limited visual amenity value. In addition, the scheme has been designed to ensure a large area of amenity space is retained to ensure the sense of openness on this part of Langthorne Avenue is retained. In addition, there are still large areas of amenity space within the area such as the land opposite on the junction of Boxberry Close which are being retained.

- 7.2.4 Further to the above, it was noted from visiting the site that vehicles were already informally parking on the highway verge and amenity spaces in close proximity to the application site. In view of this, the creation of 13 additional parking spaces would help to alleviate vehicles parking on the verge causing damage to these areas. Therefore, the overall benefit of the development would outweigh the loss of amenity space in this instance. Furthermore, as the land is currently not used for any particular purpose, it is considered that the proposal would not harm the form or function of the open land, nor that it needs to be re-provided.
- 7.2.5 Turning to the impact on trees, whilst the proposed development does not involve the removal of any trees, the development works would be located in close proximity to the root protection area of existing trees. Given this, the Council's Arboricultural Manager has recommended the trees in regards to their crown should be reduced by 20%. This is to ensure that during the construction phase of the parking areas, the trees are not detrimentally affected by any associated development works. In addition, the works to the trees would improve the overall appearance of the trees which would benefit the visual amenities of the street scene.

7.3 Impact on Amenity

- 7.3.1 The properties most affected by the increased parking area would be Nos. 5 to 25 Langthorne Avenue, which lie north of the application site. However, it is not considered that the increased size of the parking area to cater for an additional 13 spaces would significantly worsen the noise and disturbance generated to an unacceptable level. This is because firstly, the parking area lies adjacent to the existing trafficked highway which already generates an element of noise. Secondly, the nearest residential property, number 13 Langthorne Avenue, is approximately 13m from the proposed car parking area. Consequently, it is not considered the development would generate a level of noise which would harm the amenities of residential properties over and above existing background noise levels.

7.4 Highway Safety implications

- 7.4.1 With regard to access and highway safety, the proposal involves the reconfiguration of the existing parking layby to create two areas of 8 parking bays creating a total of 16 bays (including one disabled bay). These parking areas would span approximately 5.2m in width and would be separated via a 2m wide highway verge with associated kerbing. All of the parking bays have been designed to meet the standards which are set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council's Highways Design Guidance. Therefore, they would be of a sufficient size to accommodate a standard car. In addition, the parking bays have been designed to ensure there is the necessary vehicle-to-vehicle visibility splays to ensure vehicles can safely manoeuvre into and out of the spaces without prejudicing highway safety.
- 7.4.2 Following consultation with the County Council as Highway Authority, they have raised no objection to the proposal in terms of highway safety. This is because they confirm that the parking bays meet all the necessary highways standards with a 6m turning area in the carriageway. In addition, they consider the parking areas would be located on a local access road with the capacity to accommodate the parking area as well. Consequently, the County Council does not consider the development would prejudice the safety and operation of the highway network subject to a condition relating to access to the spaces.
- 7.4.3 The new spaces would be provided and maintained by the Council's Engineering Services Section.

8 CONCLUSIONS

- 8.1 The proposed change of use of this area of land and the creation of the additional parking facilities is not considered to harm the form and function of the structural open space or be detrimental to the character and appearance of the area. Furthermore, the works would not

harm the amenities of the occupiers of adjoining premises or cause any detriment to highway safety. It is, therefore, recommended that planning permission be granted.

9 RECOMMENDATIONS

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: RS/LAN/01; RS/LAN/02a; RS/LAN/03.

REASON:- For the avoidance of doubt and in the interest 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 materials to be used in the construction of the new parking spaces hereby permitted shall be as specified on the drawings and application details forming part of this application.

REASON:- To ensure the development has an acceptable appearance

4. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1330 on Saturdays.

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

5. The development hereby permitted shall not be brought into use until the proposed access and surfacing work has been constructed as identified on drawing number RS/LAN/02a 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.

6. Prior to the commencement of the development hereby permitted, the crowns of the trees which are affected by the development hereby permitted shall be reduced by 20%.

REASON:- To ensure that the development does not have a detrimental impact on the retained trees during the construction phase of development.

INFORMATIVE

Hertfordshire County Council as Highways Authority

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 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the

