



**PLANNING AND DEVELOPMENT COMMITTEE**

**Date: Monday, 16 December 2019**

**Time: 6.30pm,**

**Location: Council Chamber, Daneshill House, Danestrete**

**Contact: Fungai Nyamukapa**

**fungai.nyamukapa@stevenage.gov.uk      Tel: 01438 242707**

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

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**AGENDA**

**PART 1**

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

**2. MINUTES - 8 OCTOBER 2019**

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

Pages 3 – 10

**3. 19/00123/FPM - LAND TO THE WEST OF A1(M) AND SOUTH OF STEVENAGE ROAD, STEVENAGE**

To consider an application for the erection of 133 dwellings with associated amenity and open space provision, landscaping and access.

Pages 11 – 66

**4. 19/00620/FP - 8A AND 8B MAGELLAN CLOSE, STEVENAGE**

To consider an application for the variation of Condition 1 (approved plans) and removal of Condition 11 (no new windows and doors) attached to planning permission 16/00791/FP.

Pages 67 – 74

**5. 19/00485/FPM - LAND AT WEBB RISE, STEVENAGE**

To consider an application for the construction of 85 residential dwellings, associated accesses, landscaping and other related matters.

Pages 75 – 96

**6. 19/00666/FP - 38B QUEENSWAY, STEVENAGE**

To consider an application for the sub-division of unit and change of use from retail (Use Class A1) to betting shop (sui generis).

Pages 97 – 106

**7. 19/00639/FP - LAND AT 14 TO 20 PADDOCKS CLOSE, STEVENAGE**

To consider an application for a change of use of public amenity land to hardstand to provide 5 no. parking bays.

Pages 107 – 114

**8. 19/00368/S106 - 1-5 INCLUSIVE, FAIRLIGHT CLOSE, STEVENAGE**

To consider an application for the variation of Section 106 Agreement dated 13.08.2013 approved under planning permission reference number 12/00577/FPM to amend the affordable housing obligations set out in Paragraph 3.17.

Pages 115 – 120

**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 121 – 154

**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 155 – 160

**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.

Agenda Published **05 December 2019**

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## STEVENAGE BOROUGH COUNCIL

### PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 8 October 2019

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete

**Present:** Councillors: David Cullen (Chair), Michelle Gardner (Vice-Chair), Doug Bainbridge, Sandra Barr, Jody Hanafin, Liz Harrington, Graham Lawrence, John Lloyd, Sarah-Jane McDonough, Maureen McKay and Graham Snell.

**Start / End Time:** Start Time: 6.30pm  
End Time: 6.55pm

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

Apologies for absence were received on behalf of Councillors Lizzy Kelly and Tom Wren.

There were no declarations of interest.

#### 2 **MINUTES - 4 SEPTEMBER 2019**

It was **RESOLVED** that the Minutes of the meeting of the Planning and Development Committee held on 4 September 2019 be approved as a correct record and signed by the Chair.

#### 3 **19/00294/FPM - THE MARCH HARE, 10 BURWELL ROAD, STEVENAGE**

The Committee considered an application for the variation of condition 1 of planning permission 17/00586/FPM to amend approved drawings.

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

The Development Manager gave an introduction to the Committee. He advised that the only issue for consideration in the determination of the application was how the variation of the condition would impact on the approved scheme and whether any additional conditions were warranted. The main consideration was, therefore, the acceptability of the changes to the scheme in respect of the visual impact on the area and impact on residential amenity.

Members were advised that the changes to the scheme included the replacement of external projecting balconies with Juliette balconies; the installation of a door on the ground floor of the northern elevation of the building serving the internal stair core in order to form an emergency exit; and the omission of the render detailing on the

southern and northern elevations and being replaced with matching brickwork. It was also noted that the condition relating to drainage would be re-worded to seek submission of details prior to occupation instead of pre-commencement.

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:  
12287-W-002 E; 12287-W-003-E; 12887-W-004-E; 12887-W-007-B; 12887-W-008-C; 12887-W-009-B; 12887-W-001-1<sup>st</sup>; 12287-W-015-C.
2. The development hereby permitted shall be completed in accordance with the following approved materials:-
  - Facing Brickwork:- Traditional Brick and Stone (TBS) 'Audley Antique' bricks;
  - Roof cladding:- Euroclad aluminium panel in a Vieozinc colour;
  - uPVC Windows and doors finished in Anthracite Grey;
  - Metal Juliette balconies finished in Anthracite Grey; and
  - uPVC gutters and downpipes finished in black.
3. The soft and hard landscaping scheme as detailed on drawing number 12287-W-015-1<sup>st</sup> as submitted under discharge of condition application 18/00162/COND shall be implemented within the first available planting season following the first occupation of the building or the completion of the development whichever is the sooner.
4. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
5. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.
6. If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The Local Planning Authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.

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

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

7. No removal of trees, scrub or hedges, shall be carried out on site between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.
8. The tree protection measures as detailed on drawing number 12287-W-015-1 shall be retained during the remainder of the construction phase of development and shall only be removed once the development has been completed.
9. Within the areas to be fenced off in accordance with condition 8, there shall be no alteration to the ground levels and they shall be kept clear of construction vehicles, materials, surplus soil, temporary buildings, plant and machinery.
10. The boundary treatment as detailed under discharge of condition application 18/00162/COND shall be completed before the new dwelling is occupied.
11. The development hereby permitted shall not be brought into use until the existing access to the former public house from Burwell Road has been closed and the footway reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
12. The development permitted by this planning permission shall be carried out in accordance with the approved SuDS and Surface-Water Strategy dated September 2017 and the following mitigation measures detailed within the drainage strategy:
  1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 5 l/s during the 1 in 100 year event plus 40% of climate change event.
  2. Providing storage to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event providing a minimum of 37.5 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in underground attenuation tanks.

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

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

13. Prior to the first occupation of the development the final design of the drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles is completed and submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The scheme shall also include:

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

#### 4 **4 FISHERS GREEN, STEVENAGE**

The Committee considered an application for the variation of Condition 1 of planning permission number 18/00709/FP to amend access and associated parking layout and to introduce solar tiles to the rear roofs of plots 3 and 4.

The application was before the Committee for determination as the proposal would need to be the subject of a Section 106 legal agreement.

The Development Manager gave an introduction to the Committee. He advised that the variation would enable a minor amendment to the scheme enabling the required visibility splays to be achieved across the front of the site and highway land. The introduction of solar tiles to the rear roofs of both plots would result in the roof tiles on the rear being slightly different in colour and appearance to those on the remainder of the dwellings.

In response to a question, Officers advised that the visibility splays would be maintained by the developer until the properties were sold when the responsibility would move to the new owners.

It was **RESOLVED**:

That planning permission be GRANTED subject to the applicant having first entered into and completed an agreement under S106 of The Town and Country Planning Act 1990 to secure:-

- The provision and retention in perpetuity of the visibility splay across the frontage of No.2 Fishers Green.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans: SCUD/21907/SOLAR1, SCUD/21906/VS200C
2. The materials to be used in the construction of the dwellings hereby permitted shall be as previously approved under permission 19/00076/COND and the roof tiles as specified in this planning application.
3. The development hereby permitted shall be carried out in accordance with the landscaping details as previously approved under permission 19/00076/COND. The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.
4. Any trees or plants comprised within the scheme of landscaping agreed in condition 3, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
5. Before the access is first brought into use vehicle to vehicle visibility splays of 2.0 metres by 43 metres in both directions shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.
6. Prior to the first occupation of the development hereby permitted, 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a

triangular visibility splay, within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway.

7. Prior to the first occupation of the dwellings hereby permitted the parking spaces and turning facilities identified on drawing SCUD/21901/VS200C shall be constructed, hardsurfaced and made ready for use to serve the occupants of those properties unless otherwise agreed in writing by the Local Planning Authority. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles.
8. No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1330 on Saturdays.
9. The treatment of all boundaries including any walls, fences, gates or other means of enclosure shall be as previously approved under permission 19/00076/COND. The approved boundary treatments shall be completed before the buildings hereby permitted are occupied and thereafter permanently retained.
10. Prior to the first occupation of the development hereby permitted, the developer shall install two habitat bat access units in the south facing brickwork of plots 1 and 3 under the roofline which should be integrated into the brickwork as high as possible. The precise details of units shall first be submitted to and agreed in writing by the Local Planning Authority and shall thereafter permanently retained at the premises.
11. The first and second floor windows proposed in the side elevation of the dwellings hereby permitted serving the en-suites shall be fitted with obscure glazing and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above finished floor level and shall be retained in that form thereafter.

## 5 INFORMATION REPORT - DELEGATED DECISIONS

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

## 6 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

Officers advised that the appeal relating to 68 Wildwood Lane had been dismissed and that the full details would be reported to the next meeting of the Committee. The decision on 18b Boulton Road was still awaited.

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**

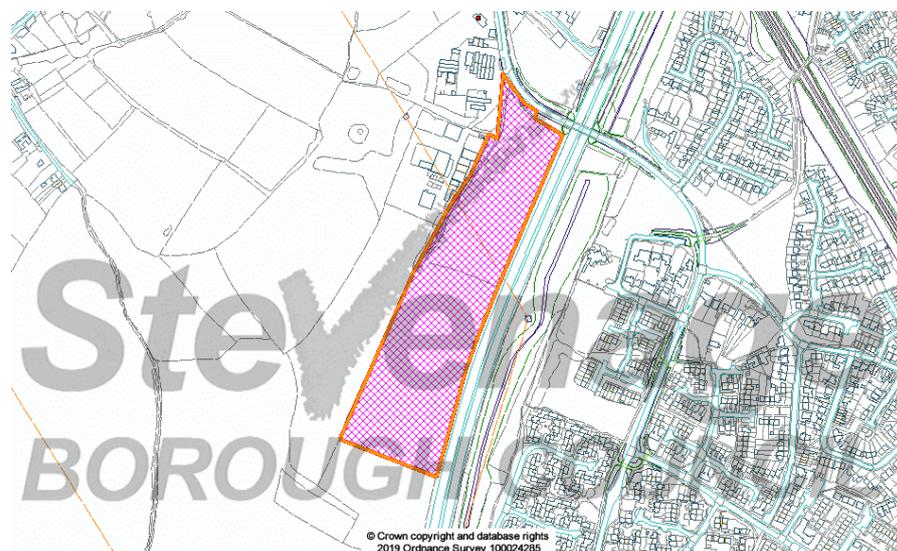
None.

**CHAIR**

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>16 December 2019</b>	
<b>Author:</b>	<b>James Chettleburgh</b>	01438 242266
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>James Chettleburgh</b>	01438 242266

Application No:	19/00123/FPM
Location:	Land to west of A1(M) and south of Stevenage Road, Todds Green, Stevenage.
Proposal:	Erection of 133 dwellings with associated landscaping, open space provision and access.
Drawing Nos.:	SO01D; SO02 A; SO03; SK01 G; SK02; SK03 D; SK04 D; SK05 D; SK06 D; SK06.1; SK06.2; SK07 A; SK07.1; SK08; SK20 B; SK21 B; SK22 A; SK23 A; SK24 B; SK25 B; SK26 C; SK27 C; SK28 C; SK29 A; SK30 B; SK31 B; SK32 B; SK33 B; SK34 B; SK35 C; SK36 C; SK37 C; SK38 B; SK39 C; SK40 C; SK41 A; SK42 A; SK43 A; SK44 C; SK45 C; SK46 C; SK47 C; SK48 C; SK49 B; SK50 B; SK51 C; SK52 C; SK53 A; SK54 A; SK55 A; SK56 A; SK57 A; SK58 A; SK59 A; SK60 A; SK61; SK62; SK63; SK64 A; SK65 A; SK66 A; SK67; SK68, SK69 A; SK70; SK71 B; SK72 C; SK73 C; SK74 C; SK75 C; SK76 C; SK77; SK78; SK79; SK80; SK81; SK82; SK83; SK84; SK85; SK86; SK87; SK88; SK100; SK101; SK102; SK103; SK104; SK105; SK200A; SK201A; SK202A; SK203B; SK204B; SK205.1A; SK205.2A; SK206B; SK207B; SK208B; SK209A; SK210A; SK211B; SK212B; SK213.1A; SK213.2A; SK214A; SK215B; SK216B; LC 00331 01 G.
Applicant:	Taylor Wimpey UK Ltd
Date Valid:	26 February 2019
Recommendation:	GRANT PLANNING PERMISSION.



Plan for information purposes only

## **1. SITE DESCRIPTION**

- 1.1 The application site is located in the north-western area of the Borough of Stevenage to the west of the A1(M) motorway and to the south of Fishers Green in Todds Green. The site is allocated in the adopted Local Plan (2019) as a West of Stevenage Safeguarded Corridor (Policy IT2) and it is a rectangular parcel of land which is approximately 5.6 hectares in area. It comprises of agricultural fields which are punctuated by mature hedgerows, trees and vegetation. The land is set down from Stevenage Road and Fishers Green due to the sloping and undulating topography of the application site and the surrounding area. The site also straddles the border with North Hertfordshire District Council.
- 1.2 To the west of the application site is Shangri-La farm which comprises a mixture of commercial and light industrial premises along with agricultural fields and paddocks. To the east, beyond the A1(M) motorway is the main urban area of Stevenage including Fishers Green Common. To the north and north-west beyond Fishers Green and Stevenage Road is the hamlet of Todds Green. The hamlet of Todds Green comprises a mixture of detached and semi-detached properties which are of varying architectural styles and designs along with farms, agricultural holdings and stables.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 01/00506/OP sought outline permission for the development of approximately 3,600 dwellings and business premises, shops and other uses, leisure, social and community facilities, open space and landscaping and provision of infrastructure, highways and public transport. This application was withdrawn in August 2013.
- 2.2 Planning application 01/00423/OP sought outline permission for the development of approximately 5,000 dwellings and business premises (B1 and B2); shops (A1, A2 and A3), leisure, social and community facilities (D1 and D2); open space and landscaping, provision of infrastructure, highways. This application was refused by the Secretary of State in October 2005.

## **3. THE CURRENT APPLICATION**

- 3.1 The application before the Council seeks planning permission for the erection of 133 dwellings comprising a mixture of the following:-
- 34 no. two bedroom flats;
  - 6 no. two bedroom houses;
  - 51 no. three bedroom houses; and
  - 42 no. four bedroom houses.
- 3.2 This application also comprises the erection of a gas governor, pumping station and electricity substation. It also seeks permission for the creation of a new vehicular access road off Fishers Green with a bus loop, a Local Equipped Area for Play (LEAP), Local Area of Play (LAP), countryside green and areas of open space.
- 3.3 This application comes before the planning and development committee as it is a major residential scheme.

## 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. Objections have been received from the following:-

- 18 Tower Close, Little Wymondley;
- Limah, Todds Green;
- Oaklea, Todds Green;
- St Christopher, Todds Green;
- 75 Scarborough Avenue;
- The Thatched Cottage, Todds Green;
- 94 Letchmore Road;
- Highlands, Todds Green;
- Holmwood, Todds Green;
- Whitethorn, Todds Green;
- Greenfields, Todds Green;
- Whych Elms, Todds Green;
- Thornboro, Todds Green;
- 15 Kessingland Avenue;
- 8 Aldeburgh Close;
- Wymondley Parish Council

4.2 A summary of the objections received are as follows:-

- Impact on the Green Belt;
- Lack of very special circumstances;
- Lack of assessment as to the impact on the Green Belt;
- The development is in a safeguarded area taken out of the Wymondley Neighbourhood Plan area by North Hertfordshire District Council;
- Impact on highway network and highway safety;
- Impact on traffic levels in Todds Green;
- Development is out of character with Todds Green;
- The proposal has no links to existing cycle ways;
- Will the development contribute towards the existing local community of Todds Green/Wymondley?;
- Will there be any S106 contributions towards the existing community of Todd's Green and Wymondley?;
- The Travel Plan submitted is misleading and refers to an obvious desire to extend the development site further;
- The development does not reflect the design of the New Town;
- The Scheme should be reviewed by the Hertfordshire Design Review Panel;
- Construction works would have a detrimental impact on local residents;
- Air quality impacts;
- Noise impacts;
- The development would have a detrimental impact on property values;
- Flooding and surface water drainage concerns;
- Loss of the best and most versatile agricultural land;
- Impact on local views from Todds Green;
- Impact on local biodiversity and wildlife;
- The development could have a detrimental impact on local broadband services;
- Loss of open space for residents and horse riders;
- Overly dense development;

- Insufficient bus service provision for the wider area beyond the development site;
- Poor living standards for future residents;
- Insufficient mitigation measures to deal with noise;
- Would erode the green barrier between Todds Green and the A1(M);
- The proposed development should be considered in context with W5(i) and W5(ii) of North Herts Plan in terms of impact on the setting of the Green Belt;
- Proper consideration needs to be made as to the effect of the development on landscape, setting and character of the settlement (Todds Green),
- No impact assessment has been provided in terms of the developments impact on local residents;
- The proposal does not accord with the Local Development Plan;
- The applicants Traffic Assessment does not properly consider the full extent of the impact the development will actually have on the local highway network;
- The development will overburden local infrastructure such as GP surgeries and the hospital as well as local schools;
- The development will increase anti-social behaviour;
- Where will the businesses be relocated to?;
- The proposed highway works associated with the development are not considered to be acceptable;
- The transport modelling undertaken by the applicant is insufficient as it does not accurately reflect local traffic levels;
- A cumulative impact assessment of all developments coming forward needs to be undertaken.

4.3 Please note that the aforementioned is not a verbatim of the comments which have been received. A full copy of the comments received can be viewed on the Council's website.

## **5. CONSULTATIONS**

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

5.1.1 The County Council as Highways Authority consider the development to be in accordance with National and Local policies. Therefore, the Highways Authority's 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 Following an assessment of the proposed development for 133 units, it is recommended financial contributions should be secured in accordance with HCC Toolkit towards secondary education, nursery education, primary education, library services and youth services. In addition to this, it is recommended that a number of fire hydrants should be provided as part of the development. As such, the fire hydrants should be secured as part of any S106 Legal Agreement.

### **5.3 Hertfordshire County Council Archaeology**

5.3.1 The site is considered to have a comparatively high potential for sub surface archaeological remains, and that the development is sufficient large enough in scale

to request information be submitted predetermination in accordance with paragraph 189 of the NPPF. It was recommended that the following information comprises:

- An archaeological desk-based assessment;
- A geophysical survey;
- A trial trench evaluation.

5.3.2 Following an assessment of the documentation which was submitted during the application process, it is clear that despite the archaeological potential of nearby areas, few remains of archaeological interest have been identified by the evaluation, and those, remains of post-medieval cultivation, are of low significance. The balance of probability suggests, therefore, that no archaeological assets of significance will be impacted by the development. In this instance, there are no comments to make on the application.

#### **5.4 Hertfordshire County Council Minerals and Waste**

5.4.1 The Council needs to be aware of the Policies in regards to waste management of the site, including the re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the developments construction. Furthermore, Waste Policy 12: Sustainable Design, Construction and Demolition require all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where the waste is taken to.

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

5.5.1 Following a review of the technical note, it is considered that the proposed development can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. The soakaway testing demonstrates that the shallow ground conditions are not feasible. Therefore, the proposed rainfall event will be restricted and that the drainage network can safely store water in a 100-year plus 40% climate change event.

5.5.2 The northern section of the site will be served by a detention basin online to the watercourse. The flow from the detention basin into the downstream network will be controlled by a slot weir. This will allow flows from the upstream catchment(s) to pass through at existing rates, while attenuating the runoff from the development to the equivalent greenfield rate. This approach ensures that the watercourse is opened up as far as possible. It is recommended that a number of conditions are imposed if permission were to be granted with regards to the drainage strategy.

#### **5.6 Highways England**

5.6.1 Highways England raises no objection to the proposal. Therefore, Highways Act 175B (consent of highway authority required for trunk road access) is not relevant to this application.

## **5.7 Council's Environmental Health Section**

5.7.1 In terms of noise, following an assessment of the applicants Noise Impact Assessment, it is recommended a number of conditions be imposed if planning permission were to be granted. These conditions relate to the following:-

- Submission of details of protecting the proposed dwellings from noise from road traffic; and
- Submission of a detailed Construction Management Plan.

5.7.2 In regards to air quality, the assessment focusses predominantly on the impact of construction dust. As would be expected that this, as well as other nuisance caused by the construction would be suppressed, it is foreseeable that the impact of these pollutants will be managed by an efficient site. Therefore, the Council's normal planning requirements, if enforced, should automatically require the building site to be well managed, so that there should not be any significant dust production. As such, recommend a planning condition to require a construction condition to control air quality during the construction phase.

5.7.3 In regards to road traffic emission based on the operational phase of the development, this highlights a negligible impact due to traffic on the site. With regards to the assessment of emissions from traffic traveling along A1(M), the points raised were noted and accepted. With regards to air pollution, it is not clear how the development would meet the Council's requirements to reduce air pollution, therefore, this is a policy decision as to whether the Council accepts a standard which does not meet our policy. This is given to the acceptance by BWB that mitigation is recommended to minimise exposure of future residents of the development to elevated nitrogen dioxide concentrations. This mitigation implies the use of ventilation in residential dwellings to make them safe to live in. This reliance on ventilation does not address the safety of the living environment in and around the affected dwellings.

5.7.4 The report by the applicant identifies that the proposed future pollution levels to be within current guidance levels. This is agreed due to the site development work will be minimal, as long as the site is well managed or enforced, but, there are still concerns with the future exposure of the residents of the development phase has been completed. There is no reference as to what control measures to make the area safe. Through the reliance of mechanical ventilation for the dwellings in areas of high pollution, this may render the interior safe, but it does not take into account external areas. It is noted that in order to mitigate this impact, an eco-barrier is to be used towards environmental protection of the site. However, information needs to be provided to show the effectiveness of this.

## **5.8 Council's Arboricultural Manager**

5.8.1 There are no objections to the application from an Arboricultural view point. However, there is a concern about the impact caused to the line of trees on the west boundary by the acoustic fence. Although the Arboricultural Impact Assessment mentions the need for an arboriculturalist if any large roots are encountered, it is suggested the whole section of the fence near the tree line should be supervised. Also, as this this type of work could potentially weaken the root system and therefore, the trees stability, it is also suggested a Highways England inspector would want to be aware of this matter. This also applies to the aerial part of the tree as considerable amount of their crowns would have to be cut back to accommodate the installation of the high fence.

## **5.9 Council's Parks and Amenities Section**

- 5.9.1 It is understood that the proposed development is not to be offered up for adoption by Stevenage Borough Council with regards to maintenance and upkeep of the open space, planting or play areas. In regards to the Gramm Eco barrier, the Council's Parks Section require further information regarding the future maintenance and upkeep of the proposed eco barrier. The Council's Parks Section have limited experience of such a proposed structure but would like to draw attention to some considerations that the developer should plan to address in the longer term. This will include:
- Topping up of soil once settled and managing the structure to prevent minimal exposure of the frame / structure.
  - Ensuring the eco barrier (noise protection barrier) is maintained to continually provide an attractive amenity whilst also providing opportunities for wildlife.
  - Some of the species selected to be planted on the eco barrier will be quick to establish and rigorous in growth. This should be managed and maintained with this in mind.
  - Ensuring the eco barrier remains, at all times, safe to the public. As this is an engineered structure, we recommend seeking comments from the Council's Engineering Department.
  - Consideration for the control of pests and vermin.
- 5.9.2 The Council's Parks Sections note that the proposals include a series of SuDS basins. However, it is not clear how accessible these areas will be and if they have the potential to additionally function as amenity space in periods of dry (i.e. a shallow scrape / deep basin with steep walls). The proposals include a number of planted areas that will be vulnerable to vehicle damage (i.e. on street corners). The developer must seek to protect such areas from vehicle damage, whilst planting is considerate to causing no visual difficulties / safety issues for vehicles / pedestrians.
- 5.9.3 There is opportunity to consider additional and more varied bulb planting at the site to provide a flush of spring colour for a prolonged period. This could include a mix of crocus, snowdrop and tulip. We would also recommend bulb planting at the entrance to the site. The developer must consider how the proposed development will link with wider plans for the surrounding area (i.e. master planning). It is not clear from the application how this development will provide these 'green links/ green infrastructure' to enable this.
- 5.9.4 The Parks Section require financial contributions to put towards play and outdoor sport facilities. They would look to channel this funding towards delivering improvements to either/or Meadway Playing Fields, Skegness play area, Scarborough Avenue play area and/or Bude park.
- 5.9.5 The Council's Parks Section note the developer's intention to include an area of wildflower meadow aligned with the eco barrier. Parks would support proposals for a meadow within the scheme, however it is not clear from the plan how wide and accessible this area will be. The developer must consider how this area will be accessed for carrying out meadow maintenance i.e. a cut and clear management regime. The developer must also consider nest boxes and should liaise with Herts Middlesex Wildlife Trust (HMWT) to determine suitable options and locations.
- 5.9.6 With regards to the play area, this should be installed and completed early in the development's build stage to ensure play demand is being met whilst being considerate to resident's expectations. The play area shall meet EN1176 and EN1177 standards. A post installation inspection report of the play area should be

carried out independently by an RPII registered play inspector, with any items identified for action carried out.

- 5.9.7 All equipment shall be robust, mainly of metal construction and resistant to vandalism. Some of the proposed items such as the climbing block, seesaw and slide could be vulnerable and we recommend robust alternatives. The proposed bow-top fencing will need to be checked that this conforms to play standards. A shallower bow will be required to ensure the fence does not offer a risk of a head trap. The play area does not include any conventional swing provision. As such Parks highly recommend including flat and cradle swings within the design. The play area shall be constructed on level and well-draining ground.
- 5.9.8 In relation to biodiversity improvement, following negotiations with the applicant, financial obligations would be secured via a Section 106 agreement in order to undertake necessary improvements works to Fishers Green Common which have been drawn up in conjunction with Herts and Middlesex Wildlife Trust. In addition, a financial obligation is sought for ongoing maintenance of the Common for a period of 20 years.

## **5.10 North Hertfordshire District Council**

- 5.10.1 In the original response dated 4<sup>th</sup> April 2019, objection was raised due to a conflict with Policy IT2 and the lack of clarity in the submission regarding the future deliverability of the safeguarded land west of Stevenage. Following a review of the Transport Assessment, there is little robust evidence clarifying how the proposed development of the site takes account of the future development of the safeguarded land to the West of Stevenage. The West of Stevenage development site is anticipated to be served by three main access points, one of these is proposed to be established through the application site. The road appears that it may be sufficient for a small development of houses but strongly question whether it would be suitable to serve a yet unknown quantum of development to the West of Stevenage.
- 5.10.2 It is noted that the Highways Authority (at the time the comments were received from North Hertfordshire District Council) is objecting to the proposal and they are clearly not satisfied that the proposed highways arrangements are able to adequately serve the proposed development itself let alone take account of the deliverability of the safeguarded land to the West of Stevenage.
- 5.10.3 North Hertfordshire District Council view is that the only way the applicant would be able to clearly demonstrate how the development of the site would not compromise the ability to develop the safeguarded land would be to provide a masterplan for the entire West of Stevenage strategic site in order to demonstrate an overall strategy. This will need to include reference to the strategic road layout of the wider site and how this would connect with the existing network.

## **5.11 Police Crime Prevention Design Officer**

- 5.11.1 Following correspondence with the applicant since pre-application, they are intent on achieving the Police preferred minimum security standard that is Secured by Design.

## **5.12 Environment Agency**

5.12.1 The site is an area of groundwater sensitivity, being partly within a Source Protection Zone 2 (SPZ 2). Therefore, it is recommended that the requirements of the NPPF and Planning Practice Guidance are followed. This means that all risks to ground water and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health that the Council's Environmental Health Department will look at. It is expected that reports and Risk Assessments to be prepared in line with the Environment Agency Guidance.

5.12.2 In order to protect groundwater quality from further deterioration:

- No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause ground pollution;
- Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution; and
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

## **5.13 Thames Water**

5.13.1 Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission. With regards to water supply, this area is covered by Thames Water.

## **5.14 NHS East and North Hertfordshire Clinical Commissioning Group**

5.14.1 Despite premises constraints, GP Practices are not allowed to close their lists to new registrations without consultation with, and permission from, the East and North Herts Clinical Commissioning Group. We expect such applications to increase as the new developments in the area go live. Even when surgeries are significantly constrained East and North Herts CCG and NHS England would not wish an individual patient to be denied access to their nearest GP surgery. Patient lists are therefore only closed in exceptional circumstances.

5.14.2 However, when a large number of new dwellings and registrations is planned the preferred option is to try and find a way to absorb those significant demands upon surgeries by providing additional resources, e.g. re-configuring, extending or relocating the practice to provide sufficient space to increase clinical human resources and clinical services and thus keep the patient lists open. A developer contribution under these circumstances is considered fair and reasonable.

5.14.3 'Constrained' means a practice working to over-capacity for the size of their premises and the clinical space available to provide the required services to their patients. A practice in this situation would usually need to be re-configured, extended or even relocated to absorb a significant number of new registrations.

- 5.14.4 Patients are at liberty to choose which GP practice to register with as long as they live within the practice boundary and NHS England cannot prescribe which surgery patients should attend. However the majority of patients choose to register with the surgery closest and/or most easily accessible to their home for the following reasons; quickest journey, non-car dependent (public transport or walking distance), parking provision if a car journey is necessary, easy access during surgery hours, especially for families with young children and for older adults.
- 5.14.5 Therefore, financial contributions are sought towards the provision of GP Practices of £94,078.84, it is proposed to focus the monies on Stanmore Medical Group's 4 sites particularly the Poplars Surgery, Magpie Crescent which at 36.8 patients per m<sup>2</sup> is very constrained (22 patients per m<sup>2</sup> is considered constrained) and has no capacity for any rise in patient numbers. The Stevenage Hub and King George Surgery which are 1.4 miles from this development, whilst not currently constrained at 15.38 patients per m<sup>2</sup> it is 3rd in line and given its position in the town centre will be most likely to see a very significant rise in patient registrations. Therefore, the digitalisation of patient records in any practices directly affected by this development would release rooms to increase clinical capacity by way of reconfiguration. A trigger point of on occupancy of the 50<sup>th</sup> dwelling is requested. NHS England and the East and North Herts Clinical Commissioning Group reserve the right to apply for S106 money retrospectively and the right to amend and request that this be reflected in any S106 agreement.
- 5.14.6 In addition, it is vital to consider the impact of developments and additional residents on community and mental healthcare. Therefore, a financial contribution of £344,595 would be sought towards acute, mental health and community costs. In terms of mental health and community health costs, £50,702 would be focused towards the Stevenage Hub. In terms of acute costs £294,523 would be towards Lister Hospital which includes refurbishment works.

## **5.15 Campaign to Protect Rural England (CPRE)**

- 5.15.1 Object to the isolated unsustainable development. The proposal would be contrary to the emerging local plan and premature in that it relates to a potentially much larger development, but as yet uncommitted, development in the current designated Green Belt to the West of Stevenage. CPRE has objected to the release of all Green Belt land to the west of the A1(M) as inappropriate and because very special circumstances have not been demonstrated. The North Herts Local Plan, is submitted but not approved and the emerging Stevenage Plan, subject to a holding direction, has safeguarded this land as an access corridor (Policy IT2) in the event that the wider land release is approved.
- 5.15.2 When the Council assessed the site in December 2015 as part of its Green Belt Review, the site (Ref 629) wasn't allocated for residential development but for access. If developed in isolation for residential the assessment said:
- “development would be unsustainable due to its separation from existing facilities within the urban area”.*
- 5.15.3 The scheme is therefore, unsustainable as it is being developed in isolation. The application would be contrary to emerging Local Plan Policy HO2 which requires masterplanning of whole site at outline stage prior to the submission of any detailed proposals. No large-scale Masterplanning for the West of Stevenage site has taken place.

- 5.15.4 It would appear the scheme has not been Design Reviewed and it is demonstrably the case that it lacks the necessary strategic design approach. Furthermore, it totally undermines a masterplan approach and represents a poor quality piecemeal approach to the west of Stevenage area.
- 5.15.5 The Local Plan allocation is premised on the provision of access to a wider masterplanned scheme. The lack of any through access, which would potentially be delivered as part of a wider masterplan scheme, means that it would not be possible to deliver new passenger transport services to the proposed development. No new active travel routes are proposed to connect the site with the main town nor are cycling routes provided within the proposed layout.
- 5.15.6 Stevenage Local Plan safeguarded the site to provide a sustainable travel corridor (para 8.15). Two strategic vehicle access points in the local plan are proposed for west of Stevenage but the Todds Green site is not proposed as one of them (Policy IT1). The Local Plan states (para 8.15) that the existing road network in this area will not support a significant access point but the site could provide a sustainable transport corridor.
- 5.15.7 The development would provide a play area, severed from housing by the main access road, but otherwise no new services or facilities, so residents would have to make inconvenient and longer journeys to the existing town east of the A1M, with greater dependency on the private car to access them.
- 5.15.8 The Travel Plan aims to increase sustainable travel modes by 15% over a period of time but due to the site's isolation, lack of local services, patterns of high car use will become established from the outset. The site is highly constrained by its close proximity to the A1(M) due to noise and air pollution. The submissions suggest highly compromised living conditions with few external gardens achieving reasonable tranquillity and with mechanical ventilation proposed for dwellings where NO<sub>2</sub> concentrations exceed desired levels. The provision of a substantial and dominant noise barrier 9m high itself will be visually poor, create a prison like enclosure and it is unrelieved by any associated wide and open landscaped areas.
- 5.15.9 It is worth considering the layout of housing areas east of the A1(M) in Stevenage which were generally done with a setback of at least 50-60m with wide landscape verges. These were done at a time when traffic levels were much lower and knowledge of the harm from road traffic, noise and air pollution was less well understood.
- 5.15.10 If the site were being considered, as identified in emerging policy under a masterplan for a wider area, with aspiration to high quality place making, the qualitative deficiencies due to air and noise would on design grounds alone lead to a very different approach to layout and placemaking, more in tune with aspirations of the NPPF "*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work*" (NPPF para 124).
- 5.15.11 The development of the site is a poor design approach and unsustainable development contrary to the NPPF. By way of comparison the Masterplanning exercise underway for the village of Knebworth, just 2km south of Stevenage and close to the A1M, as part of its Neighbourhood Plan, systematically identified constraints of noise and air pollution and proposed new development areas that are kept well away from the A1M (see pages 47 to 51 of the Knebworth Aecom Masterplanning and Design Report).

5.15.12 Even if the NPPF presumption in favour of Sustainable Development applies, due to the lack of a 5 year housing land supply, and this may be related to the current holding direction on the Local Plan, the development should not be approved. By its isolated location, the environmental constraints of the site and the poor design quality of the proposal it represents unsustainable development contrary to the NPPF.

#### **5.16 Cadent Gas**

5.16.1 An assessment has been carried with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas apparatus. It is identified that there are apparatus in the vicinity of the development which is a Low or Medium (below 2 bar) gas pipe and associated equipment. Therefore, construction needs to be carried out in accordance with relevant regulations.

#### **5.17 Sport England**

5.17.1 The proposed development does not fall within either our statutory remit or non-statutory remit, therefore, Sport England has not provided a detailed response in this case.

#### **5.18 Herts and Middlesex Wildlife Trust**

5.18.1 The details set out in the Ecological report are considered to be acceptable. However, this is subject to conditions on the provision of bat and bird boxes along with the submission of a landscape and ecological management plan (LEMP) as well as a landscape and habitat management scheme to be approved by the Council.

#### **5.19 Hertfordshire County Council Public Health Service**

5.19.1 The NPPF, in its planning objective 8b, sets out that *the planning system has a social objective to support strong, vibrant and healthy communities and to support communities' health and social wellbeing*. This has been retained from the previous NPPF and should be seen as an equal consideration to environmental and economic objectives. Paragraph 91 requires planning to aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs (Para 91c). Paragraph 92b sets out that planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community.

5.19.2 For all development proposals we recommend that applicants refer to the Hertfordshire Health and Wellbeing Planning Guidance and Public Health England's Spatial Planning for Health evidence resource. This sets out our expectation of developers in terms of the delivery of healthy development and communities and focusses on the principle of 'designing in' health and wellbeing as an essential part of the planning process. In doing so, this recognises the *wider determinants of health* as a diverse range of social, economic and environmental factors which influence people's mental and physical health, and would demonstrate that an application for development has been *positively prepared*.

5.19.3 In regards to local health profile, the health of people in Stevenage is varied compared to the England average. Life expectancy for males and females is

lower than the England average<sup>4t</sup>. However, health inequalities exist; about 16% (2,900) of children live in low income families<sup>4</sup>, whilst the difference in life expectancy between the most and least deprived areas of the District is 7.4 years for men and 2.5 years for women<sup>4</sup>. Across the Borough there are clear local health priorities: income deprivation, the percentage of inactive adults, prevalence of overweight and obesity in year 6 children, percentage of people who reported having a limiting long-term illness or disability, and premature mortality are all significantly worse in Stevenage compared to the Hertfordshire averages<sup>5</sup>. These health priorities can be both positively and negatively influenced by the built environment. We are therefore keen to understand how the proposed development will work to provide local opportunities to improve such challenges and look to the planning authority to consider this when determining the application.

- 5.19.4 Exposure to excessive noise and poor air quality are public health concerns. Exposure to excessive noise can have a detrimental effect on mental and physical health. Evidence of the non-auditory effects of environmental noise exposure on public health is growing. Observational and experimental studies have shown that noise exposure leads to annoyance, disturbs sleep and causes daytime sleepiness, affects patient outcomes and staff performance in hospitals, increases the occurrence of hypertension and cardiovascular disease, and impairs cognitive performance in schoolchildren.
- 5.19.5 Poor air quality is a Public Health concern and it is important to understand how population *exposure* to it is considered in planning applications. Children, older adults and people in poorer health are a health sensitive group to the effects of air pollution. The Local Health Profile for Stevenage shows there are higher than average numbers of the population living in deprivation and adult population with a limiting long-term illness or disability. This means a local population that is potentially more vulnerable to the effects of air pollution.
- 5.19.6 It is important that this proposal demonstrates how it will limit exposure to poor air quality to existing communities during the construction phase. Crucially, this proposal must also demonstrate satisfactorily to the planning authority how it will minimise the operational exposure to poor air quality for its new community – the future occupants.
- 5.19.7 To mitigate against the negative health impacts of exposure to excessive noise and poor air quality, we strongly encourage the planning authority to give serious consideration to the issues raised by Stevenage Borough Council's Environmental Health team in their submitted responses. We recommend the development proposals have regard for the National Institute for Health and Care Excellence (NICE) 2017 Guidance on Outdoor Air Pollution, as well as the 2019 Quality Standard (QS181) which covers road-traffic-related air pollution and its impact on health. The Quality Standard describes high-quality actions in priority areas for improvement, with Quality Statement 2 focussed on planning applications.
- 5.19.8 We support the response from Hertfordshire Highways (9<sup>th</sup> November 2019) to require active and sustainable travel infrastructure to be built prior to first occupation of dwellings with appropriate way markings. This is to encourage modal shift to active and sustainable travel behaviours. In November 2019, Herts County Council adopted a Health Impact Assessment Position Statement. This sets out when an HIA should be undertaken and the frameworks to use for each

stage of the HIA process. It includes guidance on the quality assurance framework that will be used to assess how well an HIA has been undertaken.

- 5.19.9 While we note it is late in the planning application process to seek an HIA for this development, the planning authority may wish to consider whether one would be required if the applicant cannot satisfy the Environmental Health concerns for this development site.

## **5.20 UK Power Networks**

- 5.20.1 No comment.

## **5.21 Natural England**

- 5.21.1 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 Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

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

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

## **6.2 Central Government Advice**

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

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

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

### **6.3 Adopted Local Plan**

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable development in Stevenage;  
Policy SP5: Infrastructure;  
Policy SP6: Sustainable transport;  
Policy SP7: High quality homes;  
Policy SP8: Good design;  
Policy SP11: Climate change, flooding and pollution;  
Policy SP12: Green infrastructure and the natural environment;  
Policy SP13: The historic environment;  
Policy IT2: West of Stevenage safeguarded corridors;  
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 HO5: Windfall sites;  
Policy HO7: Affordable housing targets;  
Policy HO8: Affordable housing tenure, mix and design;  
Policy HO9: House types and sizes;  
Policy HO11: Accessible and adaptable housing;  
Policy GD1: High quality design;  
Policy HC8: Sports facilities in new developments;  
Policy FP1: Climate change;  
Policy FP2: Flood risk in Flood Zone 1;  
Policy FP5: Contaminated land;  
Policy FP7: Pollution;  
Policy FP8: Pollution sensitive uses;  
Policy NH5: Trees and woodland;  
Policy NH6: General protection for open space;  
Policy NH7: Open space standards.

### **6.4 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, affordable housing and planning obligations, visual impact of the development, impact on archaeological remains, impact upon neighbouring amenity, impact on upon the future amenity of residents, parking provision, highway implications, impact on the environment, development and flood risk, trees and landscaping, ecology and protected species and loss of agricultural land.

## 7.2 Land Use Policy Considerations

### Council's Housing Policies

- 7.2.1 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development".
- 7.2.2 Paragraph 61 of the NPPF 2019 requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 68 of the NPPF sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.3 Paragraph 67 of the NPPF (2019) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 73 of the same document states that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies".
- 7.2.4 Paragraph 117 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.5 Turning to the adopted Local Plan (2019), as the site is not designated for residential development it would be classed as a windfall site. Taking this into consideration, Policy SP7 (High quality homes) states that the Council needs to be provide 7600 new homes over the local plan period of which 1,950 homes would be provided through windfall sites. Turning to the specific policy on windfall development sites, (Policy HO5 of the Local Plan), this outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.6 Taking the above issues in turn, the application site is not classified as previously developed land being a greenfield site. Therefore, the proposed development of this Greenfield site does not accord with the definition of previously developed land set out in Annex 2 of the NPPF. The NPPF states that previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The NPPF also advises that a key objective is that local planning authorities should continue to make effective use of land by re-using land that has been previously developed. As such, the proposed development is not accordance with adopted Local Plan (2019) Policy HO5 criterion a. Therefore, an assessment has to be undertaken to determine whether or not the benefits of this development outweigh the loss of this area of

green open space. This will be considered in more detail in subsequent sections of the committee report.

- 7.2.7 Criterion b. of Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. In this regard, the site is separated, quite significantly, from the rest of the town and its facilities by the A1(M). At its furthest point, it is over 2,000 metres to the nearest Primary School (Woolenwick), 1,600 metres to Thomas Alleyne Secondary School and 1,300 metres to the nearest supermarket. In regards to community facilities, none are proposed on the development site.
- 7.2.8 In order to improve the sites sustainability and connectivity to the town, through negotiations with Hertfordshire County Council as Highways Authority, the existing bus services (Arriva Routes 8 and 9) would be diverted and extended into the development site. The site itself would comprise of a new bus stop where all properties on-site will be within 400m of the new stop. In addition, the developer has agreed a financial contribution to fund an extra bus and to subsidise the operation of the service. In terms of the bus route itself, it would connect the application site to Stevenage Town Centre and Old Town. The bus route also passes Filey Close which comprises a small neighbourhood centre.
- 7.2.9 With regards to pedestrians and cyclists, the developer will be looking to create a toucan (signal controlled) crossing in proximity to the site access on Fishers Green with a widened footway. This would then connect to an internal footpath which would run along the spine road. The site has, therefore, through these measures, been demonstrated to be sustainable.
- 7.2.10 In regards to criterion c. of Policy HO5 which requires development to not have a detrimental impact on the environment and the surrounding properties, these matters would be dealt with in later sections of this committee report. In regards to residential development on allocated sites as defined in the adopted Local Plan, the development site would not be located on an allocated site with Stevenage West falling outside the application site. Therefore, the development would not affect the delivery of these allocated sites for residential development and, therefore, accords with criterion d. of Policy HO5. With regards to the impact of the development on existing infrastructure, this is considered in more detail in the Affordable Housing and Financial Obligations section of this report.
- 7.2.11 With respect to the five year land supply of deliverable housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, but the supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:-
- a) 5% to ensure choice and competition in the market; or
  - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
  - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.12 The most up to date housing supply figures indicate that the Council is able to meet its requirements to provide a 5 year land supply as defined in the adopted Local Plan. The fact that the Council can meet its 5 year land supply of housing is thus a

material consideration in the assessment of this application. However, as set out above, as the application site is considered to be a 'windfall' site, it will help to meet the Council's overall housing need over the local plan period in this instance.

- 7.2.13 In respect to Policy HO9 (House types and sizes) of the Adopted Local Plan (2019), as the proposed development seeks to deliver a mixture of 2, 3 and 4 bedroom dwellings, it would be in accordance with this policy as it would add to the overall mix of housing which is required to meet the objectively assessed need over the local period.
- 7.2.14 Given the aforementioned assessment, subject to the development not having a detrimental impact on the character of the area and neighbouring amenities, the principle of the residential development here is acceptable.

#### West of Stevenage Safeguarded Corridor

- 7.2.15 The application site is allocated in the Stevenage Borough Local Plan (2019) as forming part of the West of Stevenage Safeguarded Corridor under Policy IT2. This policy states that the areas around Meadway and south of Todd's Green, as shown on the policies map, are safeguarded. As such, planning permission will only be granted for any development proposals which would not physically inhibit or otherwise prejudice comprehensive development within North Hertfordshire District in the period beyond 2026.
- 7.2.16 As set out in the emerging North Hertfordshire Plan (2016), it will be increasingly challenging to continue finding sites for development. This site could provide around 3,000 new homes (paragraphs 8.11 and 8.12 of the Stevenage Borough Local Plan, 2019). However, development of this scale will not be able to rely upon access points as detailed under Policy IT1 of the Local Plan. These access points are Meadway and Bessemer Drive which are further to the south of the site. Therefore, a major access road will be needed to link this site to the town's road network.
- 7.2.17 Given the aforementioned, the new spine road running through the application site has been designed to accommodate two way flows of traffic including larger vehicles such as buses. This would mean a new link between the application development site and the future land to the West of Stevenage could be established via this arterial road. In addition, the development layout has been designed so that the residential roads could connect into a potential future development to the west in North Hertfordshire. Therefore, whilst the proposal would involve a substantial development of residential properties on the site, the development has been designed to ensure it accords with Policy IT2 through the provision of a main spine road which could link to a wider development of the area.

### **7.3 Affordable housing and planning obligations**

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 30% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 40 affordable units.
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission would be granted where those dwellings:

- a. Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
- b. Meets the requirements of Policy HO9 (House types and sizes);
- c. Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- d. Will remain at an affordable price for future eligible households.

7.3.3 In addition to the above, paragraph 64 of the NPPF (2019) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the homes to be made available for affordable home ownership (this includes shared ownership, equity loans, other low cost homes which are 20% below local market value and rent to buy). However, the aforementioned 10% requirement is part of the overall affordable housing contribution for the site.

7.3.4 The applicant has confirmed that the development would comprise of 30% affordable units. As such, the development would be policy compliant in this instance. With respect to the exact location of the affordable units, the affordable housing tenure mix, size of the units, this has been agreed with the Council's Housing Development Section.

7.3.5 In addition to affordable housing, financial contributions are also required in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments. Based on the number of units proposed, the following contributions would be sought.

<b>Stevenage Borough Council</b>	<b>Financial Contribution</b>
Open outdoor sport	£8,892.18
Biodiversity improvements	£10,800.00
Biodiversity maintenance – 20 years	£68,176.75
Total (based on current figures provided)	£87,868.93
<b>Hertfordshire County Council</b>	
Secondary Education – towards the delivery of a new secondary free school at the former Barnwell East Secondary School.	£1,773,188
Primary Education – towards the expansion of Mossbury Primary School.	£353,777.00
Nursery Education (Early Years) – originally towards the new provision at Bunyan Baptist Church.	£48,436.00
Library Service – towards the enhancement of the adult non-fiction area and IT area of Stevenage Central Library	£23,163.00
Youth Services – towards providing kitchen facility with the café at Bowes Lyon Youth Centre.	£6,018.00
Sustainable Transport – financial contributions towards the continuation of the bus service.	£510,000.00
Travel Plan Contribution	£6,000.00

Total	£2,721,182.00
<b>NHS England and East &amp; North Herts CCG</b>	
GMS GP provision.	£94,078.84
Acute, mental health and community costs.	£344,595.00
Total	£438,673.84
<b>Overall Total</b>	<b>£3,247,724.77</b>
<b>NOTE:-</b> All financial obligations would be index linked.	

7.3.6 In addition, to the above, there would be a requirement to secure fire hydrants on the application site. Following negotiations with the applicant, they have agreed to pay the necessary financial contributions sought by the Council. In addition, they also agree to the obligations sought by Hertfordshire County Council with respect to the following:-

- Primary Education;
- Library Services;
- Youth Services;
- Sustainable Transport;
- Travel Plan Contribution; and
- Provision of fire hydrants.

7.3.7 However, they do not agree with the financial contributions which have been sought for education in terms of secondary and nursery (early years) provision. In addition to this, the applicant does not agree to the financial contribution sought by the NHS in terms of the acute, mental health and community contribution which has been requested. Dealing firstly with the NHS contribution, whilst the applicant does not dispute there is a need to support and finance these fundamental services; the financial contribution which have been sought do not accord with Regulation 122 of the Community Infrastructure Levy (CIL) 2010 (as amended). For reference, Regulation 122 states:-

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

7.3.8 The main area of contention is around the “*Fairly and reasonably related in scale and kind to the development*” test. In this regard, the NHS has not provided a formula to demonstrate how they arrived at the financial contribution they have sought. This is a requirement in order for the applicant to establish whether or not what is being sought by the NHS is “reasonable”. To date, the NHS has not been willing to provide the developer with the formula on how they have calculated the contribution they have sought for acute, mental health and community costs.

7.3.9 Further to the above, the financial contribution needs to be necessary such as funding a key piece of infrastructure or developing services to support the development. As such, a request to use monies to refurbish toilets and updating communal spaces is not considered to be necessary to the make the development

acceptable in planning terms. In addition, they have not provided any justifications or identified any particular projects towards mental health and community healthcare, e.g. seeking monies towards new capacity at Lister Hospital or Stevenage Hub.

- 7.3.10 Given the aforementioned, the financial contribution towards acute, mental health and community costs do not accord with the three tests set under Regulation 122. Therefore, the Council cannot require the developer to contribute towards the aforementioned financial obligations in this instance as to do so would be contrary to the CIL Regulations.
- 7.3.11 Turning to the education contributions which have been sought by Hertfordshire County Council (HCC), it is important to note that HCC is currently reviewing its education policy, including pupil yield modelling, as part of a wider review of their Planning Obligations Toolkit which they have gone out to consultation on. Given this, the County Council are reviewing the financial obligations liability for education on a case by case basis until they have an adopted position.
- 7.3.12 The applicant as part of this application has submitted an Education Impact Assessment to demonstrate why certain obligations which have been sought by the County Council are not deemed reasonable. Firstly, with respect to secondary education, the County Council calculates, as advised for this particular development, that in order to provide a new school at the former Barnwell East site, the cost for a new 8FE (Form Entry) school would be £44,669,742.00. This equates to £5,583,718.00 per FE. As the development, according to the County's Growth and Infrastructure Unit (GIU) would generate a peak child yield of 0.4 FE, the County would be seeking a financial contribution of £2,233,487.00 ( $£5,583,178 \times 0.40$ ).
- 7.3.13 However, it is argued in the Education Assessment that when applying the County Council's own Children's Services Child Yields to the dwelling mix, the development would only equate to a requirement of 0.19FE and not 0.4FE. Therefore, they argue that using the value of 0.19FE for secondary education would meet the requirements of the CIL regulations of being fairly and reasonably related in scale and kind to the development. In terms of construction of a new 8FE school, following an assessment against the National Cost Benchmark document, which is considered to be a robust document to use to calculate the costs of construction, this document sets out a cost of £30,574,206.00 for a new 8FE secondary school. Consequently, this equates to £3,821,775.00 per FE. Therefore, the applicant, as also detailed in their Education Assessment, is willing to offer a financial contribution of £726,138.00 ( $£3,821,775.00 \times 0.19$ ) towards secondary education. Following a thorough appraisal of the applicant's Education Assessment, it is considered that this financial contribution which has been offered would meet the CIL regulations of being fairly and reasonably related in scale and kind to the proposed development.
- 7.3.14 Notwithstanding the above, Hertfordshire County Council very recently advised the Council that the Department for Education (DfE) was now looking to deliver a Free School at the former Barnwell East Site. Consequently, the County Council has now revised their calculations for secondary education for this scheme. In this regard, the County has advised that the development would generate, based on the Hertfordshire Demographic Model (which is not formally adopted at the time of drafting this report), 74 school places. In terms of costs, the average cost of providing a school place at a free school is £23,962.00. As such, the County Council are now seeking a financial contribution of £1,733,188.00 ( $£23,962.00 \times 74$ ). However, at the time of drafting this report, the County Council do not have details of the overall build costs for the proposed Free School which would have to be factored in when calculating financial obligations. Given this position, the County Council were still reviewing the applicant's offer.

7.3.15 Looking at nursery education, as set out above, the County Council is seeking a financial contribution of £48,436.00. Notwithstanding this, they recently advised the Council that the project at the Bunyan Baptist church, as originally sought, is no longer available. In addition, they have not, since the date of publishing report, identified any suitable project sites in Stevenage for nursery education. Consequently, as there is no particular project to link the application site to in terms of nursery (early years) education, such contribution would not meet Reg 122 of CIL. Therefore, it would be unreasonable to secure obligations towards nursery education in this instance.

7.3.16 Given the aforementioned, the matter of secondary education still needs to be resolved with Hertfordshire County Council. At the time of publication of this report, the County Council was still reviewing the applicant's offer. As such, officers will be looking to provide a verbal update to the Planning and Development on the night of the meeting.

#### **7.4 Visual impact of the development**

7.4.1 In terms of design, Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions".

7.4.2 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town's built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.4.3 Policy HO5: windfall sites require residential development on unallocated site to not have a detrimental impact on the environment and on surrounding properties. The Council's Design Guide SPD 2009 generally reflects the aforementioned policies whereby it seeks development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.