National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

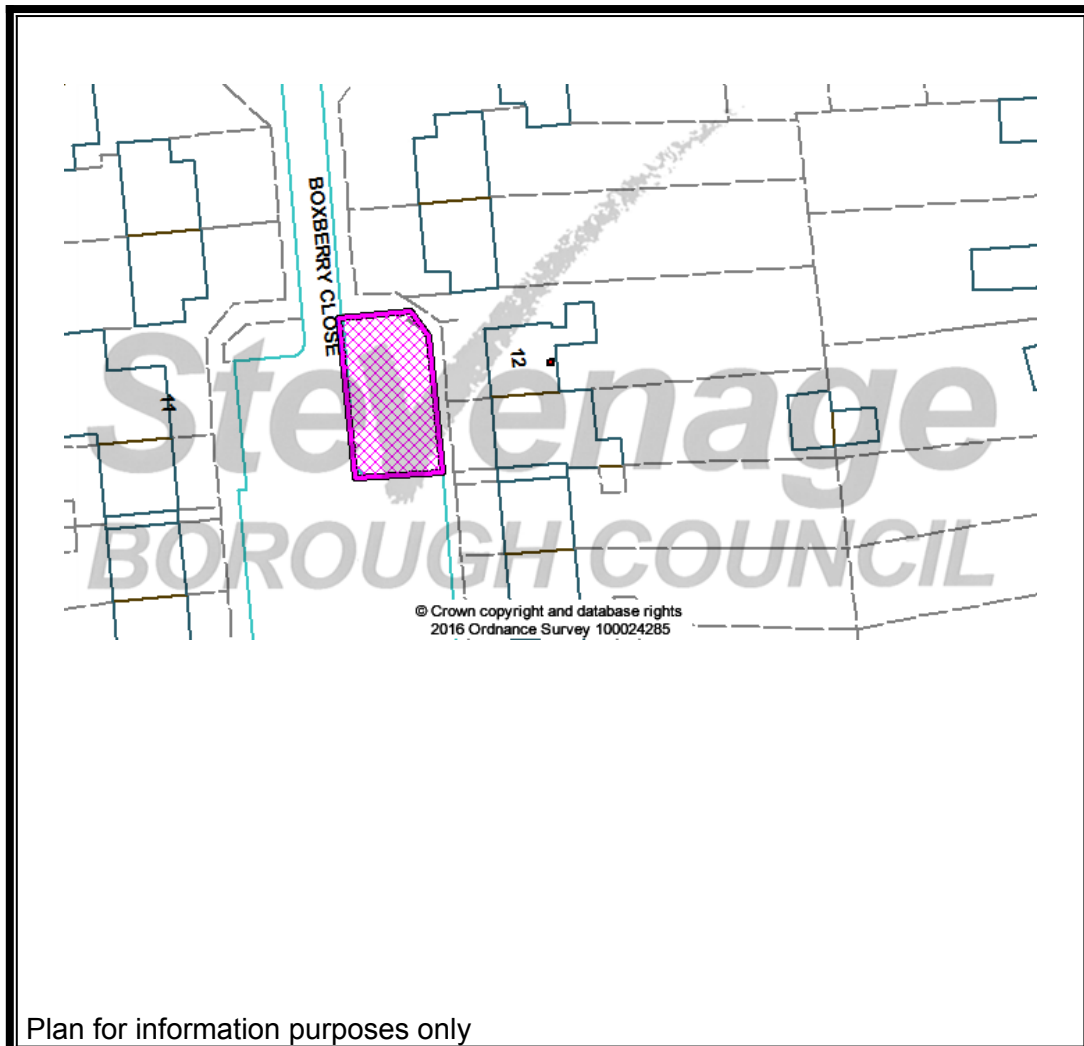
10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.

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Meeting: Planning and Development Committee
Agenda Item:
Date: 5 February 2019
Author: James Chettleburgh 01438 242266
Lead Officer: Chris Berry 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application No:	18/00733/FP
Location:	Land to front of 2 to 12 Boxberry Close, Stevenage
Proposal:	Change of use of public amenity land to hardstand to provide additional parking.
Drawing Nos.:	RS/BOX/01; RS/BOX/02a; RS/BOX/03.
Applicant:	Russell Sparrow
Date Valid:	29 November 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the eastern side of Boxberry Close to the front of numbers 10 to 12. The site, which is an area of public amenity space, spans 13m in width and 8m in length and lies to the north and opposite existing parking areas within Boxberry Close. The Close is served by an existing local access road which runs off Langthorne Avenue to the north. Boxberry Close is a cul-de-sac development which consists of a mixture of semi-detached and terraced properties.

RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history associated with the site.

2. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the change of use of a small area of grassed amenity land, approximately 104 sq.m in area, located adjacent to the vehicular access into Boxberry Close. The change of use would facilitate the provision of an additional four parking spaces and would be constructed from tarmac.
- 3.2 The application comes before the planning committee for determination as the land owner is Stevenage Borough Council and the works are proposed on behalf of the Council by the Engineering Services Section.

3. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. No comments or representations have been received on this application.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 Hertfordshire County Council as Highway Authority comment that the proposal would not have an unreasonable impact on the safety and operation of the highway network. However, this is subject to a condition that the works are to be carried out to the current specification of Hertfordshire County Council.

5.2 Council's Parks and Amenities Section

- 5.2.1 We do not object the above proposed amended parking scheme which would result in a small loss of amenity open space. As such we determine the potential impact to be very low. The small area for which there is an existing telegraph pole shall be hard landscaped rather than left as grass to help avoid maintenance issues.
- 5.2.2 The proposals shall also include works to limit unauthorised vehicle access / parking to the main area of open space to the south in Boxberry Close. This shall include reinstatement of damaged grassed areas, repairs / replacement of bollards and erection of a robust drop-down /removable bollard to allow access for maintenance.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

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, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. 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

- TW2 Structural Open Space
- TW8 Environmental Safeguards
- TW9 Quality in Design
- T6 Design Standards
- T15 Car Parking Strategy

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

- GD1 High Quality Design.
- NH6 General Protection for Open Space.
- SP8 Good Design
- IT5 Parking and Access
- IT8 Public Parking Provision

6.5 Supplementary Planning Documents

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

7 APPRAISAL

7.1 The main issues for consideration in the determination of this application are the impact of the loss of this piece of amenity land on the character and appearance of the area, the impact on neighbour amenity and the acceptability of the new parking in highway safety terms.

7.2 Impact upon the Character and Appearance of the Area

7.2.1 The application site forms land in the ownership of the Borough Council and constitutes a small area of landscaped open space as defined by policy TW2 of the Local Plan. Policy TW2 states that development proposals which have an unacceptable adverse impact on structural open spaces of the town will not be permitted. The criteria used in assessing the impact that a development proposal may have are a) the size, form, function and character of the structural open space affected by the development proposal; and b) the impact of the development proposal on the structural open space.

7.2.2 Furthermore, the new emerging Local Plan Policy NH6 for general protection of open space states that the loss of unallocated open space should have regard to the quality and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.