7.4.4 As detailed under paragraph 1.1 of this report, the application site comprises of agricultural fields which are punctuated by mature trees, hedgerow and vegetation. The land is set down from Stevenage Road/Fishers Green and the hamlet of Todds Green due to the sloping topography of the area which slopes down on a gentle gradient from north to south. Along the eastern boundary of the site is the A1(M) and beyond the strategic highway is the main urban area of Stevenage. To the west is Shangri-La farm which comprises of industrial and commercial premises along with agricultural fields and paddocks. To the south of the site is rolling agricultural fields and to the north is the main hamlet of Todds Green which comprises a mixture of residential premises, along with farmsteads and stables.

7.4.5 Turning to the proposed development, as detailed under paragraph 3.1 of this report, it would comprise a mixture of two bedroom, three bedroom and four

bedroom properties. With regards to the 34 no. two bedroom apartments, these would be set within 4 separate residential blocks which are positioned across the site and would be three storeys in height. In terms of the proposed dwellinghouses, they are predominantly detached or semi-detached and would range between 2 storeys to 2.5 storeys. It is also considered that the overall range of building heights reflects those in the area.

- 7.4.6 Looking at the proposed dwellinghouses, these would predominantly be constructed from red brick with plain tiled roofs. They would generally comprise of light weight storm porch canopies above the main entrance with arched brick detailing above the ground floor windows. Some of the detached properties (Type G) would comprise of ground floor bay windows in order to add variety and interest into the design of the dwellings. With regards to the proposed type I dwellings, these properties also comprise of a two-storey wing to the rear which comprises of a gable-end roof. The proposed projecting wing would measure 6.89m in length, span 5.18m in width with an eaves height of 4.84m with an overall roof height of 7.41m. The proposed wing itself comprises an open plan kitchen diner at ground floor with the master bedroom with en-suite bathroom above.
- 7.4.7 In relation to the proposed residential apartment blocks, there would be four detached apartments blocks located across the development site. One of the blocks would be located at the northern-end of the site adjacent to the proposed gas governor and pumping station. The second and third blocks would be located in close proximity to the central green and would front onto the main spine road. The final block would be located at the southern end of the site adjacent to the spine road. These buildings incorporate gable features in the roof with a centralised entrance door serving the lobby with a pitched roof canopy with timber detailing above. On Apartment Block A which is located at the northern end of the site, there would also be two sets of projecting balconies supported by a steel frame with glazed balustrades.
- 7.4.8 The proposed town houses (2.5 storeys) would comprise of dormer windows and roof lights in order to serve the habitable accommodation in the roof. The dormer windows located on the forward facing roof slopes, would measure approximately 1.64m in width by 2.65m in height with an overall projection of 2.70m. The dormer windows would also be set down 1m from the ridge. Consequently, these windows have been designed to appear proportionate in scale and form within the roof slope and as such, not appear overly dominant in the street scene. On the rear roof slope, there would be 2 no. roof lights which would serve the en-suite bathroom and master bedroom. These roof lights are of a limited size so as to not appear dominant in the rear roof slope.
- 7.4.9 Given the aforementioned, the overall range of building heights and variation of architectural detailing on the residential properties combined with the pepper potting of the various properties across the development site would help to add variety and interest in the street scene. In terms of site layout, the residential properties are set out in a perimeter block/back-to-back arrangement with their respective frontage orientated towards the main highway. The properties would appear to be well-spaced with large areas of green corridors which comprise of areas of soft landscaping and water features. These green spaces are also attractive and highly accessible for all users. In addition, due to the variety in the size and scale of the perimeter blocks combined with the mixture of dwelling types, this also helps to create variety and interest across the development site as viewed from the public realm.
- 7.4.10 Further to the above, the larger detached properties have been placed on the corners which helps to define the street. The development has also been designed

with a clear and legible street network which is highly permeable for pedestrians and cyclists. This is due to the perimeter block arrangement comprising of small residential blocks which helps to create a more permeable form of development. In addition, the dwellings along the spine road have their primary frontages orientated towards this road which helps to clearly define the main streetscape of the development. Moreover, the perimeter blocks have been designed in a way to define the hierarchy of streets from the main spine road down to the shared surface areas.

- 7.4.11 The buildings have also been orientated to have active frontages and no dead spaces, in order to create a safe pedestrian scaled environment. The public spaces would also be overlooked by residential properties in order to increase natural surveillance. The properties located on the corners also overlook both streets with the windows positioned to ensure good surveillance.
- 7.4.12 The development also seeks to retain the vast majority of existing vegetation including the site's boundaries in order to provide a clearly defined area of green infrastructure. The internal landscaping framework utilises the creation of green corridors which also incorporates areas of recreation. The retained landscaping edges would be maintained as part of the development in order to enhance its overall structure. This is crucial in order to minimise the impact of the development on longer views from Todds Green as well as the setting of the Green Belt in North Hertfordshire. The landscaping strategy also helps to create and an attractive street frontage by softening the appearance of the development as a whole.
- 7.4.13 In terms of the impact on the longer views from Todds Green, it is fully appreciated that the development would urbanise an area of established green space. As such, it is noted that this green space acts as a buffer between the hamlet of Todds Green and the A1(M). However, this area of space is of limited quality and is poorly maintained. As such, the development does seek to improve this area of green space through the creation of high quality green corridors and recreational spaces.
- 7.4.14 Further to the above, the applicant is looking to retain and enhance the existing tree and vegetation belts which would soften the development's impact. Further to this, the applicant is looking to install a green bund with soft landscaping which would help to obscure views of the A1(M) which is of benefit. In addition, the applicant is proposing a development which is of lower density to a traditional Stevenage neighbourhood in order to lessen the development's impact. The development would also deliver policy compliant provision of affordable housing as well as an enhanced bus service which is considered to be a significant benefit which compensates for the harm of the development on the longer views from Todds Green.
- 7.4.15 Turning to the proposed bin stores, garages, cycle stores, gas governor and substation, these structures are of a limited size and scale against the backdrop of the built form of the development. In addition, these parts of the development have been designed to reflect the overall visual appearance of the apartment blocks and dwellinghouses so as to not appear out of character. As such, these elements would have an acceptable appearance as viewed from the public realm.
- 7.4.16 Given the aforementioned assessment, it is considered that the proposed development, combined with its overall benefits, would not substantially harm the longer views from Todds Green. The development has been designed to a high standard, with a pedestrianised environment, a clearly defined street layout and high quality areas of green infrastructure and recreation provision. The dwellings themselves, due to the variation of architectural design and being pepper potted

across the development with varying ridge heights and widths, help to add variety and interest into the architectural form.

## **7.5 Impact on archaeological remains**

- 7.5.1 The NPPF paragraph 128 states that "*In determining applications...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".
- 7.5.2 Paragraph 129 notes that "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal*".
- 7.5.3 Following consultation with HCC Historic Environment Advisor, it was advised that the site was part of the site area of the West of Stevenage proposal in 2002. Two trial trenches were dug in the site and each contained the remains of an archaeological feature (ditch). Targeted archaeological investigations across the rest of the West of Stevenage site found archaeological remains dating from the Bronze Age to medieval periods. These included a cluster a few 100m to the west of the current site which included prehistoric features (HER4405, 4406) and a Roman chalk quarry (HER11534).
- 7.5.4 The course of a Roman road runs along the east side of the A1 which itself runs along the eastern boundary of the current site (HER4635). The hamlet of Fishers Green lies to the east and this may date from the medieval period (HER12371). The site therefore has the potential to contain heritage assets with archaeological interest which may be a constraint on development.
- 7.5.5 Given the above, the applicant undertook an Archaeological Assessment of the development site. This included the undertaking of a desktop assessment (prepared by BWB) and the undertaking of trial trenches (by WYAS Archaeological Services). These assessments identified that there were no archaeological features identified apart from evidence of medieval farming. As these were not considered to be significant, Hertfordshire County Council Archaeology advised that on the balance of probability there are no archaeological assets of significance which will be impacted upon by the development. Consequently, it is not considered the proposed development would have a detrimental impact on any archaeological remains as the probability of any on-site is low.

## **7.6 Impact upon Neighbouring Amenity**

- 7.6.1 In regards to the impact of the proposed development on the nearest residential properties within Todds Green, the nearest property to the development site is the Thatched Cottage on Stevenage Road. Following an assessment of the development in terms of site layout, the nearest new property would be a residential block of apartments (Plots 1 to 9) located over 139m from the Thatched Cottage.
- 7.6.2 Given the level of separation combined with the change in land levels, where the land slopes down from Fishers Green by approximately 2m, the development would not have a detrimental impact on the level of privacy or outlook of this nearest residential property in this instance. With regards to noise, in order to reduce the

level of impact on the amenities of the nearest residential properties from construction noise, a condition would be imposed to restrict the hours of construction on-site. In addition, a condition would be imposed requiring the applicant to provide a detailed Construction Management Plan. This will need to set out what mitigation measures will be put in place to control noise levels from various construction activities. Therefore, with this condition in place, the Council's Environmental Health Section does not raise any concerns with the proposed development in terms of impact on existing residents.

## **7.7 Impact upon the future amenity of residents**

- 7.7.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. Looking at private amenity space, there is a requirement to provide for flatted developments, 50 sq.m of amenity space for schemes of up to 5 units, plus an additional 10sq.m for every additional unit above 5. In regards to residential dwellinghouses, the standards set out that the private garden area should be a minimum of 50 sq.m in area with a minimum depth of 10m.
- 7.7.2 Looking at the proposed residential blocks, for block one (Plots 1 to 9) and block three (Plots 33 to 41), there would be a requirement to provide 90 sq.m. In relation to residential blocks two (Plots 25 to 32) and four (Plots 126 to 133) there would be a requirement of 80 sq.m of amenity space at each block. The proposed development does not seek to provide any private amenity space for the residential blocks of flats. However, these flats will have easy and direct access to areas of open space such as the Countryside Green, Central Green, the local area of play (LA) and locally equipped area of play (LEAP). Therefore, with access to these areas of public space, they would compensate for the lack of private amenity space. In addition, block one comprises of external balconies which will serve two apartments on the first and second floor levels of the building.
- 7.7.3 Turning to the proposed dwellinghouses, following an assessment of the proposed development, all of the dwellinghouses across the site would have sufficient private garden areas in accordance with the Council's Guidance. Further, the majority of private garden spaces serving the dwellinghouses exceed the Council's requirements in terms of both area and length.
- 7.7.4 Looking at privacy and outlook, Chapter 5 of the Council's Design Guide SPD (2009) sets out that privacy and outlook are important aspects of residential environments. Therefore, the position of dwellings, and the arrangement of rooms and windows, should not create significant overlooking of other dwellings windows or private garden areas, nor should they lead to any overbearing impacts. In this regard, the Design Guide sets out minimum separation distances be achieved unless the design of new buildings and/or disposition of windows mitigates against overlooking. In this regard, between new two storey dwellings, the minimum back-to-back separation is 20m and back-to-side separation of 12m. Where dwellings are over two-storeys in height, the back-to-back separation is increased to 30m and the back-to-side separation is 20m. The design guide does not have any standards with regards to separation distances for frontages of dwellings.
- 7.7.5 The proposed development has been laid out to ensure that there is sufficient separation distances between properties in line with the Council's Standards. There are some properties where the back-to-side separation distance is approximately 1m below standard. However, the properties where their respective rear windows face onto the flank elevation of a neighbouring property, these properties have been designed to not comprise any side windows which serve habitable rooms. Furthermore, the development has been designed so that the properties looking onto

the side of a neighbouring property would only overlook driveways and garages which are not private spaces. This ensures that the privacy of properties are protected and at the same time there is still sufficient space for acceptable outlook.

- 7.7.6 In relation to the proposed town houses (House Types E and G), the dormer windows are positioned in the front roof slope which would overlook a particular road and where there is still sufficient separation between these properties and those located opposite. As such, they would not result in any direct overlooking of private garden areas or create an unacceptable living environment from a privacy perspective.
- 7.7.7 Turning to the proposed apartment blocks, these have been oriented and designed to ensure windows (kitchens and bathrooms) overlook the parking courtyard areas with the bedrooms and living rooms overlooking areas of open space. This ensures that the apartment blocks do not directly overlook the private spaces of neighbouring dwellinghouses.
- 7.7.8 In relation to the provision of outdoor sport and children's play space, it is noted that the development would provide an area of children's play within the development site. Therefore, in accordance with CIL regulations, it would not be reasonable to seek financial contributions towards children's play. However, to ensure these play areas are delivered for use by future residents, a mechanism would be embedded into the S106 legal agreement requiring these areas of play to be brought in an acceptable timeframe. In addition, the legal agreement will set out how these areas of play will be managed and maintained for future residents.
- 7.7.9 With respect to outdoor sport, due to the constrained nature of the site, the proposed development does not comprise of any areas dedicated to outdoor sport such as playing fields. Therefore, and following discussions with the Council's Parks and Amenities Section, financial contributions would be sought as part of this application which would be secured via a Section 106 agreement. The monies, as advised by the Council's Parks and Amenities Section, would go towards improvements to outdoor sport facilities at Meadway Playing Fields.
- 7.7.10 With regard to the requirements for new residential properties to meet Nationally Described Space Standards as defined by Policy GD1 of the adopted Local Plan (2019), all of the proposed dwellinghouses and flats in regards to internal floorspace areas and bedroom sizes would be in accordance with the Nationally Described Space Standards. In terms of Category 2 accessible housing, Policy HO11 requires 50% of dwellings to meet this standard. The whole development has been designed to meet Category 2 accessible and wheelchair standards.

#### Noise impact

- 7.7.11 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses. Taking this policy into consideration, it is appreciated the application site does lie in close proximity to existing commercial and industrial premises which currently operate in the immediate area at Shangri-La Farm. In addition, the site is also bordered by the A1(M) motorway. As such, the noise generated from these noise emitting sources could have a detrimental impact on the amenities of future occupiers of the residential development in this instance.
- 7.7.12 Given the aforementioned, and following consultation with the Council's Environmental Health Section, they have advised that the Noise Impact Assessment and associated Technical Note which has been submitted is considered to be

acceptable. This is because the assessment recommends a 9m high acoustic barrier between the sites eastern boundary with the A1(M) in order to reduce road noise. In addition, it is recommended a 2.5m high barrier around the outdoor living space of Plot 127 is also installed. There is also a requirement to provide appropriate glazing and ventilation in order to create an appropriate level of protection to future noise sensitive receptors. In terms of noise from the industrial area, the impact assessment identifies that noise would be imperceptible above background noise levels and as such would not harm the amenities of future residents. This is supported by the Environmental Health Section.

7.7.13 In view of the above, the Council's Environmental Health Section has recommended a number of conditions be imposed on any grant of permission. This is to ensure that the amenities of future residents are protected from nearby noise sources. The conditions, as set out under paragraph 5.8.1 of this report, are recommended as following:-

- Submission of details of protecting the proposed dwellings from noise from road traffic; and
- Submission of a detailed Construction Management Plan.

## **7.8 Parking Provision**

7.8.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Car Parking Standards SPD (2012) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. The proposed development would comprise the following accommodation schedule:

- 40 no. two bedroom units (1.5 parking spaces);
- 51 no. three bedroom units (2 parking spaces);
- 42 no. four bedroom units (2.5 parking spaces).

7.8.2 Taking into consideration of the above, there would be a requirement to provide 267 off-street parking spaces. Given, the application site is not located within a residential accessibility zone the Council would seek the maximum number of car parking spaces to serve the development in this instance. With parking provision specifically, in order to count as a parking space, they would need to measure 2.4m by 4.8m. In relation to garages, these would need to measure internally 3m by 6m in order to be counted as a parking space.

7.8.3 Following an assessment of the proposed development, there would be the provision of 230 parking spaces on driveways and courtyards serving the apartment blocks. In addition, there would also be 75 garage spaces. This would equate to 305 parking spaces which exceeds the Council's maximum level. However, the applicant has designed the development to ensure that each individual property would have the relevant sufficient parking in order to discourage on-street parking.

7.8.4 In regards to the parking bays and garages themselves, all of the parking spaces on the driveway would be tandem spaces all measuring 2.4m by 4.8m. In addition, the courtyard parking spaces have also been designed to accord with current Manual for Streets standards. In relation to the garages, these would all comply with the Council's adopted Parking Standards SPD (2009). Therefore, all of the designated parking bays for the residential properties would be of a sufficient size to park a motor-vehicle in this instance.

7.8.5 Turning to visitor parking provision, the Council's Parking Standards SPD (2009) sets out that there is a requirement to provide 0.5 parking spaces per

dwellinghouse. This would equate to a requirement of 67 (rounded up from 66.5) parking spaces. The proposed development is seeking to provide 57 visitor parking spaces so there is a shortfall of 10 spaces for visitors. However, as there is an overprovision of parking across the development site, this would absorb the overall shortfall in visitor parking. In addition, the visitor parking areas have been pepper potted across the development site so they are in within walking distance to all of the properties within the development site.

- 7.8.6 In regards to cycle parking, the Council's Parking Standards SPD stipulates that 1 long-term cycle parking space should be provided per unit if no shed or garage is provided. Taking this requirement into consideration, 133 cycle parking spaces would need to be provided in this instance. Dealing specifically with the dwellinghouses, a number of properties comprise of garages which could be used to store a bicycle. However, where a garage is not provided a number of properties have sufficient and accessible garden areas to safely secure a bicycle. Looking specifically at the apartment blocks, these would comprise of cycle stores which are positioned in close proximity to the blocks lobby entrance or are incorporated into the building. Each store is of a sufficient size to meet the needs for each residential block in accordance with the Council's standards.
- 7.8.7 Given the aforementioned assessment, there would be sufficient off-street parking to serve the development. In addition, there would be sufficient secure cycle parking provision across the development site in accordance with the Council's Standards.

## **7.9 Highway implications**

- 7.9.1 The application proposes that the site would be accessed via one vehicular access point at the northern end of the site off Fishers Green. This access would be 17m wide at the junction with Fishers Green and would maintain a 6.75m width through the site. The design also includes the provision of a 3.0m wide footway on both sides of the carriageway. In addition, it is proposed that there will be links from the site to the existing public footpath and cycleway network. There would also be links into the Public Rights of Way network which will be enhanced or diverted to form a new route through the development site. The new vehicle access itself has been designed to meet the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council's: Roads in Hertfordshire Design Guidance.
- 7.9.2 With regards to vehicle-to-vehicle inter visibility as taken from the individual access point off Fishers Green, this has been designed in accordance with the Department for Transport (DfT) Manual for Streets and Hertfordshire County Council (HCC), Road in Hertfordshire Design Guide. In terms of all of the residential access points which are located off the main spine road, these would also have adequate pedestrian and vehicle visibility splays in accordance with current guidance. In terms of road safety, Hertfordshire County Council as Highways Authority has advised that the applicant would be required to provide a Stage 2 Road Safety Audit to support the proposed access to the site. This would be required as part of any Section 278 Agreement stage which is dealt with through the Highways Act.
- 7.9.3 In relation to vehicle manoeuvrability, the applicant has provided as part of this application submission swept path analysis as part of their Transport Assessment. The plans depicting the swept path analysis display that tracking is accommodated within the site for refuse vehicles, emergency vehicles (ambulance and fire tender) and the average motor car. In terms of accessibility for emergency vehicles, the proposal is within the statutory building regulation distance of 45 metres to all parts of the building from the principal and internal road. In addition, the geometrical layout of the development's associated roads would accommodate the swept path of larger vehicles.

7.9.4 With respect to Public Rights of Way, there are a number of footpath routes which either border or run through the site. Along the western boundary between the application site and Shangri-La farm lies footpath route 21 and to the south of the application site are footpath routes 88 and 58. Through the centre of the application site is footpath route 89 which runs up to the A1(M). The proposed development does not seek to extend or alter the public rights of way route 21 which runs along the western boundary. However, the proposal will require the diversion and/or reconfiguration of routes 58 and 89 but they will not be removed and will be available as public rights of way. As such, Hertfordshire County Council as Highways Authority has recommended an informative be attached if permission were to be granted. This informative will require the applicant to liaise with the County Council's Rights of Way Section to ensure that the routes remain unobstructed, are safe to use (including during the construction phase) and are not deteriorated as a result of development. Any adverse effects to the routes will need to be made good by the applicant and agreed by the County Council.

7.9.5 Looking at traffic generation, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays. The assessment also comprises a future year assessment model in order to inform the potential future impact of the development on the surrounding highway network. In regards to the traffic generation, the peak periods the assessment focused on were 08:00-09:00 AM and 17:00-18:00 PM. The model utilised to predict the amount of traffic which would be generated was via TRICS (Trip Rate Information Computer System) with a base model of private residential development in a similar location.

7.9.6 In order to establish existing traffic flows, the applicant undertook traffic surveys at the following junctions:

- Fishers Green – Automatic Traffic Counts;
- Clovelly Way/Gunnels Wood Road/Bridge Road West roundabout – Manual Traffic Count and Queue lengths assessment.

The counts were undertaken over a 7-day period on the week commencing 14<sup>th</sup> January 2019. Turning counts and queue lengths were also recorded at the Clovelly Way/Gunnels Wood Road/Bridge Road West roundabout on the 15<sup>th</sup> January 2019.

7.9.7 The modelling identified that firstly, as the application site is unoccupied agricultural land, no trip assessment has been undertaken for the existing land use. In regards to the proposal, the modelling identifies the development would generate between 08:00-09:00 AM Peak 15 arrivals and 67 departures resulting in 82 two-way trips. With respect to peak traffic between 17:00-18:00 PM Peak, there would be 50 arrivals and 26 departures resulting in 76 two-way trips. Taking this into consideration, it equates to 1.36 vehicle trips per minute in the AM Peak and 1.26 vehicle trips per minute at the PM peak. In regards to trip distribution, the Transport Assessment has reviewed how the development would affect the local highway network including the main roundabout of Clovelly Way/Gunnels Wood Road/Bridge Road West.

7.9.8 The data collected from the surveys undertaken in January 2019 along with existing traffic distribution derived from the survey data and origin / destination data from the Census has been used to distribute the vehicle trips generated from the proposed development. The census results show that 43% of residents work within Stevenage, 10% work in London, 33% work in East of England and the remaining 15% work in the rest of the UK. Through online route planning software, it identified that trips to Stevenage, East Hertfordshire, Welwyn Hatfield, St Albans, Central

Bedfordshire and London will arrive/exit the site via Fishers Green (east) (towards Stevenage) and the remaining trips to North Hertfordshire and Luton will arrive/exit the site via Fishers Green (west) (through Todds Green). Trips to all other destinations have been distributed evenly across the various routes.

- 7.9.9 Looking at the vehicle trip distribution of the development during the AM travelling peak period, 90% of trips will travel to the east of Fishers Green and 10% via the west and throughout the PM travelling peak period, 85% will be from the east and 15% from the west of Fishers Green. In terms of impact on the highway network, the proposed development is expected to commence in 2020 with completion programmed for 2025. In accordance with Department for Transport Guidance on Transport Assessments, the future assessment year has been considered as five years after the date of the planning application.
- 7.9.10 However, in order to properly consider the impact on the wider highway network, the applicant has undertaken various modelling of the network in order to demonstrate whether or not the development would have a “severe” impact. This modelling also incorporates vehicle trip distribution combined with the future year’s assessment. Therefore, the applicant has utilised the modelling data (COMET model) undertaken by Hertfordshire County Council which was prepared for the Local Plan along with utilisation of the National Transport Model (NTM) which factors local highways conditions using TEMPRO (Trip End Model Presentation Programme).
- 7.9.11 The results of the modelling demonstrate that the site access will operate within capacity in future years with traffic growth and all development traffic added. It has been identified that the development traffic will not have a ‘severe’ impact on the Clovelly Way/Gunnels Wood Road junction. In addition, the modelling has also demonstrated that the development would not have a severe impact on Fishers Green/Stevenage Road as you travel through Todds Green. This is supported by Hertfordshire County Council as Highways Authority.
- 7.9.12 Looking at accessibility of the site, the nearest bus stop to the site is located along Fishers Green Road adjacent to Corton Close. This bus stop is currently served by Arriva bus routes 8 and 9. The applicant is looking to introduce a bus turnabout loop as part of the internal road layout. This would allow for routes 8 and 9 to be extended into the development site. In order to fund the extended/diverted service, the applicant has agreed a financial contribution of £510,000. This contribution will pay for an additional vehicle, to support an extension to bus services daily.
- 7.9.13 In order to encourage a modal shift and usage of the extended bus route, it has been negotiated with the applicant to provide two vouchers per dwelling entitling the future residents to 12 months free bus travel within the area travelling to Stevenage Town Centre covered by a PlusBus season pass. Looking at cycling and walking routes, in order to connect to the existing network, the applicant is looking to provide a toucan crossing on Fishers Green with proposed footway widening to 2.5m across the bridge. The new crossing and associated works would be secured via a Section 278 Agreement of the Highways Act 1980. The requirement to deliver the new pedestrian and cycle connections would also be secured via condition.
- 7.9.14 The applicant has also provided a detailed Travel Plan outlining measures to encourage residents to more sustainable forms of travel. This will include the use of literature, signage and promotional events to raise awareness. Therefore, in order to monitor the progress of the Travel Plan the County Council has sought a financial contribution of £6,000 which would be secured as part of any S106 legal agreement.
- 7.9.15 Turning to construction traffic and associated activities, to ensure these do not prejudice the safety and operation of the highway network, a number of conditions

would be imposed if permission were to be granted. These conditions would require the applicant to provide a suitable access road for construction traffic as well as submit a Construction Management Plan. The details of this Management Plan will need to be agreed by the Highways Authority prior to the commencement of development works on site.

- 7.9.16 Dealing with the impact of the development on the A1(M) motorway, including junctions 7 and 8, following correspondence from Highways England, they do not raise any concerns with the development in terms of impact on the operation of the strategic highway network.
- 7.9.17 In summary, subject to a S106 Agreement securing the relevant financial obligations and the imposition of conditions, the proposed development as advised by Hertfordshire County Council would not have a detrimental impact on the safety and operation of the highway network.

## **7.10 Development and Flood Risk**

- 7.10.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 100 annual probability of flooding, therefore, all developments are generally directed to Flood Zone 1. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy as detailed under paragraph 5.5.1 of this report.
- 7.10.2 Following consultation with Hertfordshire County Council as Lead Local Flood Authority, they consider the proposed drainage scheme to be acceptable. These conditions, if permission was to be granted, will require the drainage scheme to be delivered in accordance with the approved details, to provide details of a final design for the drainage scheme and to submit a complete set of as built drawings.

## **7.11 Impact on the environment**

- 7.11.1 The application site currently comprises agricultural fields which are punctuated and bordered by mature trees and vegetation. Therefore, the potential risk for contaminants being identified on the site is very low. However, part of the development site could be made up ground from when the A1(M) motorway was constructed. In addition, the site does lie adjacent to Shangri-La farm which has commercial and industrial activities which take place on this site. Therefore, there is always the potential contaminants could have found a pathway which flows into the application site.
- 7.11.2 Given the above, if permission was to be granted, a condition should be imposed requiring a watching brief be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. If any contaminants are identified, then further conditions would require the applicant at that point to submit a remediation strategy which has to be approved by the Council. With these conditions in place, they would ensure that the future health of residents is not detrimentally affected by potential contaminants on the site. It would also help to protect the wider environment.

### Groundwater

- 7.11.3 The site is an area of groundwater sensitivity, being partly within Source Protection Zone 2 (SPZ 2). Therefore, it is recommended that the requirements of the NPPF

and Planning Practice Guidance are followed. This means that all risks to ground water and surface waters from contamination need to be identified so that appropriate remedial action can be taken. Therefore, the applicant would be expected to prepare reports and risk assessments in line with the Environment Agency Guidance. In addition, as advised by the Environment Agency, in order to protect groundwater quality from further deterioration:

- No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause ground pollution;
- Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution;
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

7.11.4 With regards to drainage, the applicant has confirmed in their Flood Risk and Drainage Assessments that soakaway testing was undertaken across the site. These investigations demonstrated that the shallow ground conditions were not suitable for infiltration techniques. Therefore, the proposed development does not seek to provide infiltration based drainage systems in this instance. However, in order to protect ground water from any future infiltration drainage systems, a condition would be imposed to any permission issued.

7.11.5 In terms of piling and investigative boreholes, again it is recommended conditions be imposed to manage the use of piling and borehole investigation. This is to ensure that groundwater is protected from penetrative measures and to mitigate any risk of impact to controlled waters.

#### Air quality and air pollution

7.11.6 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Policy FP8 of the same document stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses.

7.11.7 Looking at air quality and air pollution specifically, the development is not located within or close proximity to an Air Quality Management Area (AQMA) with the nearest AQMA being located in the district of North Hertfordshire. However, this AQMA is over 3.6km from the application site. In terms of the impact of the development on air quality, the applicant's air quality consultant undertook two assessments, one assessment focused on the construction phase and the second assessment looked at the operational phase. Dealing firstly with the construction phase of development, it is noted there would be a number of activities which will affect local air quality. These include dust emissions and exhaust emissions from plant, machinery and construction traffic.

7.11.8 In order to mitigate the construction phase, the applicant would be looking to develop and implement a stakeholder communication plan that includes community engagement. They would also look to implement a Dust Management Plan which will include the recording of any complaints and to identify causes in order to take action. They will also look to plan the site layout to ensure machinery and dust

causing activities are located away from receptors as far as possible. During construction, solid barriers or screens would be erected around dusty activities.

- 7.11.9 The applicant will also look at covering and removing stockpiles of materials which can potentially generate dust issues. They would also look to reduce the use of diesel and petrol powered generators and use main electricity or battery powered equipment where possible. In addition, maximum speed limits would be imposed and ensure all vehicles switch engines off when stationary. Specialist tools would be fitted with or in conjunction suitable dust suppression techniques such as water. The applicant would also look to avoid the use of bonfires or burning of waste and look at using enclosed chutes and conveyors. In terms of bulk cement and other powder materials, these would be delivered in enclosed lorries and tankers and stores in silos. The applicant has also specified they will be using water assisted dust sweeper(s) on the access and local roads, to remove as necessary, any materials tracked out of the site.
- 7.11.10 Following consultation with the Council's Environmental Health Section, they do not raise any concerns with the proposed mitigation measures to be in put place during construction. However, if permission were to be granted, a condition would be imposed requiring the applicant to submit a detailed construction management plan. This would look in more detail at the routing of construction traffic, location and storage of materials along with further details of site hoardings and location of any wheel washing facilities which would be required. This is to ensure that the development does not result in having a detrimental impact on the amenities of nearby residents or commercial/industrial operators.
- 7.11.11 With regards to air pollution relating to the future operation of the site, the applicant undertook a detailed operational phase road traffic assessment. The assessment predicts the impact of the development on local air quality and also predicts air pollutant concentrations (both nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) across the development site as a whole. This assessment concludes that the impact on local air quality was predicted to be negligible. Following consultation with the Council's Environmental Health Section, they agree with the findings of the report and do not consider it would result in an increased concentration of pollutants.
- 7.11.12 In relation to pollutant concentrations and the impact on future residents, it is noted that concerns have been raised by the Council's Environmental Health Section in relation to impact on human health. This is because, as detailed in the applicants initial Air Quality Assessment through their sensitivity analysis, it was predicted that there would be elevated nitrogen dioxide (NO<sub>2</sub>) levels at some of the residential areas. However, the concentrations predicted in the assessment are below the relevant air quality objectives in accordance with the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance. Further analysis identifies that it is likely there would be some reduction in pollutant concentration up to 2023.
- 7.11.13 Notwithstanding the aforementioned, all of the predicted concentrations of pollutants are below and unlikely to exceed Defra guidance with regards to nitrogen oxide and particulate matter. Consequently, the concentrations predicted at outdoor areas, are considered to be within legal limits and as such, it would be unreasonable to request any additional mitigation measures for the outdoor area. In addition, the concentrations are predicted to be below the relevant short term concentrations at the rear facades, and therefore gardens of the proposed dwellinghouses. Consequently, the level of mitigation in terms of fixed windows and mechanical ventilation (only on rear facades where required) is deemed to be acceptable in this instance. This is because these measures are merely seeking to reduce exposure of

future residents to “potentially” elevated pollutant concentrations, but, these concentrations are predicted to be below guidelines in terms of air quality.

- 7.11.14 With reference to the eco-barrier as mentioned by the Council’s Environmental Health Section, the applicant’s air quality consultant has confirmed that this was not required to deal with air quality. This barrier specifically deals with noise which is generated by traffic on the A1(M) and this is dealt within in detail in section 7.7 of this report. In regards to a request by the Environmental Health Section to assess the impact of the commercial premises to the west, the air quality consultant identified, via a Technical Update, that there were no exhaust stacks identified and emissions from vehicles had already been considered as part of the modelling on air pollution in the originally submitted Air Quality Assessment.
- 7.11.15 In terms of reducing air pollution, the Council’s Environmental Health Section has advised that the applicant has not provided sufficient evidence to demonstrate the Council’s requirements have been met. However, it is important to note that Policy FP7 does not state that developments must reduce air pollution, it merely states all developments should minimise and where possible reduce air pollution. The air quality assessment submitted by the application identifies that with regards to construction phase emissions, these can be mitigated against through effective measures and that the impact of development generated vehicle emissions on local air quality is negligible. Further to this, and as set out in Section 7.9 of this report, the applicant’s through their Travel Plan (which includes an extension to the bus route) are looking to encourage the use of sustainable transport in order to minimise the use of the private car. Therefore, the applicant has clearly demonstrated that they have looked at a number of options in order to minimise the impact from air pollutants.
- 7.11.16 Given the aforementioned assessment, whilst it is noted that there were some concerns raised by the Environmental Health Section in terms of impact on human health, there are insufficient grounds to warrant refusal in this instance. This is due to adequate mitigation measures being put in place and any potential increase in air pollutants, which has been thoroughly modelled by the applicant, are predicted to be below legal limits.

## **7.12 Trees and landscaping**

- 7.12.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.
- 7.12.2 The development contains a number of trees. There are 19 individual trees, 7 tree groups and 5 native hedgerows. There are also a number of trees which form the site’s western boundary which runs parallel with the public right of way. The proposed development would result in the removal of one tree (T5) which is located on the western boundary centrally within the site and a very dense blackthorn hedge (G6). However, the tree and hedgerow identified for removal are generally considered to be of low value. In addition, the proposed development seeks to retain the remainder of the existing trees and hedgerows across the application site and these would be incorporated into the proposed soft landscaping scheme.
- 7.12.3 Following consultation with the Council’s Arboricultural Manager, he has not raised any concerns with regards to the removal of these trees and vegetation. However, he advises that some of the proposed works could potentially weaken the root system and therefore, the trees stability. This also applies to the aerial part of the trees as a considerable amount of their crowns would have to be cut back in order to accommodate the installation of the acoustic fence. It is considered that this

requirement could be detailed as an informative if planning permission were to be granted.

7.12.4 With regards to proposed landscaping, the applicant is looking to plan an extensive level of soft landscaping in order to mitigate the level of impact on the overall rural character. The landscaping scheme indicates a significant number of trees are to be planted across the site which would comprise of the following tree species:-

- Field Maple;
- Common Alder;
- Silver Birch;
- Downy Birch;
- Hornbeam;
- Wild Cherry;
- Callery Pear;
- Rowan/Mountain Ash;
- Small leaved lime; and
- Oak.

7.12.5 The applicant is also looking to provide wildflowers as part of a wetland meadow, grasses, flowering lawn mixture, shrub bed planting, native hedgerow planting, amenity grassland areas as part of a wider landscaping strategy for the development site. There would also be the provision of climbers and wall plants across the development as well. The applicant is also looking to provide a landscaped green bund which would incorporate a mixture of shrubs. Consequently, it is considered that the proposed landscaping scheme would enhance the overall character and appearance of the development as well mitigate the impact on long views from Todds Green towards the A1(M).

### **7.13 Ecology and Protected species**

7.13.1 The application site is identified as greenfield land and currently comprises of improved grassland, scrub, tall ruderal plants, hawthorn hedges and trees. The surrounding area comprises greenfield land and Todds Green to the north-west which comprises of industrial, commercial and residential premises. To the east lies the A1(M) motorway and the wider urban area of Stevenage. The applicant has undertaken a Phase 1 Habitat Survey to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level.

7.13.2 The survey comprised a desk top study from Hertfordshire Biological Records Centre and from the multi-agency Geographical Information for the Countryside (MAGIC) along with Ordnance Survey and Aerial imagery. A field survey was also undertaken along with a Bat Survey and Great Crested Newt Survey.

7.13.3 The survey identified that the majority of the site is sub-optimal habitat for Great Crested Newts with the improved grassland unlikely to provide a substantial abundance of invertebrate prey or vegetative cover. In addition, there are no ponds within the development site. In addition, there was no evidence of badgers such as hairs, latrines, footprints or setts and no features potentially suitable to support roosting bats observed on-site including within mature trees. Furthermore, there was no evidence of reptiles or water voles. In terms of impact, as the development site is a considerable distance from any designated sites, it is considered that the proposed development would not have a detrimental impact on these sites. Consequently, it was concluded that the development site as a whole has a low ecological value.

- 7.13.4 In regards to birds, these are protected by the Wildlife and Countryside Act 1981. It is considered that there is a suitable foraging and nesting habitat on the site, particularly within the boundary trees and scrub. Consequently, as birds are protected, a condition would be imposed to protect nesting birds and for trees to only be removed at certain times of the year.
- 7.13.5 Given the above, it is considered that the proposal would not have a detrimental impact on protected species, in terms of both flora and fauna. However, the ecology report does recommend that appropriate root protection zones are maintained during the construction phase for all retained trees. With regards to Great Crested Newts, whilst none were identified on site, there is the potential for them to be in the area due to ponds in the nearby area. Therefore, it will be necessary to survey those ponds with connectivity to the site. However, if they are identified to be present, they can be adequately mitigated for within the development. This would be secured through a Natural England Mitigation Licence.
- 7.13.6 In addition to the above, it is recommended that any trenches dug as part of construction works should be covered at night, or left with a ramp or sloping end, to prevent mammals from falling in and becoming trapped. Similarly, any should be capped off at night. In terms of bats, the Ecology Report recommends a dark corridor is maintained along the boundary to reduce disturbance to commuting and foraging bats. Provision of integrated bat boxes on buildings or attached to any trees should be included. This can be secured via the imposition of a condition.
- 7.13.7 In relation to birds, opportunities for nesting birds should be incorporated into the development. This can include the provision of integrated nesting boxes. The provision of these bird boxes can also be secured via condition. With regards to net gain in biodiversity which is a requirement under the NPPF (2019), the applicant is looking to provide a number of trees, shrub beds, meadows and water features in order to improve biodiversity of the development.
- 7.13.8 Following negotiations with the applicant in conjunction with the Council's Parks and Amenities Section, they have also agreed to fund the schedule of biodiversity improvement works in order to off-set the impact of the development on biodiversity in accordance with the NPPF. The improvement works, which have been agreed, relate to Fishers Green Common and the works to be funded are as follows:-
- Improvement works of the pond - £5,000;
  - Plug plants - £100;
  - Pollarding, tree works and cutting back vegetation - £3,500;
  - Interpretation Signage - £1,000;
  - Nesting boxes - £200;
  - Access improvements - £500;
  - Way marking - £500
- 7.13.9 In addition to the above, the applicant has also agreed to pay a financial contribution towards the on-going maintenance of the common for a period of 20 years. Following consultation with Herts and Middlesex Wildlife Trust (HMWT) they consider the findings of the Ecological Report to be acceptable. Therefore, it is concluded that the proposed development would result in a net-gain in biodiversity with these improvements secured either through condition (landscaping strategy, bat and bird boxes) or through the S106 agreement (financial obligations). In addition, the proposed development would not have a detrimental impact on local ecology in this instance.

## **7.14 Loss of agricultural land**

- 7.14.1 A substantial part of the application site is farmland and paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services, including the economic and other benefits of the best and most versatile agricultural land” (paragraph 170b). Footnote 53 of the NPPF sets out that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.
- 7.14.2 Taking the aforementioned into consideration, the applicant has submitted an Agricultural Land Classification assessment. This determined the quality of the application site in accordance with the requirements of the NPPF (2019). The map data produced by MAGIC (see paragraph 7.13.2 for reference) identifies the application site as comprising Grade 3b agricultural land (good to moderate). The land itself has been used for limited arable purposes and is of limited agricultural benefit to the local economy.
- 7.14.3 Further to the above, the site itself is only 5.6 hectares in area, so does not result in a significant development of agricultural land, being below the 20 hectare threshold set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 7.14.4 In summary, whilst the proposed development would result in the loss of agricultural land, this land is considered to be of poorer quality. In addition, the overall benefits of the development with the provision of affordable housing and an extended bus service as well helping to meet the Council’s housing requirements, would outweigh the loss of the agricultural land in this instance. Moreover, Natural England has been consulted on the application and at the time of drafting this report, no objections have been raised.

## **7.15 Other Matters**

### Green Belt

- 7.15.1 It is noted that a number of objections have been raised regarding the proposed development having a detrimental impact on the openness of the Green Belt. However, the application site was not previously allocated as falling within the metropolitan green belt under the Stevenage District Plan Second Review 1991 – 2011 (2004) or currently allocated as Green Belt in the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019).

### Impact on property values

- 7.15.2 A number of residents have raised concerns 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 is the deciding issue and not any possible consequential effects on nearby property values.

### Design Review and Masterplanning of the site

- 7.15.3 In regards to the undertaking of a design review, there is no statutory requirement for the Council to request a design review is undertaken on a particular application.

In addition, there are no specific policies in the adopted Local Plan relating to this application site which formally requires the applicant to submit a masterplan for this site.

- 7.15.4 Notwithstanding the above, any future development of Stevenage West as set out in the adopted Local Plan (Policy HO2), would require a masterplan to be submitted. As such, if this site is to form part of the wider Stevenage West development, then it would need form part of the masterplan at this time.

#### Impact on broadband services

- 7.15.5 The impact a development may have on existing broadband services and infrastructure is not material planning consideration. As such, any impacts on service will be between the developer, the relevant broadband provider and local residents.

#### Loss of land of dog walkers and horse riders

- 7.15.6 Whilst it is appreciated land would be lost for dog walkers and horse riders, the land is in private ownership and not an area of public open space. However, the applicant is looking to provide enhanced public rights of way along with new areas of open space. This would allow for continued access to the wider countryside for dog walkers and horse riders. In addition, the areas of new open space and play areas which would form part of the development would be publicly accessible to local residents.

#### Loss and re-location of business premises

- 7.15.7 The proposed development does not seek a reduction in the provision of existing employment premises in Shangri-La Farm. This is because these premises fall outside of the application site boundary.

#### Impact assessment on local residents

- 7.15.8 There is no statutory requirement for the applicant to undertake an impact assessment in regards to a particular development on local residents. However, they do have to undertake assessments such as noise and air quality to determine whether or not the development would have an impact on them. In addition, there is a requirement to consider the impact on local residents in terms of privacy and outlook. Assessments regarding the aforementioned aspects are set out in detail in this committee report. In addition, it is recommended a number of conditions are imposed to limit the impact the development would have on residents in regards to construction.

#### Wymondley Neighbourhood Plan

- 7.15.9 Wymondley Parish Council published a Neighbourhood Plan in June 2016. As such, local planning authorities are required to take this Plan into account when considering development proposals. However, the application site falls outside of the Wymondley Parish Council boundary and falls within the jurisdiction of Stevenage Borough Council. Therefore, this application only needs to be assessed in accordance with the Council's own specific policies along with policies set out in the National Planning Policy Framework (2019) and the Government's Planning Practice Guidance.

## Sustainable construction and climate change

7.15.10 Policy FP1 of the adopted Local Plan (2019) 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.

7.15.11 Taking the aforementioned policy into consideration, the applicant has submitted an Energy Statement as part of the planning application to demonstrate the development's adaptability to climate change. This sets out that the buildings would comprise of energy efficient fabric and insulation to all heat loss floors, walls and roofs. The properties would also have double-glazed windows throughout; have high air tightness, efficient building services (high efficiency heating systems with thermostatic controls) and low-energy lighting. In addition, the applicant has specified that the provisions of solar PV arrays on the roofs are feasible and will be adopted across the development. With regards to water consumption, the applicant has set out that there would be the installation of water efficient appliances, low flush toilets and controlled flow rates for water taps, baths and showers. The applicants calculation demonstrate a water consumption of 110 litres per person per day can be achieved,

7.15.12 Turning to sustainable construction, Hertfordshire County Council as Minerals and Waste Authority recommended the applicant submit a SWMP (Strategic Waste Management Plan). This is to ensure that materials used in construction consist of the development are properly recycled where possible. It is recommended that if planning permission were to be granted, a condition could be imposed requiring the applicant to submit a SWMP prior to the commencement of development.

7.15.13 Given the above, and subject to conditions, it would ensure the development is designed in order to be adaptable to climate change as well as ensure a suitable waste management plan is provided.

## Waste and Recycling

7.15.14 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The submitted plans indicate that there would be sufficient refuse facilities which will serve the proposed residential properties. As such, a condition would be imposed requiring the refuse and recycle facilities are constructed in accordance with the approved details.

## Crime Prevention/anti-social behaviour/security

7.15.15 In regards to crime prevention and designing out crime, the Police Crime Prevention Design Advisor does not raise any concerns with the proposed development. This is because the applicant has agreed the development would be constructed to Secure by Design Standards.

## Health Impact of the development

- 7.15.16 In regards to health impact of the development, in order to improve opportunities for future local residents, the development would comprise of large areas of public open space and recreation space. The development would also seek to connect to existing cycle and footpath network, including public rights of way in order to encourage healthy exercise and activities as well as creating wider accessibility to the countryside. Turning to the points raised by HCC Public Health on noise and air quality, this is already considered in detail in the report and sufficient mitigation measures would be put in place.
- 7.15.17 In relation to the recommendation of submitting a Health Impact Assessment for this development, there is no statutory requirements for the applicant to do so. In addition, the health impacts of the development have been thoroughly considered by the applicant through the relevant assessments and these have been assessed in detail as set out in this committee report. Therefore, it is not considered reasonable to request the applicant submit a Health Impact Assessment for this particular development especially at such a late stage in the application process.

## **8. CONCLUSIONS**

- 8.1 In summary, the principle of development is considered to be acceptable as it would help the Council to meet its housing requirement over the local plan period. In addition, the development would comprise of a spine road which has been designed to ensure that land within North Hertfordshire District Council could potentially be delivered in the future in accordance with Policy IT2. With regards to sustainability, through the provision of new cycle and pedestrian connections and the funding of an expanded bus service, the development would be sustainability connected to the wider urban area of Stevenage.
- 8.2 In terms of design, the overall quantum of development in terms of scale and size combined with the punctuation of large areas of green open space, creates a development which is semi-rural in character with dwellings being predominantly two stories in height. The retention of a significant green buffer along the western edge of the site along with an extensive level of soft landscaping would create a high quality and liveable streetscape. This would also ensure that the longer views from Todds Green towards the A1(M), whilst affected through the introduction of a residential development, would be mitigated against. In addition, through the use of a green bund, it would also reduce views of the A1(M) and the more urban backdrop of Stevenage which is deemed to be a visual enhancement in this instance. With regards to the dwellinghouses and residential apartment blocks which form the basis of this application, they are considered to be of an appropriate design for this site and have been set out in a legible street pattern through the use of the perimeter block approach.
- 8.3 With regards to impact on residential amenity, due to levels of separation between the application and the residential properties in Todds Green, it is not considered the proposal residential development would harm the amenities of residents in the hamlet of Todds Green. In relation to the amenities of future residents, all of the residential properties across the development would have acceptable living standards in terms of outlook, privacy, sunlight and daylight, private amenity space, internal floorspace standards and impact from noise. Moreover, whilst the development would result in the loss of agricultural land, it is not deemed to land which is of high quality and it is considered that the overall benefits of the development outweigh this loss.

- 8.4 Looking at the impact on the highway network, the development would not prejudice the safety and operation of the highway network and in relation to parking, the level of parking provided is in accordance with the Council's Standards. Finally, issues relating to contamination, impact on the environment, trees, wildlife, surface water drainage, affordable housing, open space, children's play and development contributions can be satisfactorily addressed through conditions or a S106 legal agreement. Accordingly, it is recommended that planning permission be granted.

## 9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 agreement to secure/provide contributions towards:-

- The provision of 30% affordable housing;
- Open outdoor sport;
- Biodiversity improvement works to Fishers Green Common;
- Primary and Secondary Education;
- Library services;
- Youth services;
- Sustainable Transport and Infrastructure;
- Trees and plants from UK nurseries;
- Secure the provision and on-going maintenance of the play areas;
- Secure the provision of a maintenance company for the development;
- GP Provision;
- Provision of a fire hydrant; and
- Associated Section 278 Highway Works.

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

- 9.2 The proposal be subject to the following conditions:-

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

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

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

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

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

- 3 No development, above slab level, shall commence until a schedule and sample of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
**REASON:-** To ensure the finished appearance of the development enhances the visual amenities of the area.
- 4 No development, above slab level, shall take place until details of all boundary treatment which includes walls, fences or other means of enclosure, including any retaining walls, have been submitted to and approved in writing by the Council as the Local Planning Authority. The boundary treatment, including any retaining wall, shall be constructed in accordance with the approved details. Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained.  
**REASON:-** To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.
- 5 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.  
**REASON:-** To safeguard the amenities of the occupiers of neighbouring properties.
- 6 No removal of trees, scrubs or hedges shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless a pre-works survey of the vegetation to be removed and surrounding vegetation, is undertaken immediately prior to removal by a suitable qualified, and approved confirmed by the local planning authority.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).
- 7 No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the BWB Noise Impact Assessment report (Ref: MCP2136) dated February 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.  
**REASON:-** To protect the amenity of future occupiers of the development from noise from road traffic sources.
- 8 No properties shall be occupied until confirmation has been provided that either all wastewater network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been submitted to and approved in writing by the local planning authority in consultation with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.  
**REASON:-** The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

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

1. Limiting the surface water run-off generated by the 1 in 100 year + 40% allowance for climate change event critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provide attenuation to ensure no increase in surface water run-off for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
3. Implement drainage strategy as indicated on the drainage strategy drawing reference TGS-BWB-XX-ZZ-DR-CD-0004 and TGS-BWB-ZZ-XX-CD-DR-0006 and to include above ground SuDS features.
4. Implemented drainage strategy to include daylighting of northern culvert with online detention basin with low flow channel for existing watercourses with detention basin as indicated on drawing TGS-BWB-XX-ZZ-DR-CD-0004.
5. Implement drainage strategy to incorporate the central watercourse with detention basin indicated on drawing TGS-BWB-ZZ-XX-CD-DR-0006.

**REASON:-** To reduce the risk of flooding to the proposed development and future occupants.

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

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

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

**REASON:-** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

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

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

**REASON:-** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

12 Prior to the commencement of development, above slab level, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall deliver the ecological units to achieve no net loss or where possible net gain to biodiversity and include the following:-

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

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

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

**REASON:-** In order to improve and enhance biodiversity within the development site and the surrounding so as to offset its impact.

13 The bat and bird box strategy as detailed in the approved plans and ecological report shall be fully installed prior to first occupation of dwelling units 16; 18; 21 to 23; 25 to 32 to 41; 46; 48 to 50; 53; 55; 56; 69; 72; 73; 83; 85; 91; 95; 114 to 116; 118 and 124 hereby permitted. The bat and bird boxes shall be retained thereafter.

**REASON:-** In order to enhance roosting opportunities for bats and nesting opportunities for birds.

- 14 Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles unless permission is granted on an application made to the Local Planning Authority.  
**REASON:-** To ensure that alterations are not carried out which would preclude the use of the garages for the parking of motor-vehicles or bicycles and to ensure the development remains in accordance with the Council's adopted Parking Standards.
- 15 Prior to the commencement of development (including site clearance) a Construction Management Plan/Method Statement for the construction phases shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works of construction of the development shall only be carried out in accordance with the approved statement and Hertfordshire County Council's specifications. The Demolition/Construction Management Plan/Method Statement shall address the following matters:-
- (i) Details of construction phasing programme (including any pre-construction enabling works);
  - (ii) Hours of operations including times of deliveries and removal of waste which should avoid school pick up/drop off times;
  - (iii) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays only.
  - (iv) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
  - (v) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
  - (vi) Details of the provisions for temporary car parking during construction which shall be provided prior to the commencement of construction activities;
  - (vii) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
  - (viii) Screening and hoarding;
  - (ix) End of day tidying procedures;
  - (x) Construction and storage compounds (including areas designated for car parking);
  - (xi) Siting and details of wheel washing facilities;
  - (xii) Cleaning of site entrances, site tracks and the adjacent public highway;
  - (xiii) Control measures to manage noise and dust;
  - (xiv) Disposal of surplus materials;

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

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets,
  - woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems.

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

**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.

- 17 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**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.

- 18 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.  
**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.
- 19 Prior to the first occupation of dwelling units 1 to 9; 25 to 32; 33 to 41 and 126 to 133 hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.  
**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.
- 20 Prior to the first occupation of dwelling units 1 to 9; 25 to 32; 33 to 41 and 126 to 133; hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the approved details submitted with this planning application and shall be permanently retained in that form thereafter.  
**REASON:-** To ensure that there is 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.
- 21 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.  
**REASON:-** In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety. In addition, to ensure the development does not have a detrimental impact on foraging bats.
- 22 The landscaping scheme as detailed in the approved drawings shall be implemented in the first available planting season prior to the first occupation of the buildings or the completion of the development, whichever is the sooner.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 23 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 24 No development, including site clearance, shall commence until the trees as specified in the Arboricultural Impact Assessment, prepared by BWB (dated February 2019) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Arboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the

aforementioned drawings shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment.

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

- 25 Within the areas to be fenced off in accordance with condition 24, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.

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

- 26 Prior to the first occupation of the dwellings hereby permitted, the measures to ensure the development is adaptable to climate changes as detailed in the Energy Statement (prepared by energist dated 15<sup>th</sup> February 2019) shall have been installed and implemented across the whole development in accordance with the approved details.

**REASON:-** To ensure that the development is adaptable to climate change.

- 27 Prior to the commencement of development hereby permitted, the vehicular accesses shall be provided and thereafter retained at the position shown on the approved in principle drawing number General Arrangement drawing number 17 941 – SK01 revision G. The principal access road shall be provided 6.75 metres wide [except for some minor traffic calming features shown on the drawing] complete with 10.0 metres radius kerbs. Thereafter, the internal access roads connected to the principal access road shall be provided at least 5.5 metres wide completed with 8.0 metres radius kerbs to the specification of Hertfordshire County Council from the date of this permission and to the Local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage intercepted and disposed of separately so that it does not discharge from on onto the highway carriageway.