7.2.3 It is considered that the proposed development, whilst it reduces the overall size of the amenity area within Boxberry Close, the proposal only relates to a small parcel of land whereby the larger area of public open space to the south of the development is to be retained. Furthermore, the area of open space as you enter into Boxberry Close would also be retained as part of the development proposal. In addition to this, due to the limited size of the parcel of land affected by the proposal combined with the fact it is bordered on all four sides by hardsurfacing, it would not be considered conducive to being used as recreational open space by nearby residents. In view of the points raised, it is not considered that the loss of this small area of open/amenity land would harm the character and appearance of the area but would, in fact, facilitate the provision of additional off road parking space, which would help to alleviate the existing parking problems in the area. Furthermore, as the land is currently not used for any particular purpose, it is considered that the proposal would not harm the form or function of the open space, nor that it needs to be re-provided.

7.3 Impact on Amenity

7.3.1 The properties most affected by the increased parking area would be Nos. 10 to 12 Boxberry Close, which lie east of the application site. However, it is not considered that the increased size of the parking area to cater for an additional 4 spaces would significantly worsen the noise and disturbance generated to an unacceptable level. This is because firstly, the parking area lies adjacent to existing surface parking which already generates an element of noise. Secondly, the residential properties most affected by the proposal are positioned around 5m from the parking area and are set up from the parking area due to the sloping topography of the road. Consequently, it is not considered the development would generate a level of noise which would harm the amenities of residential properties over and above existing background noise levels.

7.4 Highway Safety implications

7.4.1 With regard to access and highway safety, the proposal involves only modest works to Council owned land which is not designated as public highway. All of the parking bays have been designed to meet the standards which are set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council's Highways Design Guidance. Therefore, they would be of a sufficient size to accommodate a standard car. In addition, the parking bays have been designed to ensure there is the necessary vehicle-to-vehicle visibility splays to ensure vehicles can safely manoeuvre into and out of the spaces without prejudicing highway safety.

7.4.2 Following consultation with the County Council as Highway Authority, they have raised no objection to the proposal in terms of highway safety. This is because they confirm that the parking bays meet all the necessary highways standards with a 6m turning area in the carriageway. In addition, they consider the parking areas would be located on a local access road with the capacity to accommodate the parking area as well. Consequently, the County Council does not consider the development would prejudice the safety and operation of the highway network subject to a condition on the car parking areas access points.

7.4.3 The new spaces would be provided and maintained by the Council's Engineering Services Section.

8 CONCLUSIONS

8.1 The proposed change of use of this area of land and the creation of the additional parking facilities is not considered to harm the form and function of the structural open space or be detrimental to the character and appearance of the area. Furthermore, the works would not harm the amenities of the occupiers of adjoining premises or cause any detriment to highway safety. It is, therefore, recommended that planning permission be granted.

9 RECOMMENDATIONS

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: RS/BOX/01; RS/BOX/02a; RS/BOX/03.

REASON:- For the avoidance of doubt and in the interest 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 materials to be used in the construction of the new parking spaces hereby permitted shall be as specified on the drawings and application details forming part of this application.
REASON:- To ensure the development has an acceptable appearance
4. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1330 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
5. The development hereby permitted shall not be brought into use until the proposed access and surfacing work has been constructed as identified on drawing number RS/BOX/02a 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.

INFORMATIVE

Hertfordshire County Council as Highways Authority

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 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted in October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.