**REASON:-** To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 28 No development shall take place until full details (in the form of scaled plans and written specifications) to illustrate the following:-

- i) roads;
- ii) footways;
- iii) cycleways;
- iv) visibility splays;
- v) access arrangements;
- vi) parking provision in accordance with adopted standards;
- vii) bus stops;
- viii) turning area.

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

**REASON:-** To ensure suitable, safe and satisfactory planning and development of the site.

- 29 No development shall take place until a Servicing and Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements, waste collection points for the proposed development, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and

circulation route and constructed in accordance with the approved details. Thereafter, the route shall be maintained in accordance with those approved details.  
**REASON:-** In the interests of maintaining highway efficiency and safety.

- 30 The provision of infrastructure both within the development site and on the wider routes that the proposed public transport service will travel to facilitate the delivery of the public transport strategy, shall comprise of, but is not limited to the following:-

- 1) high quality bus stop facilities to include raised height kerbs and shelters;
- 2) real time information signs at key stops.

Details of future locations of all bus stops within the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development works. The bus stops will need to be clearly marked out on-site during construction of the internal road to ensure visibility for future residents and the wider community.

**REASON:-** To ensure proper management of the development layout in the interests of highway safety and efficiency.

- 31 Upon first occupation of any dwelling, the provision of two vouchers per dwelling entitling the residents to 12 months free bus travel within the area travelling to Stevenage Town Centre covered by a PlusBus season ticket will be made available. Residents will be able to apply for the vouchers via a scheme to be outlined in the Travel Plan to be approved. The vouchers are to be valid for exchange during the first six months following the occupation of the respective dwelling unit.

**REASON:-** To ensure management of a modal shift and encourage use of sustainable modes of travel within Stevenage.

- 32 A network of footways/cycleways linking all areas of the development with the railway station, bus station and Stevenage Town Centre, which shall include a toucan crossing along Fishers Green in an appropriate location close to the new junction, shall be provided prior to occupation of any dwelling. The route shall be detailed and identified on a drawing showing appropriate hard surfacing, illustrated with a minimum width of 2.0 metres where possible or shared use provision with a cycleway with a minimum width of 3.0 metre shall be submitted to, prior to the commencement of development above slab level, and approved in writing by the Local Planning Authority. The network of footways/cycleways shall be implemented in accordance with the approved details and retained thereafter.

**REASON:-** To ensure management of a modal shift and encourage use of sustainable modes of travel within Stevenage.

- 33 Prior to the occupation of any dwellings, full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed arrangements for the future management and maintenance of the proposed streets within the development. Following the provision of such streets in accordance with the approved details, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.

**REASON:-** To ensure satisfactory development of the site and to ensure the estate roads are managed and maintained thereafter, to a suitable and safe standard.

- 34 Prior to the commencement of the development, visibility splays measuring 2.4 metres x 53 metres to the north west and 2.4 metres x 54 metres to the south east shall be provided to each side of the main access onto Fishers Green and the visibility splays shall thereafter be maintained at all times free from any obstructions

between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.

- 35 Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided each side of each access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstructions between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.

- 36 Prior to the commencement of each phase of the development, details of all materials to be used for hardsurfaced areas, including roads, associated drainage details, driveways and car parking areas shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details.

**REASON:-** To ensure that internal roads, drainage and parking areas are to highway standards and requirements set by Hertfordshire County Council as Highways Authority.

- 37 Prior to the first occupation of the development hereby permitted, the gradient of the main access road shall not be steeper than 1 in 50 for the first 12m thereafter the main access and internal access roads shall not be steeper than 1 in 20.

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

- 38 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

**REASON:-** To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

- 39 Piling or any other foundation design using penetrative methods shall not be permitted within the development other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater. The development shall be carried out in accordance with the approved details.

**REASON:-** To protect groundwater environment, including groundwater. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment should be submitted with consideration of the EA guidance. Given the site's location in SPZ2 we will also require a groundwater monitoring programme during any piling work at the site. This groundwater monitoring programme should incorporate mitigation measures to be adopted design should piling works be noted to be adversely impacting on groundwater quality beneath the site.

- 40 A scheme for managing any borehole installed within the development for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes with be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the Residential Development Plot.

**REASON:-** To ensure that the development does not contribute to, is not put at unacceptable levels of water pollution caused by mobilise contaminants. This is in line with paragraph 170 of the National Planning Policy Framework and adopted local plan policy FP5: Contaminated land.

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

**REASON:-** To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the neighbouring properties from overlooking/loss of privacy and to ensure sufficient parking is available.

### **Pro-active Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **INFORMATIVE**

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

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

#### **Hertfordshire County Council as Highways Authority**

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

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

AN2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works

commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

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

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

#### AN5. Rights of Way

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

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

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

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

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

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

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

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

### **Arboricultural Impact**

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

### **Cadent Gas**

#### **Affected Apparatus**

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

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

#### **Requirements**

##### **BEFORE carrying out any work you must:**

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

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

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

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

### **GUIDANCE**

Excavating Safely - Avoiding injury when working near gas pipes:

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

## **Standard Guidance**

Essential Guidance document:

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

General Guidance document:

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

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

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

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

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

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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**Meeting:** Planning and Development Agenda Item:  
**Committee**

**Date:** 16 December 2019

**Author:** James Chettleburgh 01438 242266

**Lead Officer:** Zayd Al-Jawad 01438 242257

**Contact Officer:** James Chettleburgh 01438 242266

Application No:	19/00620/FP
Location:	8A and 8B Magellan Close, Stevenage
Proposal:	Variation of condition 1 (approved plans) and removal of condition 11 (no new windows and doors) attached to planning permission 16/00791/FP.
Drawing Nos.:	1; 2 and 3.
Applicant:	Stevenage Borough Council
Date Valid:	29 October 2019
Recommendation:	REFUSE PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site was previously an area of open space located between the residential developments of Magellan Close and Ferrier Road. The area of land is directly adjacent to 8 Magellan Close to the south west and to the south is a public footpath that extends from Magellan Close to Ferrier Road fronting Nos. 9 and 10 Magellan Close. The site now comprises 2 no. two-storey semi-detached properties with gable-end roofs. The properties are constructed in western cedar cladding at first floor level with the ground floor (once completed) finished in brick. The roofs of the properties are finished in tolled zinc titanium with the rain water goods comprising box metal guttering finished in grey.
- 1.2 The properties on Ferrier Road are located to the north of the site, although a small area of grassed open space is located to the immediate north of the site. A horse and pony riding route borders the site running from the south west and the rear of Magellan Close and Ferrier Road to the north of the site and then south east along Sheafgreen Lane.
- 1.3 The surrounding area is residential in character with Magellan Close comprising a mixture of cluster homes, semi-detached and detached dwellings and bungalows. The site is located within a corner of Magellan Close with access off an existing turning head in the highway of Magellan Close. Ferrier Road is predominantly terraced properties within regular shaped and generally uniform in design. The northern (rear/side) boundary of the site is currently denoted by a timber post and rail fence. There are three matures trees located within the application site, two of which are in the north-eastern part of the site and a single tree to the west of the site.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Outline application 14/00004/REG3 sought permission for the erection of 1no. three bed dwelling – grant outline planning permission. Outline planning permission was granted in April 2014.
- 2.2 Planning application 16/00791/FP sought permission for the erection of 2no. two storey three bedroom dwellings. This application was granted planning permission in February 2017.
- 2.3 Discharge of condition application 17/00753/COND sought to discharge conditions 3 (materials); 6 (boundary treatments); and 7 (landscaping) attached to planning permission reference number 16/00791/FP. The conditions were discharged in December 2017.
- 2.4 Non-material amendment application 17/00780/NMA sought to amend previously approved planning permission reference number 16/00791/FP to amend fenestration details and internal layouts. The application was approved in December 2017.
- 2.5 Discharge of condition application 18/00245/COND sought to discharge condition 3 (materials) attached to planning permission 16/00791/FP. This condition was discharged in May 2018.
- 2.6 Discharge of condition application 19/00296/COND sought to discharge condition 12 (works to trees) attached to planning permission 16/00791/FP. A response to the discharge of conditions had been issued in June 2019.

## **3. THE CURRENT APPLICATION**

- 3.1 This application seeks to vary condition 1 attached to planning permission 16/00791/FP to amend the approved plans. For reference, this condition states the following:-

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

MAG P 004A; MAG P 005A; MAG P 006A; MAG P 007A; MAG P 001B; MAG P 002B;  
MAG P 003B;

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

- 3.2 In addition, this application also seeks the removal of condition 11 attached to the aforementioned permission. This condition removed permitted development rights to allow for the installation of new windows, doors or other openings. For reference, this condition states the following:-

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings associated with the dwellinghouses other than those expressly authorised by this permission shall be constructed.*

**REASON:-** To satisfactorily protect the residential amenities of nearby occupiers at numbers 8, 9 and 10 Magellan Close and numbers 52 to 58 Ferrier Road.

- 3.3 The applicant is seeking to amend conditions 1 (plans) and 11 (no new windows, doors or other openings) in order install 2 no. roof lights (1 on each property) on the northern roof slopes of both dwellinghouses. The applicant states that the roof lights are required in order to create office and storage space.
- 3.4 This application has been referred to the Planning and Development Committee as the application was called-in by Councillor Tom Wren. The reason for the call-in is due to concerns of impact on neighbouring properties and car parking issues.

#### **4. PUBLIC REPRESENTATIONS**

- 4.1 The proposal has been publicised by way of letters to neighbouring properties and a site notice was displayed on a nearby lamp post. Four representations have been received from numbers 58 and 60 Ferrier Road; 1 and 6 Magellan Close. A summary of the representations which have been made are as follows:-

- Loss of privacy and overlooking;
- The room would ultimately be used as a bedroom so will require additional parking;
- The proposal fails to accord with the Council's Design Guidance on separation distances;
- Parking will be an issue with the development;
- Will have a detrimental impact on residents wellbeing;
- Appear overbearing on local residents;
- The Council has failed to monitor the development during its construction;
- The proposal would result in a three-storey house;
- Why has the emergency vehicle access route been allowed to be closed off by the Council;
- There would be insufficient access to the upper parts of the estate for emergency vehicles due to the development;
- The Council has not properly consulted local residents;
- The developer is deliberately trying to override the conditions;
- This application needs to be determined by planning committee as officers have failed to hold the developer to account.

- 4.2 Please note that the aforementioned is a summary and not a verbatim copy of the comments which have been received. A full copy of the comments raised can be viewed on the Council's website.

## **5. CONSULTATIONS**

5.1.1 There are no relevant consultees associated with this application.

## **6. RELEVANT PLANNING POLICIES**

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

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

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

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

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

### **6.2 Central Government Advice**

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

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

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

### **6.3 Adopted Local Plan**

- GD1 High Quality Design.
- SP8 Good Design
- IT5 Parking and Access

## **6.4 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 on the character and appearance of the area, the impact on neighbour amenity and car parking provision.

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

7.2.1 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure developments function well and add to the overall quality of the area, not just in short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that developments should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.

7.2.3 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”. Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.2.4 The proposed roof lights would measure approximately 1.2m by 1.2m with limited protrusion beyond the roof face. Therefore, in terms of design, the proposed roof lights would appear proportionate within their respective roof face. In terms of visual impact, whilst the roof lights would be visible from the public realm, they are not an uncommon domestic feature in a residential environment and therefore, would not be out of character in this instance. Consequently, it is not considered that the proposed roof lights would harm the architectural composition of the application property. In addition, they would not harm the visual amenities of the wider street scene.

### **7.3 Impact on Amenity**

7.3.1 In terms of impact on amenity, the Council’s Design Guide SPD (2009) stipulates that privacy is an important aspect of residential environments and it is necessary to ensure that a reasonable degree of privacy for residents is provided, both within their habitable rooms and garden areas. In addition, the position of dwellings, and the arrangement of their rooms and windows should not create significant overlooking of other dwelling’s windows or private garden areas. In this regard, the Design Guide specifies a set of minimum separation distances.

7.3.2 Taking the Council’s Design Guide into consideration, the proposal would create usable space in the loft resulting in a development which is over 2 storeys. As such, as the rear elevation of the existing dwellings in Magellan Close face onto the rear elevations of the properties in

Ferrier Road, the Council's Design Guide SPD (2009) stipulates that the back-to-back separation distance should be 35m as a minimum.

- 7.3.3 Given the aforementioned assessment, the separation distance between the roof lights and the properties in Ferrier Road would be between approximately 33m (56 Ferrier Road) to 36m (62 Ferrier Road). Whilst it is noted that there is a slight shortfall in separation distance, the existing dwellings at Magellan Close (8A and 8B) are orientated away at a slight angle from the rearward facing windows of numbers 56 to 62 Ferrier Road. This means that there is no direct overlooking of the rearward facing elevations of the aforementioned properties. Furthermore, due to the positioning of the windows which would be set 1.6m above finished floor level, it would mean that when one stands to look out of the roof light, you would only see the roof areas and partially the windows at first floor level serving habitable rooms.
- 7.3.4 In terms of the impact on numbers 48 to 54 Ferrier Road, these properties do not sit directly opposite to the rear elevation of the existing properties in Magellan Close. This is because the application properties are set at an obtuse angle which is over 90 degrees from the properties in Ferrier Road. However, when standing at the roof light windows, you may catch glimpses of the private garden areas. Notwithstanding this, as these garden areas are positioned approximately 20m to 25m away; it is not considered that the level of overlooking would be such to result in a significant loss of privacy. Moreover, these garden areas are already overlooked by the existing properties in Ferrier Road such as number 56. In addition, the level of overlooking is greater at first floor level of the application properties than would be the case with the proposed roof lights at second floor level.
- 7.3.5 Given the aforementioned assessment, whilst there is a slight shortfall in separation distances, it is considered that due to the positioning of the windows in the roof combined with the orientation of the dwellinghouses, any loss in privacy would be very limited. Therefore, it would be difficult to substantiate a reason for refusal in terms of loss of privacy to neighbouring properties in this instance.

#### **7.4 Car parking**

- 7.4.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Car Parking Standards SPD (2012) stipulates the maximum number of parking spaces based on the number of bedrooms.
- 7.4.2 The dwellinghouses, as detailed under planning permission 16/00791/FP would both be three bedrooms, which under the Council's adopted parking standards requires 4 off-street parking spaces. Given the site is not in a residential accessibility zone, the maximum level of parking is required to serve the development in this instance. The properties as detailed on the approved drawings, would be served by 4 parking spaces, 2 spaces per property in accordance with the Council's Standards.
- 7.4.3 The proposed development seeks to install roof lights in order to serve the roof space of each property. This is in order to create suitable space as either a home office or storage. The applicant argues that as the roof height is 2.1m in height (internally) which is below the 2.3m requirement under the Nationally Described Space Standards (2015) set by National Government, it cannot be used as a bedroom. Notwithstanding this, the area in the roof space is of a sufficient size to accommodate a double bed and associated furniture. This is because in accordance with the Nationally Described Space Standards set by National Government, the room in the roof space of each property would be approximately 22sq.m (greater than the minimum of 11.5sq.m) in area and span 4.24m in width (greater than the minimum 2.75m wide).
- 7.4.4 Further to the above, the Council cannot restrict any future occupiers to convert the loft space, even if it is below standard in terms of head height, into a bedroom. This is because there is sufficient space internally to create for example a space saving staircase up to the roof space

for fire access, in accordance with Building Regulation Requirements. As these works would be internal, the Council would not have any control in this instance. Moreover, even if the applicant argues the room would only be used as a “home office”, the Building Regulations do not differentiate between “bedrooms” and “home offices” as it merely covers “liveable space” where it is intended to use a loft space as a normal part of a house.

7.4.5 Given the aforementioned, it is considered that the loft space could be converted into a bedroom in the future. Therefore, in accordance with the Council’s Car Parking Standards SPD (2012), for 4 bedroom properties, there would be a requirement to provide 2.5 parking spaces per property. In this instance, there would be a requirement, as a minimum, to provide 1 additional parking space.

7.4.6 As there is insufficient space within the application site to accommodate an additional vehicle, the proposal is likely to result in vehicles parking on-street. However, there is already a high level of on-street parking occurring in the vicinity of the application site. As such, this could result in a situation which is prejudicial to the safety and operation of the highway network. It is noted that the Highways Authority has not been consulted on this application; however, it is for the Council as Local Planning Authority to consider whether or not a development has sufficient off-street parking in line with its adopted standards. In this regard, due to the shortfall in parking, it is considered by the Council that this shortfall could result in on-street parking which could affect highway safety, especially given the significant level of on-street parking which already occurs in the area.

7.4.7 In summary, the proposed development would likely to result in the creation of a bedroom in the loft space which would require additional parking provision which cannot be adequately provided on-site in accordance with the Council’s adopted standards. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic.

## **7.5 Other matters**

### *Emergency vehicle access*

7.5.1 In regards to the concerns raised about emergency vehicle access, this was previously considered under planning application 14/00004/REG3 where it was confirmed by Hertfordshire Fire and Rescue that the area is not known to be an emergency access and that sufficient access can be gained by the existing highway network off each estate.

### *Consultation process*

7.5.2 The Council as Local Planning Authority has undertaken the necessary level of consultation in accordance with Government Regulations. This is because local residents have been notified by letter, a site notice has been erected in close proximity to the site and the application has been published on the Council’s website.

## **8 CONCLUSIONS**

8.1 In conclusion, the proposed development would likely to result in the creation of a bedroom in the loft space which would require additional parking provision which cannot be adequately provided on-site in accordance with the Council’s adopted standards. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic.

## **9 RECOMMENDATIONS**

9.1 Planning permission be REFUSED subject to the following reasons:-

1. The proposed development could result in the creation of a bedroom in the loft space which would require additional parking provision which cannot be adequately provided on-site in accordance with the Council's adopted standards. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic and is contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the Council's Car Parking Standards SPD (2012), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

### **Pro-active Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

**Meeting:** Planning and Development Committee      **Agenda Item:**

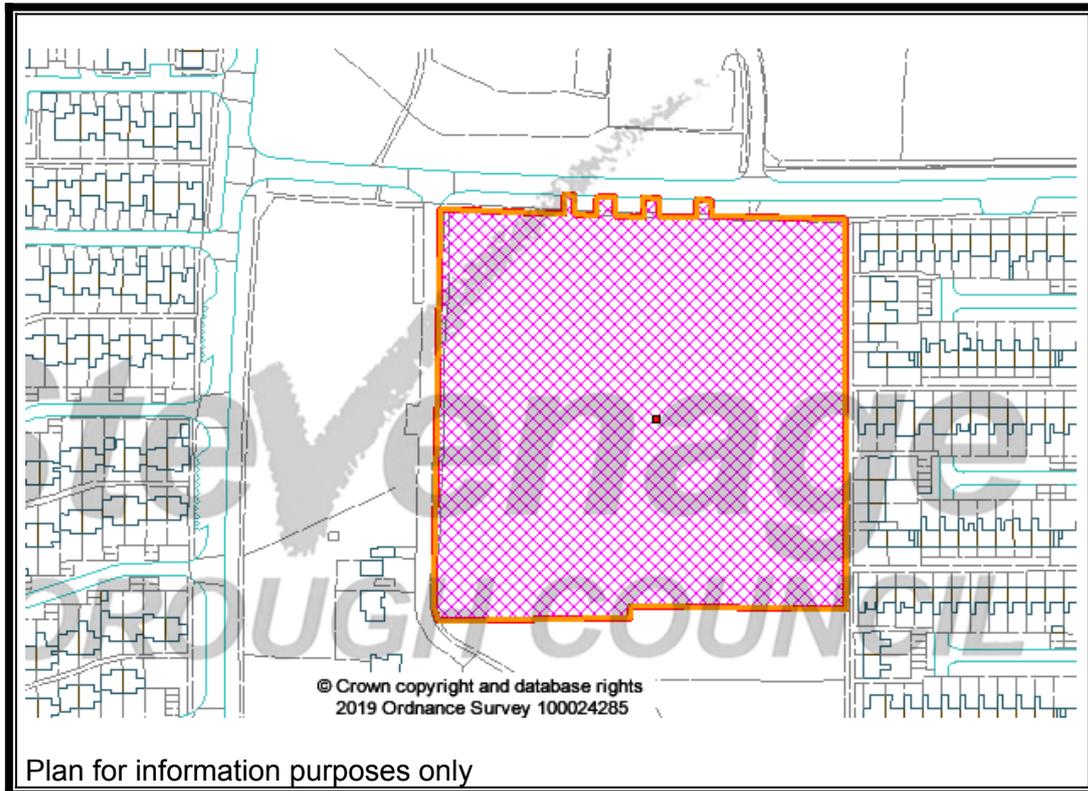
**Date:** 16 December 2019

**Author:** Rebecca Elliott      01438 242836

**Lead Officer:** Zayd Al-Jawad      01438 242257

**Contact Officer:** Rebecca Elliott      01438 242836

Application No:	19/00485/FPM
Location:	Land at Webb Rise, Stevenage
Proposal:	Construction of 85 residential dwellings, associated accesses, landscaping and other matters.
Drawing Nos.:	<p>WBR_RT18103_00_XX_DR_A_00802;      WBR_RT18103_AC_00_DR_A_00320(1);</p> <p>WBR_RT18103_AC_01_DR_A_00321(1);      WBR_RT18103_AC_02_DR_A_00322(1);</p> <p>WBR_RT18103_AC_XX_DR_A_00620;      WBR_RT18103_AC_XX_DR_A_00621;</p> <p>WBR_RT18103_HA_XX_DR_A_00301(1);      WBR_RT18103_HA_XX_DR_A_00302(1);</p> <p>WBR_RT18103_HA_XX_DR_A_00601(1);      WBR_RT18103_HC_XX_DR_A_00303(1);</p> <p>WBR_RT18103_HC_XX_DR_A_00303(2);      WBR_RT18103_HC_XX_DR_A_00304(1);</p> <p>WBR_RT18103_HD_XX_DR_A_00305(1);      WBR_RT18103_HD_XX_DR_A_00604(1);</p> <p>WBR_RT18103_HE_XX_DR_A_00306(1);      WBR_RT18103_HE_XX_DR_A_00307(1);</p> <p>WBR_RT18103_HE_XX_DR_A_00605(1);      WBR_RT18103_HE_XX_DR_A_00606(1);</p> <p>WBR_RT18103_HG_00_DR_A_00309(1);      WBR_RT18103_HG_01_DR_A_00310(1);</p> <p>WBR_RT18103_HG_XX_DR_A_00607(1);      WBR_RT18103_HK_00_DR_A_00311(1);</p> <p>WBR_RT18103_HK_01_DR_A_00312(1);      WBR_RT18103_HK_XX_DR_A_00610(1);</p> <p>WBR_RT18103_HL_XX_DR_A_00308(1);      WBR_RT18103_HL_XX_DR_A_00313;</p> <p>WBR_RT18103_HL_XX_DR_A_00611(1);      WBR_RT18103_00_XX_DR_A_00234 PL04;</p> <p>WBR_RT18103_00_XX_DR_A_00231 PL04;      WBR_RT18103_00_XX_DR_A_00232 PL03;</p> <p>WBR_RT18103_00_XX_DR_A_00233 PL03;      WBR_RT18103-00-ZZ-DR-A-00200 PL04;</p> <p>WBR-RT18103-00-ZZ-DR-A-00201 PL04;      WBR-RT18103-00-ZZ-DR-A-00202 PL04;</p> <p>WBR-RT18103-00-ZZ-DR-A-00210 PL05;      WBR-RT18103-00-ZZ-DR-A-00211 PL05;      WBR-RT18103-00-ZZ-DR-A-00212 PL04;      WBR-RT18103-00-ZZ-DR-A-00213 PL04;      WBR-RT18103-00-ZZ-DR-A-00214 PL06;      WBR-RT18103-00-ZZ-DR-A-00220 PL04;      WBR-RT18103-00-ZZ-DR-A-00221 PL04;      WBR-RT18103-00-ZZ-DR-A-00222 PL04;      WBR-RT18103-00-ZZ-DR-A-00223 PL04;      WBR-RT18103-00-ZZ-DR-A-00225 PL04;      WBR-RT18103-00-ZZ-DR-A-00230 PL04;      WBR-RT18103-00-ZZ-DR-A-00226 PL02;      A1-L002 Rev C;      A1-L003 Rev C;      A1-L004 Rev D;      A1-L005 Rev C;      A1-L006 Rev C;      A1-L007 Rev C;      A1-L008 Rev D;      WBR_RT18103_N_XX_DR_A_00227 PL01;      WBR_RT18103_S_XX_DR_A_00228 PL01;      101975-S8-100 General Arrangement Rev B;      101975-S8-MA-001 Access Plan Rev C;      101975-S8-S278-100 Rev C General Arrangement;      101975-S8-TR-001 Fire Tender Rev C;      101975-S8-TR-002 Refuse Tracking Rev C;      551213dpNov19FV03_TRP;      101975-PEF-08-EW-DR-D-0001-P5;</p>
Applicant:	Chalkdene Developments
Date Valid:	13 August 2019
Recommendation:	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site is the former Lonsdale School site located to the south of Webb Rise. The site is bounded to the south by Larwood School, to the west by open space fronting Lonsdale Road, to the north by Webb Rise and Hampson Park beyond and to the east by residential properties off Webb Rise and Archer Road. The site occupies 2.52 hectares and is currently laid to grass with numerous mature trees throughout and mature hedging along the north and eastern boundaries. The southern boundary with Larwood School is partially delineated by a tree belt in the south western corner. Pedestrian and vehicular access is by the existing school access road, with two existing dropped kerb accesses on the western boundary.
- 1.2 The area is largely characterised by open space, with Hampson Park to the north of the site and an area of land to the west being open and laid to grass. Residential areas off Lonsdale Road to the west and Webb Rise and Archer Road to the east are predominantly formed of terraced and semi-detached dwellings. The ground levels do incline from the south western corner of the site towards the north eastern corner. The open space to the west of the access road declines more severely to the west and Lonsdale Road. Also, the grass verges and open space of Hampson Park are on slightly higher ground and incline in to the site before levelling out.

## 2. RELEVANT PLANNING HISTORY

- 2.1 11/00577/OPM Outline application for redevelopment of existing school site for the erection of 90 dwellings. Application withdrawn. 21.12.2011.
- 2.2 12/00496/OPM Outline application for redevelopment of existing school site for the erection of 67 dwellings. Outline Permission Granted. 15.01.2013.

- 2.3 13/00067/COND Partial discharge of condition 33 (archaeological report) attached to planning permission reference number 12/00496/FPM. Discharge agreed. 20.03.2013.

### **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the construction of 85no. dwellings consisting of 12no. four bedroom, 40no. three bedroom and 27no. two bedroom two storey dwellings and 6no. one bedroom flats located in a three storey building. The application includes associated access, landscaping and other related matters. The former school and existing site accesses shall be utilised on the access road.
- 3.2 The application comes before the Planning and Development Committee as this application is classed as a Major residential development.

### **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by neighbour letters, the posting of four site notices – one on the eastern pedestrian footpath off Archer Road, one on the access road, one on the southern side of Webb Rise and one by the vehicular access to Hampson Park on the northern side of Webb Rise, and an advertisement has been placed in the local newspaper. No observations have been received.

### **5. CONSULTATIONS**

#### **5.1 Police Crime Prevention Officer (PCPO)**

- 5.1.1 It would appear that the proposal may not be completed in accordance with 'Secured by Design'. The Police Crime Prevention Design Service is disappointed with this decision and as such they are not looking to object to the application but are not in a position to fully support the application.