Meeting: Planning and Development Agenda Item:
Committee

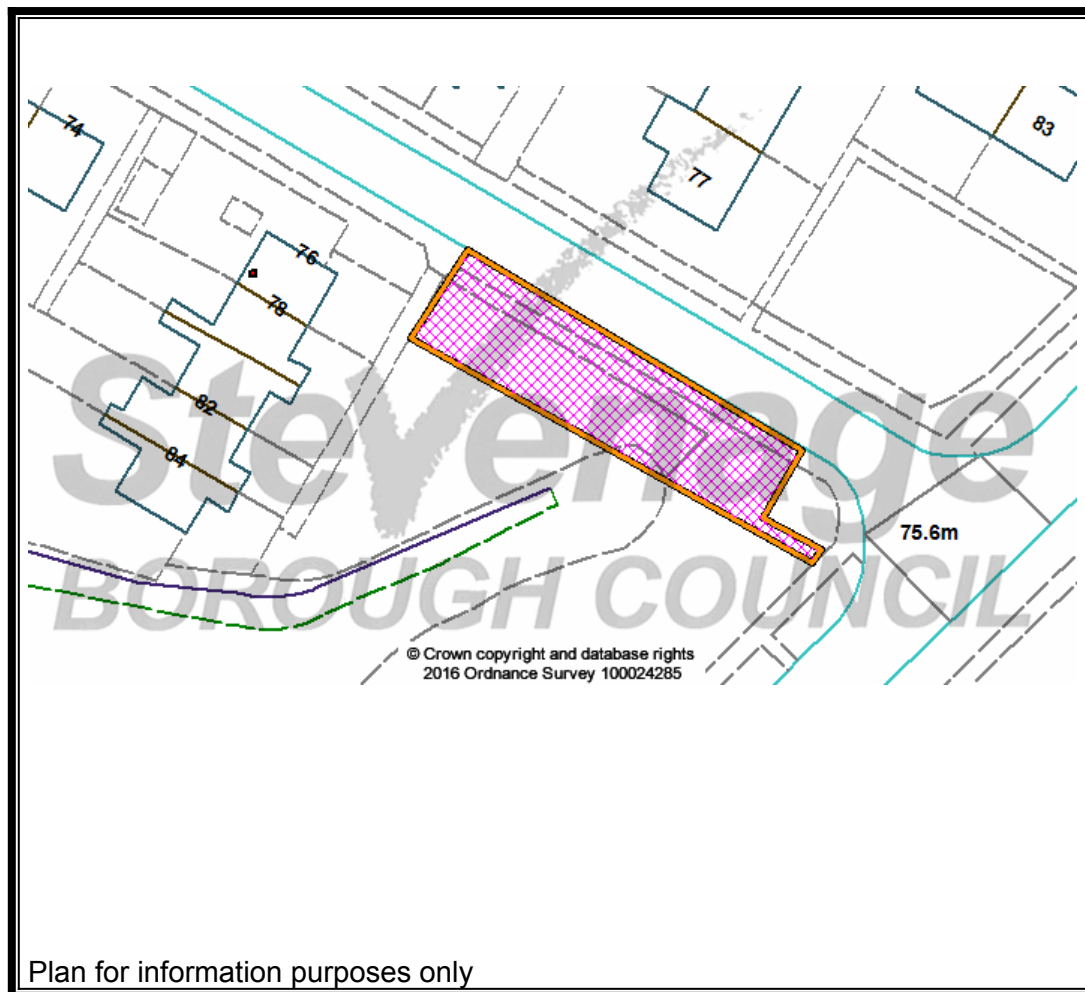
Date: 5 February 2019

Author: James Chettleburgh 01438 242266

Lead Officer: Chris Berry 01438 242257

Contact Officer: James Chettleburgh 01438 242266

Application No:	18/00734/FP
Location:	Land to front of 76 Brook Drive, Stevenage
Proposal:	Change of use of public amenity land to hardstand to provide additional parking.
Drawing Nos.:	RS/BRO/01; RS/BRO/02; RS/BRO/03.
Applicant:	Russell Sparrow
Date Valid:	29 November 2018
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the southern side of Brook Drive in close proximity to the junction with Ashdown Road and lies to the front of numbers 76 to 84 Brook Drive. The site which forms part of an area of public amenity space and is a designated Green Link, spans 35m in width and 10m in length. The proposed car parking area would be accessed off Brook Drive. The surrounding area is characterised by semi-detached and terraced properties which are generally uniform in design set in regular shaped plots and staggered building lines due to the curvature of the road. The topography of the land slopes up on a gentle gradient from south to north up from Stevenage Brook and the arboretum towards the junction of Ashdown Road and Broadwater Crescent.

RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history associated with the site.

2. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the change of use of an area of grassed amenity land, approximately 350 sq.m in area, located adjacent to the junction of Brook Drive and Ashdown Road. The change of use would facilitate the provision of 12 parking spaces and would be constructed from tarmac.
- 3.2 The application comes before the planning committee for determination as the land owner is Stevenage Borough Council and the works are proposed on behalf of the Council by the Engineering Services Section.

3. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and a site notice was displayed on a nearby lamp post. Comments were received from number 80 Brook Drive who considers the proposal is welcome as it will help to ease the parking problems in the area.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 Hertfordshire County Council as Highway Authority comment that the proposal is contrary to the County Council's Local Transport Plan 4. This is because providing parking on amenity land is not an environmentally friendly development and encourages additional cars in the area. However, the site is surrounded by residential properties and the proposed parking could remove potential on-street parking. Therefore, it will be necessary for the Council to enter into a Section 278 Agreement.
- 5.1.2 Turning to highway safety, it is considered that the proposed development would not prejudice the free and safe flow of traffic along the highway.

5.2 Council's Parks and Amenities Section

- 5.2.1 We do not object the above proposed parking scheme which would result in a small loss of amenity open space. Whilst the proposal will result in a small loss of amenity land, we determine the potential impact to visual amenity to be minimal.
- 5.2.2 We identify with the scheme's objectives in alleviating the ongoing parking issues in the area which we hope will result in minimised damage of existing verges from vehicle parking. In

order to be effective, the scheme must be implemented with additional parking restrictions and enforcement.

5.2.3 in regards to the proposed small grass area at the North West whilst it is recommended that this be converted to tarmac from a maintenance perspective. This is because the Parks Teams do not normally trim or cut grass immediately adjacent to parking bays. However, it is considered that there should not be a problem to cut this area of grass in the future.

5.2.4 Currently the area of amenity open space is protected by diamond rail fencing. This shall be replaced to allow continued protection from vehicle parking whilst also providing some protection to those using the open space. However consideration must be given to allow access for maintenance (mechanical grass cutting).

5.3 Council's Arboricultural and Conservation Manager

5.3.1 There are no concerns from an arboricultural perspective. However, the small trees and shrubs adjacent to the site are of poor condition and their removal would not have a detrimental impact on the landscape of the area. In regards to the large mature Oak tree, this would be impacted by the proposed car parking scheme and therefore, suggest a 20% reduction with dead wooding prior to the commencement of development.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

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, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. 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

TW2 Structural Open Space
TW8 Environmental Safeguards
TW9 Quality in Design
T6 Design Standards
T15 Car Parking Strategy
EN10 Green Link
EN13 Trees in New Developments

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

GD1 High Quality Design.
NH6 General Protection for Open Space.
SP8 Good Design
IT5 Parking and Access
IT8 Public Parking Provision
NH4 Green Link
NH5 Trees and Woodlands

6.5 Supplementary Planning Documents

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

7 APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are the impact of the loss of this piece of amenity land on the character and appearance of the area, the impact on neighbour amenity, the acceptability of the new parking in highway safety terms and development and flood risk.