#### **5.2 Council's Arboricultural Officer**

- 5.2.1 No objections from an arboricultural perspective. The landscaping details and replanting/tree protection measures are considered acceptable.

#### **5.3 Hertfordshire County Council Highways**

- 5.3.1 The County Council as Highways Authority consider the development to be in accordance with National and Local policies. Therefore, the Highways Authority's formal recommendation is that there are no objections to the development proposal subject to the recommended conditions and highway informatives.

#### **5.4 Lead Local Flood Authority**

- 5.4.1 Following a review of the Flood Risk Assessment carried out by Pell Frischmann reference: 101975-PF-08-EW-RP-D-0001, Revision D dated 30 July 2019, we can confirm that we have no objection in principle on flood risk grounds and can advise that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy.

## **5.5 Environmental Health**

- 5.5.1 If planning permission is granted it is recommended that conditions be imposed relating to construction hours, dust emissions, contaminated land.

## **5.6 Hertfordshire County Council Waste and Minerals**

- 5.6.1 After reviewing the documents submitted with the application, it is clear that a Site Waste Management Plan (SWMP) has been submitted. The SWMP sets out the relevant details in relation to the project and identifies the Client, Principle Contractor and the author of the SWMP.
- 5.6.2 The SWMP includes a table which sets out estimates for each of the different waste types set to arise from the project. The county council is satisfied with the level of detail set out within the SWMP at this stage and would like to ask that actual waste arisings be added to the SWMP throughout the construction of the developments and that details of how waste is managed (i.e. re-used, recycled or sent off-site for treatment or disposal) and where it is sent to, should also be set out within the SWMP.

## **5.7 Hertfordshire County Council Growth and Infrastructure**

- 5.7.1 Following an assessment of the proposed development for 85 units, it is recommended financial contributions should be secured in accordance with HCC Toolkit towards secondary education, nursery education, primary education, childcare services, library services and youth services. In addition to this, it is recommended that a fire hydrant should be provided as part of the development. As such, the fire hydrant should be secured as part of any S106 Legal Agreement.

## **5.8 Herts and Middlesex Wildlife Trust**

- 5.8.1 The details set out in the Ecological report are considered to be acceptable. However, this is subject to conditions on the provision of bat and bird boxes along with the submission of a landscape and ecological management plan (LEMP) as well as a landscape and habitat management scheme to be approved by the Council.

# **6. RELEVANT PLANNING POLICIES**

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

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
  - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
  - The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).
- 6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits.

## **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.
- 6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.
- 6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

## **6.3 Adopted Borough Local Plan**

SP1	Presumption in Favour of Sustainable Development
SP2	Sustainable Development in Stevenage
SP5	Infrastructure
SP6	Sustainable Transport
SP7	High Quality Homes
SP8	Good Design
SP11	Climate Change, Flooding and Pollution
IT5	Parking and Access
HO5	Windfall Sites
HO7	Affordable Housing Targets
HO8	Affordable Housing Tenure, Mix and Density
HO9	House Types and Sizes
HO11	Accessible and Adaptable Housing
GD1	High Quality Design
FP1	Climate Change
NH5	Trees and Woodland
NH7	Open Space Standards

## **7 APPRAISAL**

- 7.1 The main issues for consideration are the acceptability in land use policy terms, affordable housing and S106, design and layout, impact on the character and visual amenity of the area, impact on neighbour amenity, impact on amenity of occupiers, highways implications, parking provision, and other matters including waste, drainage and climate change.

### **7.2 Acceptability in Land Use Policy Terms**

- 7.2.1 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should

take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development".

- 7.2.2 Paragraph 61 of the NPPF 2019 requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 68 of the NPPF sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.3 Paragraph 67 of the NPPF (2019) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 73 of the same document states that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies".
- 7.2.4 Paragraph 117 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.5 Turning to the adopted Local Plan (2019), as the site is not designated for residential development it would be classed as a windfall site. Taking this into consideration, Policy SP7 (High quality homes) states that the Council needs to be provide 7600 new homes over the local plan period of which 1,950 homes would be provided through windfall sites. Turning to the specific policy on windfall development sites, (Policy HO5 of the Local Plan), this outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.6 The proposal consists of the creation of 85 dwellings, a mixture of detached, semi-detached and terrace, with 6 units being assisted living in flat form. The proposed layout covers the bulk of the site area, including over the footprint of the former school buildings and associated playing fields and school curtilage. The land is, therefore, considered to be previously developed for the purposes of policy HO5. It is also of note here that outline permission was granted in 2012 for the provision of 67 units. Furthermore, the proposal does not see the loss of public amenity space, and is close to the local bus and cycle network. As such, the proposal is considered to be in a sustainable location.
- 7.2.7 With respect to the five year land supply of deliverable housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, but the supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:-
- a) 5% to ensure choice and competition in the market; or
  - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or

- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

7.2.8 The most up to date housing supply figures indicate that the Council is able to meet its requirements to provide a 5 year land supply as defined in the adopted Local Plan. The fact that the Council can meet its 5 year land supply of housing is thus a material consideration in the assessment of this application. However, as set out above, as the application site is considered to be a 'windfall' site, it will help to meet the Council's overall housing need over the local plan period in this instance.

7.2.9 In respect to Policy HO9 (House types and sizes) of the Adopted Local Plan (2019), as the proposed development seeks to deliver a mixture of 2, 3 and 4 bedroom dwellings, it would be in accordance with this policy as it would add to the overall mix of housing which is required to meet the objectively assessed need over the local period.

7.2.10 The impact of the proposal on the local environment and surrounding properties will be addressed later in this report. Based on the above it is concluded that the proposal is acceptable in land use policy terms.

### **7.3 Affordable Housing Provision and S106 Contributions**

7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 22 affordable units.

7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission would be granted where those dwellings:

- a. Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
- b. Meets the requirements of Policy HO9 (House types and sizes);
- c. Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- d. Will remain at an affordable price for future eligible households.

7.3.3 In addition to the above, paragraph 64 of the NPPF (2019) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the homes to be made available for affordable home ownership (this includes shared ownership, equity loans, other low cost homes which are 20% below local market value and rent to buy). However, the aforementioned 10% requirement is part of the overall affordable housing contribution for the site.

7.3.4 The applicant has confirmed that the development would comprise of 25% affordable units. As such, the development would be policy compliant in this instance. With respect to the exact location of the affordable units, the affordable housing tenure mix, size of the units, this has been agreed with the Council's Housing Development Section.

7.3.5 In addition to affordable housing, financial contributions are also required in line with the Hertfordshire County Council (HCC) Toolkit, HCC Highways requirements and Stevenage Borough Council contributions towards children's play space and outdoor sports and open space. Based on the number of units proposed, the following contributions would be sought.

<b>Stevenage Borough Council</b>	<b>Financial Contribution</b>
Outdoor Sports Provision – towards improvements at Hampson Park	£7,384.74
Children’s Play Space – towards improvements at Hampson Park	£6,649.61
Total (based on current figures provided)	£14,034.35
<b>Hertfordshire County Council</b>	
Secondary Education - towards the expansion of Nobel School by 1fe to 9fe	£172,668
Primary Education – towards the expansion of Moss Bury Primary School by 0.5fe to 2Fe	£185,270
Nursery Education – towards the expansion of Clare’s Little Bears *joint Early Years project	£26,381
Childcare Service - towards the expansion of Clare’s Little Bears *joint Early Years project	£10,216
Library Service – towards the re-provision of Stevenage Central Library to support specific aspects of the new library, which will be determined as soon as the construction and layout of the new library has been confirmed	£14,425
Youth Services – towards the increase of capacity at the re-provision of the Bowes Lyon Young People’s Centre kitchen enabling young people to learn independent living skills	£3,320
Travel Plan Contribution	£6,000.00
Total	£412,280
<b>Overall Total</b>	<b>£426,314.35</b>
<b>NOTE:-</b> All financial obligations would be index linked.	

7.3.6 The applicant has agreed to pay all monies and provide the required affordable housing sought through the signing of a S106 agreement.

7.3.7 HCC also seeks the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in the S106 agreement. Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

#### **7.4 Design and Layout**

7.4.1 The proposed dwellings are all two storey with a mixture of front and side facing gables. House type HK has a side projecting gable with accommodation at first floor above an attached garage. House type HE would also have either an attached or detached single garage. The fenestration has been kept simple and minimal to provide a modern design feature, including full length detailing. The palette of materials includes brickwork in-keeping with the make-up of the surrounding residential estates, but would incorporate areas of brickwork texture on the front facades.

7.4.2 The layout follows a northern entrance road running west to east before turning 90 degrees to run southerly before turning a further 90 degrees to run east to west creating the southern entrance road. Two smaller areas to the south-east and north of the estate road would be a

non-tarmac based access road providing access to driveways and parking bays. Pedestrian access would also be provided off these small arms to provide access to Webb Rise and the easterly footpath bounding the site.

- 7.4.3 The dwellings would form a linear building line along the highway, with three of the four bed dwellings located off a private driveway just off the northern entrance of the site to the west. Seven properties would have direct access off Webb Rise, and six properties directly off the existing Larwood access road. The types of dwellings have appropriately been sited within the layout to ensure junctions are faced with facades of more interest or design features.
- 7.4.4 Predominantly the layout provides allocated parking within the curtilage of individual plots. Centrally and to the east and south east of the site, properties would have parking bays provided along the highway to provide parking 'on-street'. These areas would also provide visitor parking spaces. The properties would have minimal frontages and within the street scene the areas of hardstanding are broken up my small areas of landscaping with various trees proposed within said areas.
- 7.4.5 A three storey building is located on the southern boundary of the site which would provide 6no. one bedroom assisted living flats with associated disabled parking to the rear. A policy compliant level of affordable units would be dispersed within the south eastern area of the site, with the assisted units forming part of the 25% provision.

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

- 7.5.1 The site is currently screened by a mature hedgerow and semi-mature trees just inside the boundary line, which make up a pleasant and appealing green element of landscaping. The provision of driveways along Webb Rise does allow for an open frontage to the site and will see the removal of a stretch of the hedgerow. Whilst this is unfortunate, the retention of the hedgerow would require properties to face inwards in to the site which is not considered good design in terms of the wider street scene.
- 7.5.2 The extent of the red line plan ensures a wide strip of open space is retained between the site and Lonsdale Road which will preserve the openness of the area, particularly as the ground levels decline steeply towards Lonsdale Road. To the east the properties along this boundary all face westwards with rear gardens located adjacent the existing footpath serving Archer Road. The layout follows the similar linear form of the properties in Archer Road which front or are side on to the site. The large mature hedgerow that spans this boundary of the site is to be retained. This is favourable in retaining the character of the nearby residential estate.
- 7.5.3 To the north of the site, the set back of the properties at the site entrance, and when viewed driving easterly up and along Webb Rise helps integrate the proposal in to the landscape. A wide grass verge runs parallel to the site frontage providing greenery between the highway and footpath and site edge. The provision of driveways to serve the seven properties facing Webb Rise will see four areas of hardstanding created, fragmenting the grass for a length of 29m within a 78m frontage. Concerns have been raised by the Council's Parks and Amenities team that the fragmentation is not preferable and could lead to a precedent in terms of driveways being created across open space. It has been suggested that parking bays be created within the grass verge off Webb Rise to provide parking within the public realm of a similar nature to those already visible along Webb Rise.
- 7.5.3 This is not supported for various reasons. The provision of a parking bay would remove as much of or more of the grass verge than the driveway crossings and this is considered more harmful to the character and appearance of the area than the fragmented areas of grass. Furthermore, the provision of a parking bay would be outside of the application site and thus could not form part of the site's parking numbers, and would result in seven properties facing Webb Rise without parking provision. In terms of a precedent being set, each case is assessed on its own merits, and by comparison the provision of driveways here as part of a

larger housing development is much different from an existing house seeking a single driveway crossing.

## **7.6 Amenity of Neighbours**

- 7.6.1 In assessing the impact of the proposal on the amenity of neighbouring properties, the properties most affected are the dwellings to the south west off the school access road, and along the eastern side of the site off Archer Road. The impact of the development on Larwood School must also be considered.
- 7.6.2 Looking firstly at the properties on the south western side of the site, four detached properties are accessed via the main school access road. The properties occupy the corner position of the road as it enters the school site. No's 1 and 2 Larwood Grove face eastwards across the far south western corner of the site, and No's 3 and 4 sit perpendicular facing northwards looking across the frontages of No's 1 and 2 and the access road. Larwood School is located further south and stretches along the southern boundary of the site with the main buildings being located towards the west of the school site.
- 7.6.3 The existing mature landscaping which occupies the south western corner of the site is to be retained. The main outlook of all four properties towards the site is this area of landscaping. The nearest house proposed would be plot H66 which faces westerly across Larwood Grove and the open space beyond. This property sits past No.1 on the opposite side of the access road. Consequently the proposed works would not adversely affect the amenity of these properties in terms of outlook, loss of privacy or sunlight/daylight.
- 7.6.4 The buildings of Larwood School are located approximately 38m from the shared boundary. The proposed boundary treatments along the southern boundary would be finished with weld mesh and timber boarded fencing on the garden side. In considering the additional garden depths to the properties whose rear elevations face the school site, there would not be an adverse impact on the privacy and safeguarding of the school.
- 7.6.5 The eastern boundary of the site abuts an existing footpath which runs north to south from Webb Rise to properties off Archer Road. Residential properties either have side facing gables or front elevations facing the site. The Council does not have adopted separation distances for front to rear relationships between existing and new developments. Notwithstanding this, the distance between the rear elevations of the proposed dwellings and the front elevations of the existing properties off Archer Road are approximately 20m. Additionally, the side facing properties are approximately 16-17m away from the rear elevations of the proposed dwellings. Both these distances are considered acceptable and meet the Council's adopted standards. Consequently, the proposed development is not considered to adversely affect the amenity of the occupiers of the properties off Archer Road in terms of outlook, privacy or sunlight/daylight.

## **7.7 Amenity of Future Occupiers**

- 7.7.1 The adopted local plan outlines prescribed space standards for new dwellings, which are nationally prescribed standards, as set out in the Department for Communities and Local Government document 'Technical housing standards - nationally described space standards' 2015.

- 7.7.2 The minimum internal sizes of the proposed units have been annotated on the proposed floor plans and the units would meet the minimum standards, including storage space. Room size standards for bedrooms are also considered in the technical standards, determining how many persons the unit can accommodate and also in terms of acceptable living environments. These standards state that a double bedroom is considered at 11.5 square metres minimum with a minimum width of 2.75m and that where a second (or more) bedroom(s) is proposed it should have a minimum of 7.5 square metres and width of 2.15m to be considered a single and a second double be at least 2.55m wide with the same 11.5 square metres minimum floor space. The bedroom sizes are annotated on the floor plans all accord with the bedroom and person sizes stipulated on the plan key and the technical guidance.
- 7.7.3 The Stevenage Design Guide recommends that for terraced and semi-detached dwellings gardens should have a minimum depth of 10m and area of 50 square metres. For detached properties the garden area is usually required to be larger. Direct access should be afforded to the garden area for refuse storage, cycle parking and general maintenance. All of the proposed dwellings have a garden of at least 50 square metres with the larger semi-detached and detached properties having in excess of 100 square metres. There are some examples where the rear garden depth is between 8 and 10 metres. In these cases the garden sizes are well above the area requirement and the reduced depth would not impact on outlook or privacy.
- 7.7.4 The Council's separation distances for back to side and back to back relationships between new developments are slightly lower than where existing properties have to be considered. The proposed layout in terms of the relationships between the rear gardens and rear elevations of the proposed dwellings are policy compliant and would provide an acceptable level of privacy and outlook for the future occupiers of these properties.

## **7.8 Landscaping and Trees**

- 7.8.1 Currently the site is laid to grass and is interspersed by a variety of tree types and value. Most appear semi-mature and these are largely around the north and eastern boundaries, as the former school buildings were located to the west – south west. A large area of smaller trees and large shrubbery is located to the north east but further in the site. The northern and eastern boundaries are also delineated by a tall mature hedgerow. The western and southern boundaries are predominantly open in nature with a small pocket of trees and landscaping to the south western corner of the site.
- 7.8.2 The proposal would see the removal of approximately 50% of the trees from across the site (approximately 33), with 110 new trees being planted. These would predominantly be smaller trees to be sited along the highway and areas of open space. However some would be placed in rear gardens and by the site boundary to provide additional screening. The proposed landscaping also includes the provision of shrub borders to properties, new hedging and areas of wild flowers, as well as grass laid in the rear gardens.
- 7.8.3 The proposals also include an area of open space with a balancing pond in the north western corner of the site. This area would be located behind the existing hedgerow being maintained around this corner.
- 7.8.4 The proposed landscaping has been assessed by the Council's Tree Manager and Parks and Amenities Section. Tree Manager has no objections from an arboricultural perspective and finds the proposed tree protection measures and landscaping proposals acceptable. The Parks and Amenities Green Spaces Officer has raised concerned over the level of small landscaping pockets particularly along the proposed highway routes, in respect of maintenance. However, they have also advised that the Council would not adopt the landscaped areas or the open space and balancing pond.

7.8.5 The applicant has responded to these comments and has confirmed the future management/maintenance of the landscaped areas will be undertaken by a management company. It is considered that the smaller pockets of landscaping will help break up large areas of hardstand for parking purposes, and between driveway accesses. These areas allow for a significant tree planting scheme which will enhance the street scene within the development.

## **7.9 Highways and Parking**

7.9.1 The proposed site plan shows the utilisation of two of the former school access points on the western boundary of the site directly off Larwood Grove. The access points form part of a larger crescent shaped internal arm, with smaller private driveway areas off this. Across Webb Rise and Larwood Grove private individual driveways are proposed for the larger detached homes within these frontage positions.

7.9.2 Apart from visibility for exiting drivers at the southern access, which is substandard (18m) and is obscured by vegetation, to see oncoming vehicles from the school's side, the visibility of 2.4m x 43m from the accesses as shown on 101975-S11-GA-100 General Arrangement of the TN02 is in line with the Manual for Streets (Fig 7.18) standards. The Highway Authority is however satisfied and agrees with the Road Safety Audit's findings that as the speeds are very slow along this length of road, and the drivers exiting the school gates, should be doing so at slower speeds, the issue can be overcome by ensuring the vegetation is continually cutback to afford maximum available visibility from this junction. The details can be secured by a planning condition.

7.9.3 The Means of Access Plan ref 101975-S8-MA-001 Rev A contained in the TN02 shows a principal access road that will form the main vehicle access to the development with connections to a system of cul-de-sac access roads. This has been tested with a swept path analysis of a large waste collection vehicle, shown on the Pell Frischmann drawing number 101975-S8-TR-002 Rev A Refuse Vehicle Turning Movements.

7.9.4 Parking provision in this area of Stevenage does not fall within one of the Council's residential parking zones as outlined in our adopted parking standards SPD. As such 100% of the required provision should be provided on site.

7.9.5 Based on the provisions of the adopted standards a one bedroom unit requires 1 space, a two bedroom 1.5 spaces, three bedrooms is 2 spaces and a four + bedroom unit is 3 spaces. The total amount, if as a decimal figure, is rounded up to the nearest whole number. Based on the provision of 6 one bed, 27 two bed, 40 three bed and 12 four bed units the parking requirement would total 156.5 spaces ( $6 \times 1, 27 \times 1.5, 40 \times 2, 12 \times 2.5 = 156.5$ ). Furthermore, 0.5 visitor spaces are required per unit, so a total of 42.5 (85 units) visitor spaces. This gives the proposal a total car parking provision requirement, including visitor parking, of 199 spaces. The proposed site plan outlines the provision of 199 spaces across the site to an acceptable layout and provision.

7.9.5 In terms of cycle parking, 1 space is required per unit. Properties with garages have sufficient space within the garage for cycle storage as each garage exceeds the Council's internal measurements at 3.1m by 6.1m approximately. Properties without garages have sheds shown in the rear gardens which would provide an acceptable storage area for cycles. The cycle parking provisions meet the Council's standards.

7.9.6 In line with Policy 5h of the LTP4 some provision for electric charging points should be made on site. For houses, this should be easy to provide as driveway parking is provided for each unit, the external plug in sockets can easily be fitted. The details should be secured by a planning condition.

- 7.9.7 Provision has been made for on-site bin-refuse stores within 30m of each unit and within 25m of the kerbside/bin collection point. The internal roads can accommodate manoeuvring space for waste collection vehicles and the proposed residential units meet the requirements for waste storage and collection contained in the Manual for Streets. Furthermore, the site layout indicates that emergency access will be provided to all parts of the site. The minor access roads within the development would also be able to accommodate emergency vehicles.
- 7.9.8 85 dwellings are shown to generate around 56 vehicle trips in the am peak hours and 49 in the pm peak time or in total 672 person trips a day of which nearly 75% will be by a private car and the rest by using sustainable modes of travel. Given that the development is located along a local access road with a capacity to accommodate the volume of traffic for a residential development, the traffic generation of vehicles is considered not to have a significant impact on the local highway network. A review of the most recent collision data on the network in the vicinity of the site reveals no existing clusters or patterns. Therefore, it is anticipated that the development will not have a detrimental impact on the safety of the highway network.
- 7.9.9 The distribution of development related traffic, based on the Census data, assumes that 87% will be to/from the west while 13% will be to and from the east. This has been considered to represent a robust scenario in terms of the distribution of traffic and the subsequent impact on the local road network. Data analysis within the TA demonstrates that the development proposals will be sufficient to accommodate the additional demand generated by the development proposals, without there being a residual impact that would be considered severe. The Junction capacity assessment indicates that the proposed junctions would continue to operate well within capacity.
- 7.9.10 An Interim Travel Plan has been submitted which is required for development of this scale. The HCC Travel Plan team have advised that the TP be secured as part of any S106 agreement together with a £6,000 monitoring fee.
- 7.9.11 The submitted Construction Management Plan (CMP) does not provide a sufficient level of detail and fails to conform to the Highway Authority's adopted template. An updated CMP based on the Hertfordshire's template would therefore need to be submitted and secured by a planning condition to ensure that construction vehicles will not have a detrimental impact on public highway in the vicinity of the site.

## **7.10 Construction and Site Waste Management Plans**

- 7.10.1 The application has been submitted with a supporting Construction Management Plan (CMP) which also has a Site Waste Management Plan (SWMP) within the appendices. Looking firstly at the SWMP, Herts County Council Minerals and Waste team have assessed the documentation and raise no objections subject to the SWMP being updated throughout the site clearance and construction phase to provide actual volume calculations and means of disposal.
- 7.10.2 The CMP provides details of the programme of works, welfare on site, logistics and traffic management and air quality and carbon reduction. From an Environmental Health perspective the details given are considered acceptable and standard conditions relating to construction hours and dust emissions will be imposed. A further condition relating to contaminated land (should any be found) will also be imposed seeking immediate contact with the Council to agree remediation.
- 7.10.3 The local highway authority have advised that the CMP does not cover the required information for their purposes and have requested additional information relating to vehicle swept paths, Construction Logistics and Community Safety (CLOCS) standards, the purpose of the "site's manager's guide", the number and type of construction traffic, and the details of

the new vehicular access to the parking area. This can be appropriately covered by imposing a condition seeking further details.

## **7.11 Other Matters**

### **7.11.1 Waste**

7.11.1.1 The proposed site plan shows the provision of bin storage areas in the rear gardens which can be accessed via a rear gate or through the garage if applicable. Furthermore, sufficient swept paths have been provided to show access throughout the site for a refuse vehicle to ensure appropriate collection distances for operatives and homeowners.

### **7.11.2 Drainage**

7.11.2.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having a 0.1% chance of flooding from seas or rivers which is typically less than 1 in 1000 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1. There is no evidence to show that the site is currently actively drained as it has remained undeveloped for some time.

7.10.3.2 The proposed drainage strategy is based upon infiltration and infiltration testing has been carried out to ensure the feasibility of the proposed scheme. The drainage strategy is based on permeable paving with sub-base and geo-cellular attenuation tanks and basin, and is designed to accommodate a 1:100 + 40% climate change rainfall event. The water will be discharged via a proposed connection to the surface water sewer network which has been agreed with Thames Water. The Lead Local Flood Authority have assessed the application and recommend conditions be imposed if planning permission be granted.

### **7.10.4 Climate Change**

7.10.4.1 Policy SP11 of the adopted Local Plan specifies the Council's position on climate change and energy conservation. Much of this can be addressed through building techniques and the materials proposed. However, it is recommended that a condition be imposed to any grant of permission to secure this.

## **8 CONCLUSIONS**

8.1 It is considered that the redevelopment of the former Lonsdale School site is acceptable. The windfall site is policy compliant as it is previously developed and provides an acceptable level of affordable housing. The design and layout of the proposed dwellings and estate, including landscaping, is acceptable. Access and parking arrangements meet the required standards and other matters including drainage and ecology are acceptable and where applicable can be appropriately controlled through imposition of conditions.

## **9 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 agreement to secure/provide contributions towards:-
- The provision of 25% affordable housing;
  - Outdoor Sport Provision;
  - Children's Play Space;
  - Nursery and Child Care;
  - Primary and Secondary Education;
  - Library services;

- Youth services;
- Travel Plan Monitoring;
- Secure the provision of a maintenance company for the development;
- Provision of fire hydrants; and
- Associated Section 278 Highway Works.

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

9.2 The proposal be subject to the following conditions:-

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

WBR_RT18103_AC_00_DR_A_00320(1);	WBR_RT18103_AC_01_DR_A_00321(1);
WBR_RT18103_AC_02_DR_A_00322(1);	WBR_RT18103_AC_XX_DR_A_00620;
WBR_RT18103_AC_XX_DR_A_00621;	WBR_RT18103_HA_XX_DR_A_00301(1);
WBR_RT18103_HA_XX_DR_A_00302(1);	WBR_RT18103_HA_XX_DR_A_00601(1);
WBR_RT18103_HC_XX_DR_A_00303(1);	WBR_RT18103_HC_XX_DR_A_00303(2);
WBR_RT18103_HC_XX_DR_A_00304(1);	WBR_RT18103_HD_XX_DR_A_00305(1);
WBR_RT18103_HD_XX_DR_A_00604(1);	WBR_RT18103_HE_XX_DR_A_00306(1);
WBR_RT18103_HE_XX_DR_A_00307(1);	WBR_RT18103_HE_XX_DR_A_00605(1);
WBR_RT18103_HE_XX_DR_A_00606(1);	WBR_RT18103_HG_00_DR_A_00309(1);
WBR_RT18103_HG_01_DR_A_00310(1);	WBR_RT18103_HG_XX_DR_A_00607(1);
WBR_RT18103_HK_00_DR_A_00311(1);	WBR_RT18103_HK_01_DR_A_00312(1);
WBR_RT18103_HK_XX_DR_A_00610(1);	WBR_RT18103_HL_XX_DR_A_00308(1);
WBR_RT18103_HL_XX_DR_A_00313;	WBR_RT18103_HL_XX_DR_A_00611(1);

WBR\_RT18103\_00\_XX\_DR\_A\_00234 PL04; WBR\_RT18103\_00\_XX\_DR\_A\_00231 PL04;  
 WBR\_RT18103\_00\_XX\_DR\_A\_00232 PL03; WBR\_RT18103\_00\_XX\_DR\_A\_00233 PL03;  
 WBR-RT18103-00-ZZ-DR-A-00200 PL04; WBR-RT18103-00-ZZ-DR-A-00201 PL04; WBR-RT18103-00-ZZ-DR-A-00202 PL04; WBR-RT18103-00-ZZ-DR-A-00210 PL05; WBR-RT18103-00-ZZ-DR-A-00211 PL05; WBR-RT18103-00-ZZ-DR-A-00212 PL04; WBR-RT18103-00-ZZ-DR-A-00213 PL04; WBR-RT18103-00-ZZ-DR-A-00214 PL06; WBR-RT18103-00-ZZ-DR-A-00220 PL04; WBR-RT18103-00-ZZ-DR-A-00221 PL04; WBR-RT18103-00-ZZ-DR-A-00222 PL04; WBR-RT18103-00-ZZ-DR-A-00223 PL04; WBR-RT18103-00-ZZ-DR-A-00225 PL04; WBR-RT18103-00-ZZ-DR-A-00230 PL04; WBR-RT18103-00-ZZ-DR-A-00226 PL02; A1-L002 Rev C; A1-L003 Rev C; A1-L004 Rev D; A1-L005 Rev C; A1-L006 Rev C; A1-L007 Rev C; A1-L008 Rev D; WBR\_RT18103\_N\_XX\_DR\_A\_00227 PL01; WBR\_RT18103\_S\_XX\_DR\_A\_00228 PL01; 101975-S8-100 General Arrangement Rev B; 101975-S8-MA-001 Access Plan Rev C; 101975-S8-S278-100 Rev C General Arrangement; 101975-S8-TR-001 Fire Tender Rev C; 101975-S8-TR-002 Refuse Tracking Rev C; 551213dpNov19FV03\_TRP; 101975-PEF-08-EW-DR-D-0001-P5.

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

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

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

3. Notwithstanding the details submitted, no development shall take place until a revised Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The revised Construction Management Plan shall include the following additional matters;

1. Vehicle swept paths;
2. CLOCS standards;

3. Justification of the purpose of the "site's manager's guide";
4. Details of wheel washing facilities from the proposed compound on the western side of the Larwood Grove access road to prevent the transfer of mud on to the public highway;
5. The number and type of construction traffic;
6. Details of the new vehicle access to the proposed compound parking area.

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

- 4 No development shall take place until the final design of the drainage scheme is completed and submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Pell Frischmann (ref: 101975-PF-08-EW-RP-D-0001 dated November 2019) and proposed drainage strategy drawing (ref: 101975-PEF-08-EW-DR-D-0001 P5 dated 17.07.19) the scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving, swales etc. for the access road and reducing the requirement for any underground storage.
3. If an alternative solution including soakaways is proposed, detailed infiltration tests to BRE Digest 365 will be required at the location and depth of proposed infiltrating features and any soakaways should be designed to ensure half drain down times.

**REASON:-** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

- 5 Upon completion of the drainage works in accordance with any timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

**REASON:-** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 6 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by Pell Frischmann reference 101975-PF-08-EW-RP-D-0001 dated 30 July 2019 and proposed drainage strategy drawing (ref: 101975-PEF-08-EW-DR-D-0001 P5, dated 17.07.19) and the following mitigation measures:

1. Implement drainage strategy based on attenuation and discharge into the Thames Water surface water sewer restricted to 7.4 l/s for rainfall events up to and including the 1 in 100 year + 40% climate change event as indicated on the proposed drainage strategy drawing (ref: 101975-PEF-08-EW-DR-D-0001 P5, dated 17.07.19). This will provide attenuation (approximately 422 cubic metres of storage) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implement drainage strategy including permeable paving with sub-lease and geo-cellular attenuation tanks and basin.

**REASON:-** To reduce the risk of flooding to the proposed development and future occupants.

- 7 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above slab level. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

- REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 8 Within one month of the commencement of works a Site Waste Management Plan (SWMP) addendum shall be submitted to and approved in writing by the Local Planning Authority, detailing actual waste arising's and how the waste is managed (i.e. re-used, recycled or sent off site for treatment or disposal) and where it is sent to. Further updates should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.  
**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.
- 9 No development above slab level shall take place until details of measures to address adaptation to climate change and energy efficiency have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.  
**REASON:-** To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 10 The development hereby permitted shall be constructed in accordance with the materials and finishes as set out in Drawing numbers WBR-RT18103-00-ZZ-DR-A-00225 PL04 and WBR-RT18103-00-ZZ-DR-A-00226 PL04, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure the development has an acceptable appearance and is of a high standard finish.
- 11 The development shall be carried out in accordance with the scheme of soft and hard landscaping, including all hard surfacing, retained, felled and new trees and shrubs as detailed on Drawing numbers WBR-RT18103-00-ZZ-DR-A-00220 PL04; WBR-RT18103-00-ZZ-DR-A-00221 PL04; WBR-RT18103-00-ZZ-DR-A-00222 PL04; A1-L002 Rev C; A1-L003 Rev C; A1-L004 Rev D; A1-L005 Rev C; A1-L006 Rev C; A1-L007 Rev C and A1-L008 Rev D.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 12 All planting, seeding and turfing comprised in the approved landscaping details as specified in condition of this approval shall be carried out in the first planting and seeding seasons following the first occupation of the approved dwellings or the completion of the development whichever is the sooner.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 13 All hard surfacing comprised in the approved landscaping details as specified in condition of this approval shall be carried out prior to first occupation of the approved dwellings or the completion of the development, whichever is the sooner.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 14 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.
- 15 No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.  
**REASON:-** To ensure the protection of those trees which should be retained in the interests of visual amenity.

- 16 No development, including site clearance, shall commence until the trees shown to be retained on the site, as identified on Drawing WBR-RT18103-00-ZZ-DR-A-00223 PL04, have been protected by fencing in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.  
**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
- 17 Within the areas to be fenced off in accordance with condition 16, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.  
**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
- 18 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).
- 19 No tree shown retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.  
**REASON:-** To ensure the protection of those trees which should be retained in the interests of visual amenity.
- 20 Prior to the commencement of development, including any site clearance, a landscaping and habitat management scheme which delivers the requisite ecological units to achieve no net loss and where possible net gain to biodiversity and therefore, offset biodiversity impacts on the site, shall be submitted to and approved in writing by the local planning authority. Any proposed ecological no net loss or net gain shall include:
1. Details of the on-site habitat creation and management requirements of the development in accordance with the approved DEFRA biodiversity metric, which has been calculated to comprise 6.54 ecological units of habitat as set out in the approved ecological report (BWB 22/08/2019. JM/EP/MCP2136);
  2. The identification of an offsite receptor or sites which generate a minimum of 4.36 ecological units;
  3. The provision of evidence of arrangements that secures the delivery of the habitat creation and management scheme;
  4. A management and monitoring plan (which shall include for the provision and maintenance of such habitat management measures for a period of not less than 25 years from commencement of development);
- The landscaping and habitats management scheme shall be implemented in accordance with the approved details.  
**REASON:-** In order to improve and enhance biodiversity within the development site and the surrounding so as to offset its impact.
- 21 Prior to the commencement of development above slab level, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall deliver the ecological units to achieve no net loss or where possible net gain to biodiversity and include the following:-
- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options achieving aims and objectives;
  - e) Prescriptions for management actions;

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period) clearly marked on plans;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measure. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery;
- l) Details of species specific measures as identified in the ecological report, definitively stated and marked on plans.

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

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

**REASON:-** In order to improve and enhance biodiversity within the development site and the surrounding so as to offset its impact.

- 22 No site clearance 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 0800 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.

- 23 As this is a previously developed site there may be a risk of the land containing contaminants. If, during development, contamination not previously identified is found to be present at the site then work shall cease and the Local Planning Authority shall be informed immediately. No further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority and subsequently undertaken and the Local Planning Authority have confirmed it has been undertaken to its satisfaction.

**REASON:-** To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

- 24 Prior to the first occupation of the development hereby permitted the visibility splays shall be provided in full accordance with the details indicated on Drawing number 101975-S8-100 General Arrangement Rev B. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.

- 25 Prior to the first occupation of the development hereby permitted the vehicular accesses from Webb Rise shall be provided and thereafter retained at the position shown on Drawing number 101975-S8-100 General Arrangement Rev B in accordance with the highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

**REASON:-** To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 26 Prior to the first occupation of the development hereby permitted vehicular access to and egress from the adjoining highway shall be limited to the accesses shown on Drawing number 101975-S8-S278-100 Rev C General Arrangement. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.  
**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety and amenity.
- 27 Prior to the first occupation of the development hereby permitted the vehicular access (indicated for improvement on Drawing number 101975-S8-100 General Arrangement Rev B) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.  
**REASON:-** To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity.
- 28 No development shall commence on site above slab level until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which clearly demonstrate that the shared space along visitors' car parking spaces to the east of units H10 and H20 is widened to 5m or the proposed eastern footway from unit H26 extended to the north to connect with Webb Rise.  
**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.
- 29 No development shall commence on site above slab level until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which clearly demonstrate that on-site turning space is sufficient for parallel visitors' bays along units H10 and H20 to enable all vehicles to enter and exit the bays in forward gear.  
**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.
- 30 Prior to the first occupation of the development hereby permitted the car parking spaces as detailed on Drawing number WBR-RT18103-00-ZZ-DR-A-00211 PL05 shall be surfaced and marked out or completed as applicable, in accordance with the approved plan and thereafter retained for the sole use of parking for the development hereby permitted.  
**REASON:-** To ensure adequate off-street parking provision is available at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety.
- 31 No development shall take place until details of Electric Vehicle Charging Points to include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles have been submitted to and approved in writing by 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.
- 32 Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles unless permission is granted on an application made to the Local Planning Authority.

**REASON:-** To ensure that alterations are not carried out which would preclude the use of the garages for the parking of motor-vehicles or bicycles and to ensure the development remains in accordance with the Council's adopted Parking Standards.

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

**REASON:-** To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the neighbouring properties from overlooking/loss of privacy and to ensure sufficient parking is available.

34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order), no windows or other openings shall be formed at first floor level in the respective side elevation of the following plots H01 south, H02 south, H04 west, H11 west, H44 east, H49 east, H54 east, H59 west, H60 west, H63 south, H69 north and H70 north, hereby approved unless permission is granted on an application made to the Local Planning Authority.

**REASON:-** To protect the amenities and privacy of the occupiers of adjoining properties.

## INFORMATIVES

AN1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The requirement as part of the offsite s278 works is to undertake:

- Footway widening to 2m along the site's northern boundary (Webb Rise);
- Provision of tactile paving, dropped kerbs and a new pedestrian crossing in six different locations (as identified on the plan S278 Works General Arrangement, 101975-S8-S278-100).
  - Provision of a new bridleway to connect with Lonsdale Road shared path;
- Widening of the southbound footway to shared path along Lonsdale Road up to Hayward Close (to tie in with the existing cycle way) to a 3m shared path;
- Footway widening to 2m along site's western boundary leading to Larwood School.

The works shall be fully completed to the satisfaction of the Highway Authority before first occupation of the new development. Reason: So that all users of the development can safely walk to and from the site, in compliance with paragraphs 108 and 110 of the NPPF. The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. 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

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

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

AN3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

**The Council has acted Pro-Actively for the following reason:-**

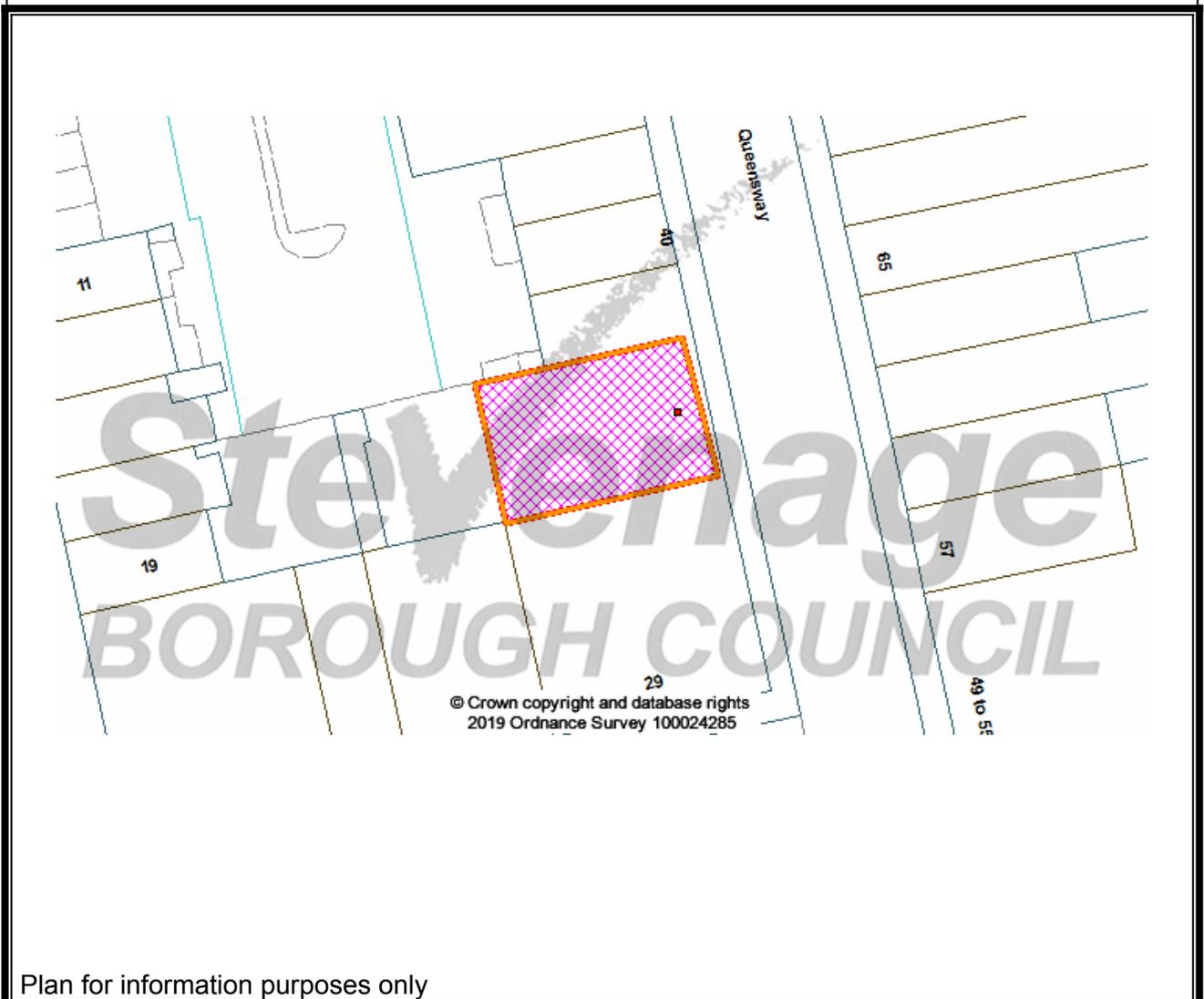
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012; Stevenage Design Guide 2009.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.

<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>16 December 2019</b>	
<b>Author:</b>	<b>James Chettleburgh</b>	01438 242266
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>James Chettleburgh</b>	01438 242266

Application No:	19/00666/FP
Location:	38B Queensway, Town Centre, Stevenage
Proposal:	Subdivision of unit and change of use from retail (use class A1) to betting shop (sui generis).
Drawing Nos.:	Site Location Plan; Block Plan.
Applicant:	Stevenage Borough Council
Date Valid:	13 November 2019
Recommendation:	GRANT PLANNING PERMISSION.



Plan for information purposes only

## **1. SITE DESCRIPTION**

- 1.1 The application site is located within the pedestrianised Stevenage Town Centre and Town Square Conservation Area. The site comprises part of the former QD building which is located on the corner of Town Square and Queensway. The site comprises a three-storey building with storage and ancillary offices above with shops at ground floor level. The building is constructed from pre-formed concrete with the fenestration at first and second floor level comprising of single-glazed crittall windows. The property comprises a flat roof finished in a felt style membrane along with a timber canopy above the shop fronts. At ground floor level is Starbucks, Warren James, Noodle Stop and Subway which comprise of full height aluminium framed windows with low level stall risers. There are also two units at ground floor level which are vacant, one of which is the application premises.
- 1.2 To the south of the application site is the main Town Square which comprises the Grade II Listed Clock Tower and Surrounding pool. The buildings which the application site forms part of, as well as the building along the Queensway are generally uniform in design, being three-storeys in height with shops at ground floor level with the fenestration at first and second floor level comprising single-glazed crittall windows.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application 16/00271/FP sought permission for a shop fit out including new shopfront and security shutter at 29 Town Square. This application was granted planning permission in June 2016.
- 2.2 Advertisement consent application 16/00272/AD sought permission for the installation of 1no internally illuminated fascia sign and 1no internally illuminated projecting sign at 29 Town Square. Advertisement consent was granted in June 2016.
- 2.3 Advertisement consent application 16/00314/AD sought permission for the installation of 1no internally illuminated fascia sign, 2no internally illuminated hanging signs and 1no internally illuminated projecting sign at 29 Town Square. Advertisement consent was granted in July 2016
- 2.4 Planning application 16/00315/FP sought permission for shop fit out including new shopfront at 29 Town Square. This application was granted planning permission in June 2016.
- 2.5 Planning application 16/00370/FP sought permission for a change of use from Use Class A1 (Shop) to Mixed Use A1/A3 (Coffee Shop) at 29 Town Square. This application was granted planning permission in July 2016.
- 2.6 Planning application 17/00669/FP sought permission for the installation of new shop front at 29 Town Square. This application was granted planning permission in October 2017.
- 2.7 Advertisement consent application 17/00686/AD sought permission for the installation of 2no internally illuminated hanging signs at 29 Town Square. This application was granted advertisement consent in October 2017.
- 2.8 Planning application 18/00048/FP sought retrospective permission for the installation of 4 no. external refrigeration and air conditioning units at 29 Town Square. This application was granted planning permission in April 2018.

- 2.9 Planning application 18/00198/FP sought permission for a change of use from A1 to A3 and new shop front and change of use of public highway to outdoor seating area at 38B Queensway. This application was granted permission in May 2018.
- 2.10 Advertisement consent application 18/00199/AD sought consent for the installation of 2 no. internally illuminated fascia signs and 1 no. internally illuminated projecting sign at 38B Queensway. This application was granted consent in May 2018.

### **3. THE CURRENT APPLICATION**

- 3.1 The current application seeks planning permission for the proposed subdivision of the premises into two units and a change of use of the premises from retail (Use Class A1) to a betting shop (Sui Generis). In regards to any external alterations to the building such as a new shop front, this would require planning permission from the Council. With respect to any advertisements associated with the business, these would also require consent from the Council prior to them being installed.
- 3.2 This application comes before the planning committee for consideration as it was submitted by Stevenage Borough Council.

### **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. At the time of drafting this committee report, no comments or representations had been received.

### **5. CONSULTATIONS**

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

- 5.1.1 The site is in Queensway which is a pedestrianised area which is not maintained by the Highway Authority. Therefore, there are no highways issues with the proposal.

#### **5.2 Council's Environmental Health Section**

- 5.2.1 There are no issues from a commercial perspective. In terms of hours of operation, there are no concerns from licensing.

#### **5.3 Police Crime Prevention Design Officer**

- 5.3.1 There are no concerns with the proposal and do not raise objection to the application.

### **6. RELEVANT PLANNING POLICIES**

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

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

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);

- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

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

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

## **6.2 Central Government Advice**

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

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

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

## **6.3 Adopted Local Plan**

Policy SP1: Presumption in favour of sustainable development;  
 Policy SP2: Sustainable development in Stevenage;  
 Policy SP4: A vital Town Centre;  
 Policy SP6: Sustainable transport;  
 Policy SP8: Good design;  
 Policy SP11: Climate change, flooding and pollution;  
 Policy SP13: The historic environment;  
 Policy TC1: Town Centre;  
 Policy TC8: Town Centre Shopping Area;  
 Policy IT5: Parking and access;  
 Policy GD1: High quality design;  
 Policy NH10: Conservation Areas.

## **6.4 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document January 2012.  
 Stevenage Design Guide Supplementary Planning Document January 2009  
 Town Square Conservation Area Management Plan SPD 2012.

## **7. APPRAISAL**

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

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

7.2.1 The application site is identified as falling within the Town Centre in the Stevenage Local Plan 2011 – 2031 (2019) as defined by Policy TC1. Given this, Policy TC8 applies and this policy states that within the Town Centre Shopping Area (TCSA) uses appropriate to a town centre will be permitted at ground floor level, including Use Classes A1, A2, A3, A4, C1, D1 and/or D2. However, under this policy, betting shops do not fall within any of the aforementioned categories as it would be classed as a “Sui Generis” use. Notwithstanding this, this application is dealing with the proposed re-location of an existing betting shop operator. This is considered in more detail in the following sections of this report.

7.2.2 With regards to shopping frontages, the application premises (which was formerly part of 29 Queensway) is defined as a Primary Retail Frontage in the Local Plan (2019) policies map. Therefore, planning permission will be granted only for Use Class A1. Taking this policy into consideration, the proposed use of the premises as a betting shop (Class Sui Generis) is contrary to Policy TC8.

7.2.3 Notwithstanding this, Policy TC8 stipulates that for alternative uses, planning permission would be allowed where the benefits to the overall vitality and viability of the town centre would equal or outweigh those that would be provided by an A1 or A2 use in the equivalent location. This will be considered having regard to whether:-

- The proposal will retain an active frontage;
- The proposal will generate footfall equivalent to, or greater than, an A1 or A2 use in the equivalent location; and
- The unit has been unsuccessfully marketed for A1 or A2 use, or has remained vacant for at least six months.

7.2.4 Looking at active frontages, the premises as it currently stands is boarded up and has remained so for a period of three years. The proposal involves the re-location of the existing betting shop at 25 Town Square to the application premises. This would help to re-activate this part of the frontage which will be achieved once an application is received for a new shop front. In addition, whilst the premises would be subdivided, the remaining 107 sq.m of retail floor space (Use Class A1) would also help to activate this dead frontage space.

7.2.5 In terms of the existing betting shop operator which is currently located at 25 Town Square, this operator is being re-located to the application premises. The reason for the proposed re-location of the operator is because the premises (25 Town Square) will be re-configured in order to create a new lobby entrance (planning permission 19/00063/FPM). This lobby area would serve the proposed offices which are to be located on the upper floors of 21 to 29 Town Square along with the approved gallery space. As such, this application would help to facilitate in essence the wider improvement works to the town square, including 21 to 29 Town Square and the re-location of the existing betting shop is fundamental to this project.

- 7.2.6 In terms of footfall, the proposed development being a betting shop does generate a high level of footfall due to their nature. As such, the footfall generated by the proposal would be equivalent to an A1 or A2 use. Therefore, by re-locating the existing operator, there would be additional footfall on this part of Queensway. In addition, the proposal does seek to retain an element of retail premises which when occupied, would also help to drive up footfall along this stretch of the town centre.
- 7.2.7 Turning to vacancy, the premises along with the other premises which are currently occupied by Subway, Starbucks, Warren James and Noodle Stop, form part of the former department store (QD) which has been subdivided into five units. The premises subject to this application have been vacant for approximately three years. The premises were originally marked by MC retail until February 2019 where Sanderson Weatherall took over marking the premises. The premises over the years has been marked through sales particulars, exposure via websites (including Costar, PIP, Each and Zoopla), direct mailing, telemarketing and marketing boards. The only interest in the premises has been for a café in 2019 and back in 2018, permission was granted for a dessert parlour (Use Class A3) (planning permission 18/00198/FP) which has not been implemented. Therefore, it can be demonstrated that the premises has been actively marketed and has remained vacant for a period more than six months.
- 7.2.8 In summary, whilst the proposal would result in the loss of A1 retail floorspace, it would create an active frontage, have a high footfall and would bring a vacant unit into operation. Therefore, the proposed development would help to support the vitality and viability of the town centre.

### **7.3 Design and visual impact on the conservation area.**

- 7.3.1 In terms of design, Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions”.
- 7.3.2 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.
- 7.3.3 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.3.4 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 Town Square Conservation Area Management Plan SPD (2012) sets out that alterations and extensions to a building should not dominate an existing building's scale or alter the composition of its main elevations.
- 7.3.5 This application does not comprise of any external alterations to the existing building. Therefore, the proposed development would not have a negative impact on the historic character of the conservation area or harm the architectural composition of the application building.

#### **7.4 Impact upon Neighbouring Amenity**

- 7.4.1 Policy FP7 of the Local Plan (2019) stipulates that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Taking this policy into consideration, it is considered that noise which is generated by the proposed use could potentially have an impact on the amenity of nearby residential properties. In addition, construction works associated with the proposed development could also have an impact on the amenities of residents. This is because the nearest residential properties are to the south of the application site above the ground floor premises at 32 and 33 Queensway.
- 7.4.2 Given the aforementioned, it is recommended conditions be imposition to restrict the hours of operations (which are similar to the hours of nearby operators) and hours of construction. With these conditions in place, the development should not have a detrimental impact on the amenities of nearby residential properties located along Queensway.

#### **7.5 Parking Provision**

- 7.5.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Car Parking Standards SPD (2012) sets out the maximum amount of off-street parking for betting shops. The parking standards sets out that there should be 1 space per 30m<sup>2</sup> of gross floor area. Taking this into consideration, as the premises would have a floor area of 107m<sup>2</sup> there would be a requirement to provide 3.5 parking spaces (rounded up to 4).
- 7.5.2 In terms site accessibility, as the application site is located in non-residential accessibility zone 1, the amount of car parking provision required can be reduced to between 0% to 25% of the maximum number of spaces which are required. Given this, between 0 and 1 space would be required to serve the development in this instance. The proposed development does not seek to provide any additional off-street parking, as is the current situation.
- 7.5.3 Whilst no off-street parking is being provided, the site is in a highly sustainable location with access to public transport due to the proximity of the bus station. In addition, there is access to a number of public car parking areas which can be utilised by staff and patrons of the proposed development. Furthermore, the site is also accessible by foot due to the pedestrianised nature of the town centre. Therefore, notwithstanding the lack of provision off-street parking, the proposed development would be in accordance with the Council's Car Parking Standards SPD (2012) and would not therefore, worsen the existing situation.
- 7.5.4 In terms of cycle parking provision, there is a requirement to provide 1 short term space per 200m<sup>2</sup> of gross floor area, plus 1 long term space per 10 staff. Whilst the level of staff is not known at this time, there are cycle hoops in close proximity to the

site which could be utilised by staff and patrons. In addition, there is the potential for staff to secure bikes to the rear of the building. Therefore, it is considered that there would be sufficient cycle parking provision to serve the development in this instance.

## **7.6 Highway implications**

7.6.1 In regards to the proposed development in terms of its impact on the highway network, as the application site is located within the pedestrianised town centre which is accessed by public transport, the proposal would not affect the trafficked highway in this instance. Given this, Hertfordshire County Council as Highways Authority do not raise any concerns with the proposed development.

## **7.7 Other Matters**

### Crime Prevention/anti-social behaviour/security

7.7.1 In regards to crime prevention and designing out crime, the Police Crime Prevention Design Advisor does not raise any concerns with the proposed development.