7.2 Impact upon the Character and Appearance of the Area

- 7.2.1 The application site is designated as a Green Link, which was integrated into the original design of Stevenage New Town. This link currently runs from Broadhall Way through to the water meadows and across Hertford Road. Policy EN10 of the adopted Local Plan, referring to green links, states that development proposals which would be harmful to the character of green links will not be permitted, as they are considered to be an essential part of the urban

structure of the town. When assessing a development in a green link the following criteria will be used:

- the size, form, function and character of the green space directly affected;
- the role of the green space within the green link;
- the impact of the development proposal on the green space and the green link; and
- the integrity of the green link.

7.2.2 Turning to Policy NH4 of the Emerging Local Plan (2016), this Policy states that planning permission would be granted where the development would not create a substantive physical or visual break in the Green Link and does not otherwise have a material adverse effect on the recreational, structural, amenity or wildlife value of a green link. In addition, the policy stipulates that proposals should reasonably provide extensions of, or connections to, existing Green links through the provision of on-site open space, and, reasonably contribute towards the maintenance, improvement or extension of Green Links.

7.2.3 In addition to the above, the site also forms part of an area of structural space. Taking this into consideration Policy TW2 states that development proposals which have an unacceptable adverse impact on structural open spaces of the town will not be permitted. The criteria used in assessing the impact that a development proposal may have are a) the size, form, function and character of the structural open space affected by the development proposal; and b) the impact of the development proposal on the structural open space.

7.2.4 Furthermore, the new emerging Local Plan Policy NH6 for general protection of open space states that the loss of unallocated open space should have regard to the quality and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.

7.2.5 Taking into consideration the aforementioned Policies, the proposed development would result in the reduction of an area of structural open space as well as part of an established green link. Consequently, the development would be contrary to the aforementioned policies. However, whilst the site does form part of this green link, the development does ensure a large area of the Green Link is retained to the south and east of the site which remains undeveloped. Further to this, whilst the scheme will result in an area of the green link being developed, when looking at the green link as a whole, the proposal would only reduce this link by 0.25%. In addition to this, this part of the green link is also physically segregated on three sides from the rest of the link as it is bordered by public highway on two sides (Brook Drive and Ashdown Road) as well as a public footpath which runs along the front of numbers 76 to 84 Brook Drive. To the south of the site is the Stevenage Brook which also forms a physical barrier. Therefore, the proposed development does not detrimentally impact upon the overall structural integrity of the green link in this instance as a large area of the green link will still be retained, In addition to this, the green link would still extend through the water meadows up to Broadhall Way as the proposed development would not physically break the link in this instance.

7.2.6 Looking into the recreational value of the Green Link, whilst the land at Brook Drive was not included in the 2006 Open Space Study, this study identified an overall surplus of natural/semi-natural land in the Broadwater Area. Given this, the reduction in this area of open space/Green Link would help to reduce the overall surplus of natural/semi-natural land in the area. Added to this, the amenity area in which this application forms part of provides little amenity/recreational value for the local community. This is because the site does not comprise of any play equipment, a woodland walk or other facilities which can be enjoyed by the local community. In addition to this, the site is only used as a cut through for pedestrians or for dog walkers. Consequently, the site has little recreational value in this instance.

- 7.2.7 In regards to the justification for the development, it would help to alleviate an existing situation where there is a high level of on-street parking along Ashdown Road and Brook Drive. In addition, a number of highway verges in the immediate area have been damaged by vehicles parking on the respective verges. Therefore, the proposed development would help to alleviate to some extent the level of on-street parking which in turn would improve highway safety.
- 7.2.8 In regards to trees, whilst the proposal does not result in the removal of existing trees, the Council's Agriculturalist has recommended that prior to the commencement of development, the existing mature Oak tree which lies in close proximity of the site should be reduced. This is to ensure that during the construction phase of the development, the tree is not affected by the construction works. In addition, the Council's Arboricultural Manager has recommended the small trees and some shrubbery is removed because they are of a poor condition and provide no amenity value to the area. Consequently, it has been recommended that these trees and shrubs are removed as part of the development works as this would help to improve the visual amenity of the area.
- 7.2.9 Taking into account both the current and emerging policy, it is considered that the development will not have a detrimental impact upon the function of the green link or the structural open space. Furthermore, in line with Policy IT8 of the Emerging Local Plan, the proposal will create additional public off-street parking in an area where there is severe parking problems.

7.3 Impact on Amenity

- 7.3.1 The properties most affected by the parking area would be Nos. 76 to 84 Brook Drive, which lie west of the application site. However, it is not considered that the proposed car parking area to cater for 12 spaces would significantly generate a level of noise and disturbance to an unacceptable level. This is because firstly, the car parking area is located adjacent to Brook Drive and Ashdown Road which are trafficked highways and as such already generate a level of noise. Secondly, the residential properties most affected by the proposal are positioned over 12m from the proposed car parking area. Consequently, due to the level of separation distance and the level of background noise already generated along the nearby highway network, it is not considered the development would generate a level of noise which would harm the amenities of residential properties over and above existing background noise levels.

7.4 Highway Safety implications

- 7.4.1 With regard to access and highway safety, the proposal involves only modest works to Council owned land which is not designated as public highway. All of the parking bays have been designed to meet the standards which are set out in the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council's Highways Design Guidance. Therefore, they would be of a sufficient size to accommodate a standard car. In addition, the parking bays have been designed to ensure there is the necessary vehicle-to-vehicle visibility splays to ensure vehicles can safely manoeuvre into and out of the spaces without prejudicing highway safety.
- 7.4.2 Following consultation with the County Council as Highway Authority, whilst they consider the development does not strictly accord with the County Council's Local Transport Plan 4 which seeks a modal shift from the public car to more sustainable forms of travel, they have raised no objection to the proposal in terms of highway safety. This is because the parking bays meet all the necessary highways standards with a 6m turning area in the carriageway. In addition, they consider the parking areas would be located on a local access road with the capacity to accommodate the parking area as well. Consequently, the County Council does not consider the development would prejudice the safety and operation of the highway network subject to a condition on the car parking areas access points.

7.4.3 The new spaces would be provided and maintained by the Council's Engineering Services Section.

7.5 Development and flood risk

7.5.1 The application is located 55m to the north of Stevenage Brook which is classed as a main river. Therefore, there is the potential the development site could fall within a flood plain. However, the Environment Agency Flood Risk Maps identify the site falling outside of Flood zones 2 and 3. This is due to the topography of the area whereby the land slopes up from Stevenage Brook towards Broadwater Crescent. Consequently, a flood risk assessment does not have to be undertaken in this instance.

7.5.2 Notwithstanding the above, the Environment Agency Flood Risk Maps does identify the site as falling in an area which is susceptible to surface water flooding. Taking this into consideration, the proposed car parking area would comprise of a soakaway which has been designed to collect surface water runoff from the car parking area. This ensures that during a storm event, the development does not result in extensive water surface water runoff which could exacerbate any potential flooding of the Brook over and above the current situation. Therefore, the proposed development from a flood risk perspective is considered to be acceptable.

8 CONCLUSIONS

8.1 The proposed change of use of this area of land and the creation of the additional parking facilities is not considered to harm the form and function of the green link and structural open space or be detrimental to the character and appearance of the area. Furthermore, the works would not harm the amenities of the occupiers of adjoining premises or cause any detriment to highway safety. In addition, the development has been designed to ensure that it does not generate additional surface water flooding over and above the existing situation. It is, therefore, recommended that planning permission be granted.

9 RECOMMENDATIONS

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: RS/BRO/01; RS/BRO/02; RS/BRO/03.

REASON:- For the avoidance of doubt and in the interest 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 materials to be used in the construction of the new parking spaces hereby permitted shall be as specified on the drawings and application details forming part of this application.

REASON:- To ensure the development has an acceptable appearance

4. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1330 on Saturdays.

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

5. The development hereby permitted shall not be brought into use until the proposed access and surfacing work has been constructed as identified on drawing number RS/BRO/02 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.

6. Prior to the commencement of the development hereby permitted, the crown of the Oak tree which is affected by the development hereby permitted shall be reduced by 20% including the removal of dead wood. In addition, the small trees and shrubs as identified on drawing number RS/BRO/02 shall be removed.

REASON:- To ensure that the development does not have a detrimental impact on the retained trees during the construction phase of development and to improve the visual amenity of the area.

INFORMATIVE

Hertfordshire County Council as Highways Authority

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 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 <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.

Meeting: Planning and Development
Committee

Agenda Item:

Date: 5 February 2019

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Chris Berry 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 : 18/00497/FPH
Date Received : 10.08.18
Location : 70A Basils Road Stevenage Herts SG1 3PU
Proposal : Retention of existing rear facing dormer window, roof lights and increased ridge height of 70mm
Date of Decision : 10.01.19
Decision : **Planning Permission is GRANTED**

2. Application No : 18/00630/FP
Date Received : 10.10.18
Location : Former Shephall Green Infants School Shephall Green Stevenage Herts
Proposal : Proposed erection of 2 no. four bedroom detached dwellings with associated car parking and landscaping.
Date of Decision : 20.12.18
Decision : **Planning Permission is GRANTED**

3. Application No : 18/00648/AD
Date Received : 19.10.18
Location : 85 - 87 Queensway Town Centre Stevenage Herts
Proposal : Installation of 2no. internally illuminated and 5no. non illuminated fascia signs
Date of Decision : 02.01.19
Decision : **Advertisement Consent is GRANTED**
4. Application No : 18/00650/FPH
Date Received : 20.10.18
Location : 158 Broadwater Crescent Stevenage Herts SG2 8EP
Proposal : Two storey side and part two storey, part single storey rear extension and creation of front hardstand area.
Date of Decision : 22.01.19
Decision : **Planning Permission is GRANTED**
5. Application No : 18/00660/FP
Date Received : 24.10.18
Location : 95 - 103 Queensway Town Centre Stevenage Herts
Proposal : Change of use of part of the first floor from retail (Use Class A1) and Financial and Professional Services (Use class A2) to offices (Use Class B1(a)) and external improvement works.
Date of Decision : 20.12.18
Decision : **Planning Permission is GRANTED**
6. Application No : 18/00662/FPH
Date Received : 25.10.18
Location : 91 Pankhurst Crescent Stevenage Herts SG2 0QF
Proposal : Single storey front extension
Date of Decision : 20.12.18
Decision : **Planning Permission is GRANTED**

7. Application No : 18/00665/FP
Date Received : 25.10.18
Location : 38 Queensway Town Centre Stevenage Herts
Proposal : Installation of a replacement shopfront
Date of Decision : 04.01.19
Decision : **Planning Permission is GRANTED**
8. Application No : 18/00666/AD
Date Received : 25.10.18
Location : 38 Queensway Town Centre Stevenage Herts
Proposal : Installation of one internally illuminated fascia sign and one non-illuminated hanging sign
Date of Decision : 04.01.19
Decision : **Advertisement Consent is GRANTED**
9. Application No : 18/00669/FP
Date Received : 26.10.18
Location : 106 St. Margarets Stevenage Herts SG2 8RE
Proposal : Change of use from Highways land to residential land, with two storey side extension and single storey rear extension to existing dwelling.
Date of Decision : 21.12.18
Decision : **Planning Permission is GRANTED**
10. Application No : 18/00673/FP
Date Received : 29.10.18
Location : 393 Ripon Road Stevenage Herts SG1 4LU
Proposal : Conversion to 3 no. flats, conversion of garage and single storey front and rear extensions
Date of Decision : 21.12.18
Decision : **Planning Permission is GRANTED**

11. Application No : 18/00676/AD
Date Received : 29.10.18
Location : Unit 1B Roaring Meg Retail Park London Road Stevenage
Proposal : Illuminated front fascia sign and non illuminated goods sign to rear elevation
Date of Decision : 20.12.18
Decision : **Advertisement Consent is GRANTED**
12. Application No : 18/00679/FPH
Date Received : 01.11.18
Location : 26 Chalkdown Stevenage Herts SG2 7BG
Proposal : Single storey rear extension
Date of Decision : 21.12.18
Decision : **Planning Permission is GRANTED**
13. Application No : 18/00682/FPH
Date Received : 04.11.18
Location : 63 Derby Way Stevenage Herts SG1 5TS
Proposal : Single storey front extension
Date of Decision : 27.12.18
Decision : **Planning Permission is GRANTED**
14. Application No : 18/00686/FP
Date Received : 06.11.18
Location : 297 Jessop Road Stevenage Herts SG1 5LU
Proposal : Change of use from amenity land to residential garden.
Date of Decision : 21.12.18
Decision : **Planning Permission is GRANTED**

15. Application No : 18/00689/TPTPO
Date Received : 07.11.18
Location : 37 Chancellors Road Stevenage Herts SG1 4AP
Proposal : Reduction of crown by 25% on 1no. oak tree (T7) protected by Tree Preservation Order 14
Date of Decision : 11.01.19
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
16. Application No : 18/00690/FPH
Date Received : 07.11.18
Location : 81 Trajan Gate Stevenage Herts SG2 7QQ
Proposal : First floor front extension
Date of Decision : 03.01.19
Decision : **Planning Permission is GRANTED**
17. Application No : 18/00692/FPH
Date Received : 09.11.18
Location : 93 Ascot Crescent Stevenage Herts SG1 5SU
Proposal : Part two storey, part single storey front extension
Date of Decision : 07.01.19
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed single-storey front extension by reason of its overall size, scale and depth, would appear bulky and result in an incongruous form of development which would be detrimental to the architectural composition of the application property and the visual amenities of this part of Ascot Crescent. It would therefore, be contrary to Policies TW8 and TW9 of the Stevenage District Plan Second Review 1991 - 2011 (adopted 2004), Policy GD1 of the Stevenage Borough Local Plan 2011 - 2031, Publication Draft (2016), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

The proposed two storey flat roof front infill extension, by reason of its projection forward of the principal elevation and flat roof design, would result in an incongruous form of development which would be detrimental to the architectural composition of the application property and the visual amenities of this part of Ascot Crescent. It would therefore, be contrary to Policies TW8

and TW9 of the Stevenage District Plan Second Review 1991 - 2011 (adopted 2004), Policy GD1 of the Stevenage Borough Local Plan 2011 - 2031, Publication Draft (2016), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2018) and the Planning Practice Guidance (2014).

18. Application No : 18/00697/FPH
Date Received : 12.11.18
Location : 5 Beane Walk Stevenage Herts SG2 7DP
Proposal : Single storey side extension
Date of Decision : 02.01.19
Decision : **Planning Permission is GRANTED**
19. Application No : 18/00701/FP
Date Received : 14.11.18
Location : 82 Blenheim Way Stevenage Herts SG2 8TE
Proposal : Change of use from public amenity land to residential garden.
Date of Decision : 09.01.19
Decision : **Planning Permission is GRANTED**
20. Application No : 18/00702/CLPD
Date Received : 14.11.18
Location : 16A Granby Road Stevenage Herts SG1 4AR
Proposal : Certificate of Lawfulness for single storey rear extension
Date of Decision : 09.01.19
Decision : **Certificate of Lawfulness is APPROVED**
21. Application No : 18/00705/FPH
Date Received : 16.11.18
Location : 120 Chalkdown Stevenage Herts SG2 7BN
Proposal : Single storey side and rear extension
Date of Decision : 09.01.19
Decision : **Planning Permission is GRANTED**

22. Application No : 18/00706/FP
Date Received : 16.11.18
Location : 44 Shoreham Close Stevenage Herts SG1 2JF
Proposal : Change of use from public amenity land to residential garden
Date of Decision : 17.01.19
Decision : **Planning Permission is GRANTED**
23. Application No : 18/00709/FP
Date Received : 16.11.18
Location : 4 Fishers Green Stevenage Herts SG1 2JA
Proposal : Erection of 4no three bedroom houses and alterations to existing access
Date of Decision : 09.01.19
Decision : **Planning Permission is GRANTED**
24. Application No : 18/00711/FPH
Date Received : 18.11.18
Location : 16 Shephall Green Stevenage Herts SG2 9XR
Proposal : Replacement rear conservatory
Date of Decision : 11.01.19
Decision : **Planning Permission is GRANTED**
25. Application No : 18/00712/FP
Date Received : 19.11.18
Location : Land At Stevenage Road Stevenage Herts
Proposal : Continued use of agricultural land as a temporary construction compound to facilitate the re-construction of Priory Lane railway bridge
Date of Decision : 14.01.19
Decision : **Planning Permission is GRANTED**

26. Application No : 18/00713/CLPD
Date Received : 19.11.18
Location : 15 Jupiter Gate Stevenage Herts
Proposal : Certificate of lawfulness for a Loft conversion with a flat roof rear dormer
Date of Decision : 14.01.19
Decision : **Certificate of Lawfulness is APPROVED**
27. Application No : 18/00716/FPH
Date Received : 20.11.18
Location : Brook House 101 Hertford Road Stevenage Herts
Proposal : Single storey side extension and outbuilding.
Date of Decision : 18.01.19
Decision : **Planning Permission is GRANTED**
28. Application No : 18/00717/FP
Date Received : 20.11.18
Location : 183 Kimbolton Crescent Stevenage Herts SG2 8RW
Proposal : Proposed windows and door replacement.
Date of Decision : 14.01.19
Decision : **Planning Permission is GRANTED**
29. Application No : 18/00718/FPH
Date Received : 21.11.18
Location : 11 Redwing Close Stevenage Herts SG2 9FE
Proposal : Single storey side extension
Date of Decision : 23.01.19
Decision : **Planning Permission is GRANTED**

30. Application No : 18/00719/CLED
Date Received : 21.11.18
Location : 8 Hyde Green Stevenage Herts SG2 9XU
Proposal : Certificate of lawfulness for existing single storey rear extension
Date of Decision : 09.01.19
Decision : **Certificate of Lawfulness is APPROVED**
31. Application No : 18/00720/HPA
Date Received : 22.11.18
Location : 41 Furzedown Stevenage Herts SG2 9EL
Proposal : Single storey rear extension which will project beyond the rear wall of the original house by 4.3m for which the maximum height will be 3.706m and the height to the eaves will be 2.682m.
Date of Decision : 02.01.19
Decision : **Prior Approval is NOT REQUIRED**
32. Application No : 18/00721/HPA
Date Received : 22.11.18
Location : 68 Chertsey Rise Stevenage Herts SG2 9JL
Proposal : Single storey rear extension which will project beyond the rear wall of the original house by 4.5m for which the maximum height will be 3.02m and the height to the eaves will be 2.5m.
Date of Decision : 19.12.18
Decision : **Prior Approval is NOT REQUIRED**
33. Application No : 18/00722/COND
Date Received : 23.11.18
Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts
Proposal : Discharge of Conditions 4 (Cycle facilities) and 6 (Construction travel plan) attached to planning permission number 18/00519/FP
Date of Decision : 28.12.18
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

34. Application No : 18/00723/FP
Date Received : 23.11.18
Location : Land Adjacent To 93 Shearwater Close Stevenage Herts SG2 9RX
Proposal : Retention of 1 no 1 bedroom bungalow as a variation of planning permission ref 17/00701/FP
Date of Decision : 18.01.19
Decision : **Planning Permission is GRANTED**
35. Application No : 18/00727/TPCA
Date Received : 27.11.18
Location : 3 Nicholas Place Rectory Lane Stevenage Herts
Proposal : Remove 1.5 metres of side of Walnut Tree
Date of Decision : 08.01.19
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
36. Application No : 18/00730/FPH
Date Received : 28.11.18
Location : 45 St. Margarets Stevenage Herts SG2 8RF
Proposal : Part two storey, part single storey rear extension and erection of single storey detached garden room/store.
Date of Decision : 22.01.19
Decision : **Planning Permission is GRANTED**
37. Application No : 18/00731/FP
Date Received : 28.11.18
Location : 51 Blenheim Way Stevenage Herts SG2 8TD
Proposal : Continued use of public amenity land as residential garden.
Date of Decision : 23.01.19
Decision : **Planning Permission is GRANTED**

38. Application No : 18/00735/FP
Date Received : 30.11.18
Location : 85 - 103 Queensway Town Centre Stevenage Herts
Proposal : Change of use of part of the second floor from Retail (Use Class A1) and Financial and Professional Services (Use Class A2) to offices (Use Class B1(a)) and external improvement works.
Date of Decision : 02.01.19
Decision : **Planning Permission is GRANTED**
39. Application No : 18/00738/FPH
Date Received : 03.12.18
Location : 5 Sweyns Mead Stevenage Herts SG2 0JZ
Proposal : Front porch extension
Date of Decision : 14.01.19
Decision : **Planning Permission is GRANTED**
40. Application No : 18/00741/HPA
Date Received : 04.12.18
Location : 92 Fairview Road Stevenage Herts SG1 2NS
Proposal : Single storey rear extension which will project beyond the rear wall of the original house by 6m for which the maximum height will be 3m and the height to the eaves will be 2.9m.
Date of Decision : 11.01.19
Decision : **Prior Approval is NOT REQUIRED**
41. Application No : 18/00745/TPTPO
Date Received : 07.12.18
Location : 6 Chestnut Walk Stevenage Herts SG1 4DD
Proposal : Reduction of 1no. lime tree (T7) by 30% and 1no. oak tree (T8) by 20% protected by Tree Preservation Order 85.
Date of Decision : 22.01.19
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

42. Application No : 18/00773/NMA
Date Received : 18.12.18
Location : 16 Carters Close Stevenage Herts SG2 9QA
Proposal : Non material amendment to planning permission 17/00219/FPH to change the conservatory roof and to marginally increase the width and depth.
Date of Decision : 14.01.19
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 District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and National Planning Policy Guidance March 2014 (as amended).
7. Letters received containing representations.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 5 February 2019

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Technical Support 01438 242838

Lead Officer – Chris Berry 01438 242257

Contact Officer – David Rusling, 01438 242270

1. APPEALS RECEIVED

1.1 None

2. DECISIONS AWAITED

1.2 18/00158/FP. 71 Valley Way, appeal against refusal of permission for a two storey side extension to create 1no. one bed terraced dwelling.

3. DECISIONS RECEIVED

3.1 17/00543/FP. 4 Fishers Green, appeal against refusal of planning permission for the demolition of existing dwelling and erection of 4no. three bedroom dwellings and relocation of vehicular access.

3.2 Decision

Appeal Withdrawn

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