## **8. CONCLUSIONS**

8.1 In summary, the principle of the proposed change of use has been established to be acceptable. This is because it would help to create an active frontage, drive up footfall along this stretch of Queensway and bring the premises back into operation having been vacant for more than 6 months. In addition, the proposal, by helping to facilitate the relocation of the existing betting shop, would allow works to commence in creating a new lobby entrance detailed under planning permission 19/00063/FPM.

8.2 The proposed development would not have a detrimental impact on the historic character of the conservation area or affect the character and appearance of the building. Furthermore, the proposal would not harm, subject to conditions, the amenities of nearby residential properties. Moreover, the proposed development does not generate a requirement for off-street and there would be suitable access for cyclists. In addition to this, the proposal would not prejudice the safety and operation of the highway. As such, the proposed development is in accordance with the Policies specified in the adopted Local Plan (2019), the Council's Town Square Conservation Management Plan SPD (2012), the Council's Design Guide SPD (2009), the Council's Car Parking Standards SPD (2012), the NPPF (2019) and PPG (2014).

## **9. RECOMMENDATIONS**

9.1 That planning permission be GRANTED subject to the following conditions:-

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

Block Plan; Site Location 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 use hereby permitted shall only take place between the hours 08:00AM to 22:00PM Monday to Sunday, including Bank Holidays and not at any time outside these hours.

**REASON:-** In order to protect the amenities of neighbouring properties and nearby residential properties on Queensway.

- 4 The building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays

0900 to 1300 Saturdays

And not at all on Sundays and Bank Holidays.

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

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

**Pro-active statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## 10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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**Meeting:** Planning and Development Committee      **Agenda Item:**

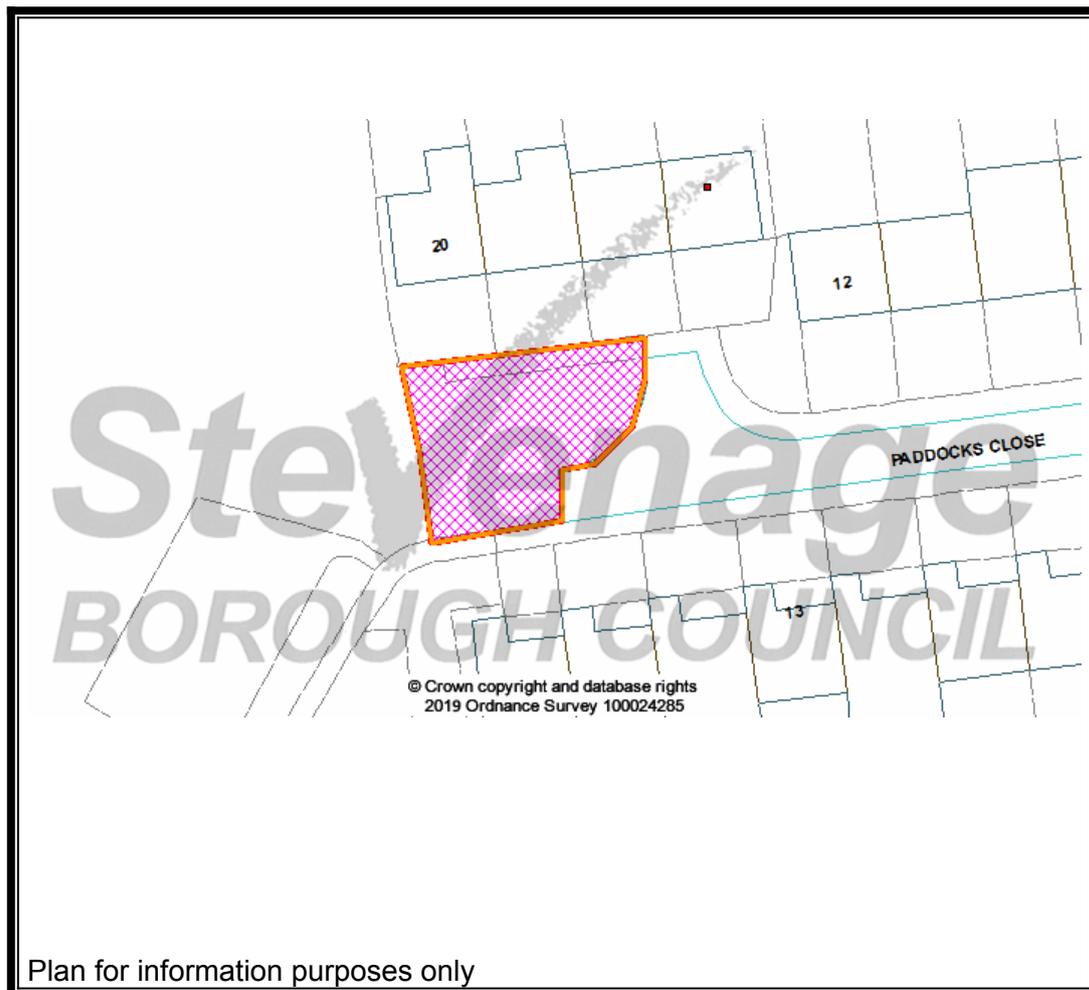
**Date:** 16 December 2019

**Author:** James Chettleburgh      01438 242266

**Lead Officer:** Zayd Al-Jawad      01438 242257

**Contact Officer:** James Chettleburgh      01438 242266

Application No:	19/00639/FP
Location:	Land at 14 to 20 Paddocks Close, Stevenage
Proposal:	Change of use of public amenity land to hardstand to provide 5no parking bays.
Drawing Nos.:	SPB R169.
Applicant:	Stevenage Borough Council
Date Valid:	29 October 2019
Recommendation:	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located on the western side of Paddocks Close to the front of numbers 14 to 20. The site, which is an area of public amenity space, spans 13m in width and 18m in length and lies adjacent to the turning head of the spur road. The Close is served by an existing local access road which runs off The Paddocks to the east. Paddocks Close is a cul-de-sac development which consists of terraced properties which are generally uniform in design set in regular shaped plots in regimented building lines.

## **2. RELEVANT PLANNING HISTORY**

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

## **3. 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 178 sq.m in area, located at the end of Paddocks Close. The change of use would facilitate the provision of an additional five 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.

## **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. Two representations were received from numbers 19 and 20 Paddocks Close. A summary of the comments raised are as follows:-

- The proposed parking bays would alleviate existing parking issues on the street;
- The proposal could potentially result in a loss of 2 spaces in the turning areas;
- Could a shared driveway still be provided in the future to 18 and 20 Paddocks Close;
- Were under the impression there was going to be 6 to 8 spaces provided;
- Cannot wait for the Council to start works.

- 4.2 Please note that the aforementioned is a summary and not a verbatim copy of the comments which have been received. A full copy of the comments raised can be viewed on the Council's website.

## **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. In addition, they recommend a condition requiring the parking area to be constructed from hard surface materials as specified in the submitted drawings.

### **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.

### **5.3 Council's Arboricultural Manager**

- 5.3.1 There are no concerns with the parking scheme. However, as excavation would be intruding the Root Protection Area, it is suggested a 30% crown reduction to both trees. The tree reduction works should compensate for the root disturbance but also diminish the amount of overhang onto the new bays.

## **6. RELEVANT PLANNING POLICIES**

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

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

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

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

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

### **6.2 Central Government Advice**

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

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

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

### **6.3 Adopted Local Plan**

- GD1 High Quality Design.
- NH6 General Protection for Open Space.
- NH5 Trees and woodland.
- SP8 Good Design.

- IT5 Parking and Access.
- IT8 Public Parking Provision.

## **6.4 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 NH6 of the 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.

7.2.2 It is considered that the proposed development, whilst it reduces the overall size of the amenity area within Paddocks Close, only relates to a small parcel of land whereby the larger area of public open space (Peartree Park) just to the west of the application site would not be affected by the proposed works. 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 three sides by hardsurfacing, it would not be considered conducive to being used as recreational open space by nearby residents.

7.2.3 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, facilitating the provision of additional off road parking 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.

7.2.4 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 30%. 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. 14 to 20 Paddocks Close, which lie north of the application site. However, it is not considered that the creation of the parking area to cater for 5 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 surface road which already generates an element of noise. Secondly, the residential properties most affected by the proposal are positioned around 8m from the parking area which is a reasonable separation distance. 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 (HCC) 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 given there would be a 6m turning area in the carriageway. In addition, they consider the parking area would be located on a local access road with the capacity to accommodate the parking area as well. In terms of traffic generation, HCC does not consider the development would result in a significant increase in vehicle movements along Paddocks Close to significantly impact upon the local highway network.
- 7.4.3 Given the aforementioned assessment, the County Council concludes that the development would not prejudice the safety and operation of the highway network subject to a condition on the car parking area access points. In addition, they recommend a condition on the materials to be used in the construction of the parking area. This is to prevent any loose material being deposited on to the highway which could pose a threat to highway safety. 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: SPB R 169.  
**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 parking spaces and public footway have been constructed as identified on drawing number SPB R169, the existing half battered radius kerbs have been replaced with flush kerbs to form a delineation between the public highway and private parking area and the carriageway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.  
**REASON:-** To ensure suitable, safe and satisfactory planning and development of the site.
6. The new parking area shall be constructed in a hard surfacing material as identified on drawing number SPB R169 in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).  
**REASON:-** To prevent loose material from passing onto the public highway may be detrimental to highway safety.
7. 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 30%.  
**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**

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 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/transtreets/highways/>

or by telephoning 0300 1234047.

### **Pro-active Statement**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **10. BACKGROUND DOCUMENTS**

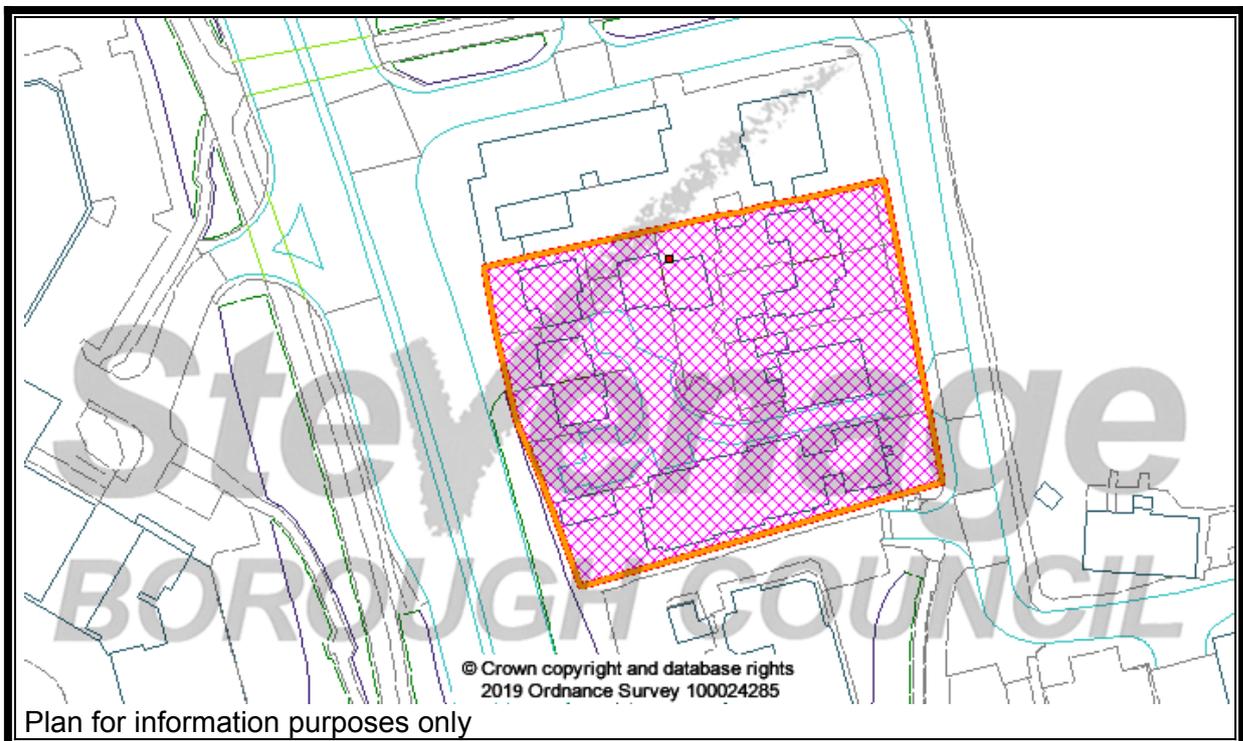
1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031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

5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>16 December 2019</b>	
<b>Author:</b>	<b>Dave Rusling</b>	01438 242270
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Dave Rusling</b>	01438 242270

Application No:	19/00368/S106
Location:	1-5 Fairlight Court, Ditchmore Lane, Stevenage.
Proposal:	Variation of Section 106 Agreement dated (13.08.2013) approved under the planning permission reference number 12/00577/FPM to amend the affordable housing obligations set out in paragraph 3.1.7.
Drawing Nos.:	Site Location Plan.
Applicant:	Minara Khatun (Devonshires Solicitors)
Date Valid:	27 June 2019
Recommendation:	Agree Variation of S106 Agreement.



## 1. SITE DESCRIPTION

- 1.1 The application site comprises five affordable housing bungalows which are located to the rear of no's 3-6 Ditchmore Lane. These properties were constructed as part of the planning

permission granted in 2013 for the redevelopment of The Haven and are owned by Settle Group (formerly North Hertfordshire Homes). The properties are located to the west of nos 3-6 Ditchmore Lane and back onto Lytton Way. Access to the dwellings is taken via a tarmaced road located between Nos 5 and 6 Ditchmore Lane.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning permission granted under ref 12/00577/FPM in August 2013 for refurbishment of Nos. 3, 4 and 5 to provide 2no. five bed dwellings and 1no. one bed flat; erection of 4no. two bed and 1no. three bed bungalows; extension to No. 6 to provide homeless hostel for The Haven; change of use of No. 4 from office to residential; associated access, car parking and landscaping.
- 2.2 Conservation Area Consent granted under ref 12/00608/CA in August 2015 for demolition of existing outbuildings and extensions to the rear of 4, 5 and 6 Ditchmore Lane 15.08.2013
- 2.3 Permission granted under ref 13/00417/COND in November 2013 for discharge of conditions 4 (landscaping); 8 (Tree Protection) and 18 (noise protection) attached to planning permission 12/00577/FPM.
- 2.4 Permission granted under ref 13/00431/COND in November 2013 for discharge of Condition 14 (Wheel Washing) attached to planning permission reference number 12/00577/FPM.
- 2.5 Permission granted under ref 13/00554/COND in March 2015 for discharge of Conditions 16 (Travel Plan) and 22 (External Lighting) attached to planning permission reference number 12/00577/FPM.
- 2.6 Consent granted under ref 13/00570/NMA in March 2013 for non-material amendment to planning permission reference number 12/00577/FPM to alter the position of the vehicular access and amendments to specified trees.
- 2.7 Consent granted under ref 14/00575/NMA in November 2014 for non-material amendment to previously approved planning permission reference number 12/00577/FPM to amend bin store roof construction.
- 2.8 Consent granted under ref 15/00003/NMA in February 2015 for non-material amendment to previously approved planning permission reference number 12/00577/FPM to amend proposed road surface from block paving to tarmac.
- 2.9 Permission granted under ref 13/00391/COND in November 2013 for discharge of condition 5 (bat survey) and partial discharge of condition 3 (archaeological investigation) attached to planning permission 12/00608/CA.
- 2.10 Permission granted under ref 13/00392/COND in November 2013 for discharge of conditions 3 (materials); 10 (means of enclosure); 21 (bat survey report) and partial discharge of condition 9 (archaeological investigation) attached to planning permission 12/00577/FPM.
- 2.11 Consent granted under ref 13/00400/NMA in October 2013 for non-material amendment to previously approved planning permission reference number 12/00577/FPM for amended parking bays to No.5, vehicular access bellmouth northern kerbline repositioned, and brick wall to rear of Nos. 3 & 4 amended to close boarded fence.
- 2.12 Consent granted under ref 16/00230/NMA June 2016 in for Non-material amendment to previously approved planning permission 12/00577/FPM to amend landscaping proposals

to create 2no. new parking spaces; widening of driveways; amendments to approved fenestrations and materials; and amendments to wall finishes.

### **3. THE CURRENT APPLICATION**

3.1 This application has been made under S106A 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 12/00577/FPM in respect of the wording of the affordable housing obligations.

3.2 Clause 3.1.7 of the legal agreement states:-

“In the event any Affordable Housing to which this Deed relates is the subject of a legal charge or mortgage and there is a default under any legal charge or mortgage of that Affordable Housing then the mortgagee or chargee shall be entitled to exercise its power of sale free from the restrictions set in this clause 3.1 provided that the mortgagee or chargee shall first have followed the procedure set out below:-

3.3 Clauses 3.1.7.1 - 3.1.7.7 in the legal agreement set out a number of clauses which need to be adhered to all of which refer to the mortgagee and chargee.

3.4 Changes to the housing administration regime in July 2018 introduced the added definition of administrative receiver. In view of this, the request has been made to amend the legal agreement to add the word “receiver and administrative receiver” to the clauses in 3.1.7 of the legal agreement after the words mortgagee or chargee. The reason given for this change is that it is required to bring the agreement in line with current lenders. Additionally, it is suggested that lenders prefer this wording when charging a property as it would help to obtain a higher market value were the property to be sold.

3.5 Added to the above Clause 3.1.7.3 of the agreement states:-

“The Council and the mortgagee or chargee shall endeavour to agree the Purchase Price within two weeks of receipt by the Council of the offer which shall represent the open market value of the Affordable Housing but subject to all or any tenancies of the Affordable Housing as may be subsisting at the date of the Notice of Sale and in default of such agreement the Purchase Price shall be determined on the same basis of valuation by an independent surveyor (“the Surveyor”) experienced in valuing residential land and property and who shall act as an expert and whose costs shall be borne by the Council and the mortgagee or chargee in equal shares and the Surveyor shall be appointed in default of agreement between the parties on the application of the Royal Institute of Chartered Surveyors (or successor organisation) and the Surveyor’s determination shall be made within one week of the application by the Council or the mortgagee or chargee;”

3.6 With regard to this clause the applicant is looking to also make changes to the wording seeking to substitute the word “endeavour” with “reasonable endeavours”. The reason given for this is that a lender considers “endeavours” as onerous, however, “reasonable endeavours” can be measured by a lender.

### **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 Council's Housing Development Team**

5.1.1 No comments received.

## **6. RELEVANT PLANNING POLICIES**

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

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

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

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

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

### **6.2 Central Government Advice**

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

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

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

### **6.3 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 are 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 wording of affordable housing provision as specified in paragraphs 3.1 to 3.6 of this report.

7.2.2 The amendments sought to the wording are considered to be minor in nature and would not fundamentally change the requirements of the original permission. They would also bring the agreement in line with current housing legislation.

## **8. CONCLUSIONS**

8.1 The proposed changes to the S106 agreement as described are minor in nature and, as such, the proposed changes are not considered to weaken the Council's position. 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 of clauses 3.1.7.1 to 3.1.7.7 of the S106 agreement dated 13 August 2013 to add the word "receiver or administrative receiver" and at clause 3.1.7.3 to substitute the word "endeavour" with the words "reasonable endeavours" and to delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to amend the wording of the variation to the S106 agreement.

## **10. BACKGROUND DOCUMENTS**

The application file, forms, plans and supporting documents having the reference number relating to this item.

2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.

3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.

4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

5. Central Government advice contained in the National Planning Policy Framework February 2019 and National Planning Policy Guidance March 2014.

6. Letters received containing representations referred to in this report.

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:**

## **IMPORTANT INFORMATION - DELEGATED DECISIONS**

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Dave Rusling 01438 242270

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

1. Application No : 19/00011/COND  
Date Received : 11.01.19  
Location : Land At Chadwell Road Norton Green Stevenage Herts  
Proposal : Full discharge of condition 17(Archaeology) attached to planning permission reference 15/00101/FPM  
Date of Decision : 13.11.19  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
  
2. Application No : 19/00265/LB  
Date Received : 02.05.19  
Location : Alliance Dental Care Ltd 37 High Street Stevenage Herts  
Proposal : Proposed provision of black steel web gates to be fixed to listed barn/cartshed  
Date of Decision : 04.11.19  
Decision : **Listed Building Consent is GRANTED**

3. Application No : 19/00445/FPH  
Date Received : 23.07.19  
Location : 2 Hammond Close Stevenage Herts SG1 3JQ  
Proposal : Proposed single storey rear extension  
Date of Decision : 07.11.19  
Decision : **Planning Permission is GRANTED**
4. Application No : 19/00504/NMA  
Date Received : 06.08.19  
Location : Land At 15-29 And 14-38 Park Place Town Centre Stevenage Herts  
Proposal : Non material amendment to planning application 16/00511/FPM to reconfigure the cycle storage spaces to allow for the introduction of 1no mobility scooter parking space  
Date of Decision : 28.10.19  
Decision : **Non Material Amendment AGREED**
5. Application No : 19/00478/NMA  
Date Received : 09.08.19  
Location : 1 Park Close Stevenage Herts SG2 8PX  
Proposal : Non material amendment to planning application 18/00548/FPH to introduce a rear projection with a flat roof to annex plus the 'as built' ridge height of 4.7m of the main roof of the annex  
Date of Decision : 26.11.19  
Decision : **Non Material Amendment AGREED**
6. Application No : 19/00495/FPH  
Date Received : 19.08.19  
Location : 220 Broadwater Crescent Stevenage Herts SG2 8HL  
Proposal : Single storey front and rear extensions  
Date of Decision : 31.10.19  
Decision : **Planning Permission is GRANTED**

7. Application No : 19/00514/FP  
Date Received : 28.08.19  
Location : 136 Archer Road Stevenage Herts SG1 5HH  
Proposal : Conversion of 1no. 4 bedroom house into 2no. 1 bedroom houses.  
Date of Decision : 29.10.19  
Decision : **Planning Permission is GRANTED**

8. Application No : 19/00517/AD  
Date Received : 29.08.19  
Location : 65 Queensway Town Centre Stevenage Herts  
Proposal : Installation of 1no: internally illuminated fascia sign and 1no: illuminated hanging sign  
Date of Decision : 24.10.19  
Decision : **Advertisement Consent is GRANTED**

9. Application No : 19/00520/FP  
Date Received : 01.09.19  
Location : 32A Taywood Close Stevenage Herts SG2 9QP  
Proposal : Erection of 1no. one bed end of terrace dwelling with integrated parking.  
Date of Decision : 28.10.19  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed end of terrace dwelling by virtue of the roof alignment, rear dormer window size and position and front elevation arrangement is considered poor quality design which would detrimentally impact the character and visual amenity of the area and wider environment and is overdevelopment of the site. If approved the proposal would be contrary to adopted policies SP8 and GD1 of the Stevenage Borough Local plan 2011-2031 (2019), the Council's adopted Supplementary Planning Document Stevenage Design Guide (2009) and the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

The proposed one bedroom end of terrace dwelling would result in internal living space and external amenity space below the standards contained within the Technical housing standards - nationally described space standards 2015 and the Council's supplementary planning document Stevenage Design Guide 2009 which would provide unacceptable living conditions for the future occupiers of the dwelling. If approved the development would be contrary to adopted Policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), the Council's supplementary planning document Stevenage Design Guide 2009, the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

The proposed car port at 2775mm wide fails to meet the Council's car parking standards for an internal parking space of 3m width by 6m length. The width of the car port would not allow for the parking of a car whilst also allowing access to the dwelling, access to and from the bin store and for the storage of bicycles all to the rear of the car port. This would result in the parking of a car on the highway at a turning head, or bins being left at the front of the dwelling and on the highway. Furthermore it fails to provide adequate useable cycle storage. If approved the development would be contrary adopted Policies GD1 and IT5 of the Stevenage Borough Local plan 2011-2031 (2019), the Council's supplementary planning documents Stevenage Design Guide (2009) and Stevenage Adopted Parking Provision (2012), the National Planning Policy Framework (2019) and Planning Practice Guidance (2012).

10. Application No : 19/00521/FPH  
Date Received : 02.09.19  
Location : 63 Trumper Road Stevenage Herts SG1 5JZ  
Proposal : Replacement front porch  
Date of Decision : 28.10.19  
Decision : **Planning Permission is GRANTED**
11. Application No : 19/00523/FP  
Date Received : 03.09.19  
Location : Wagamama 8 Stevenage Leisure Park Kings Way Stevenage  
Proposal : 2 fixed parasols to front of restaurant  
Date of Decision : 29.10.19  
Decision : **Planning Permission is GRANTED**

12. Application No : 19/00524/AD  
Date Received : 03.09.19  
Location : Wagamama 8 Stevenage Leisure Park Kings Way Stevenage  
Proposal : Signage to front of 2no fixed parasols  
Date of Decision : 29.10.19  
Decision : **Advertisement Consent is GRANTED**

13. Application No : 19/00530/FP  
Date Received : 06.09.19  
Location : Land To The Side Of 20 Greydells Road Stevenage Herts SG1  
3NL  
Proposal : Erection of 2no one bedroom dwellings  
Date of Decision : 01.11.19  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed two storey building by virtue of its scale and siting would be harmful to the character and visual amenity of the area by eroding the openness of the prominent corner location to the detriment of the street scene. If approved the proposal would be contrary to adopted policies SP8 and GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), the Council's supplementary planning document Stevenage Design Guide (2009), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

The proposed residential development would be sited on land which is not previously developed and would fail to ensure the local environment and surrounding properties are not adversely affected. If approved the proposed development would be contrary to saved Policy HO5 of the Stevenage Borough Local Plan 2011-2031 (2019), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

The proposed development fails to provide an acceptable level of private external amenity space for future occupiers and fails to demonstrate adequate cycle parking within the development without compromising the visual amenity and appearance of the street scene. If approved the proposed development would be contrary to adopted policy GD1 and IT5 of the Stevenage Borough Local Plan 2011-2031 (2019), the Council's supplementary Planning Document's Stevenage Design Guide (2009) and Stevenage Adopted Parking Standards (2012), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

The proposed two storey building by virtue of its height and depth, projecting approximately 5m beyond the rear elevation of No.20 Greydells Road would result in an unacceptable outlook for the occupiers of the neighbouring property, having a harmful overbearing impact on the rear habitable room windows and the immediate garden area of No.20. If approved the proposal would be contrary to adopted policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), the Council's supplementary planning document Stevenage Design Guide (2009), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

14. Application No : 19/00531/FPH  
Date Received : 06.09.19  
Location : 33 Nodes Drive Stevenage Herts SG2 8AJ  
Proposal : Single storey rear extension, alterations to garage to facilitate conversion to habitable accommodation. New pitched roof over entrance hall  
Date of Decision : 01.11.19  
Decision : **Planning Permission is GRANTED**
15. Application No : 19/00534/FP  
Date Received : 07.09.19  
Location : 16 Bowcock Walk Stevenage Herts SG1 1SZ  
Proposal : Change of use of amenity land to residential  
Date of Decision : 24.10.19  
Decision : **Planning Permission is GRANTED**
16. Application No : 19/00535/FP  
Date Received : 07.09.19  
Location : 13 Furzedown Stevenage Herts SG2 9EN  
Proposal : Change of use from six bedroom to eight bedroom House of Multiple Occupation (HMO)  
Date of Decision : 24.10.19  
Decision : **Planning Permission is GRANTED**

17. Application No : 19/00539/FP  
Date Received : 10.09.19  
Location : MBDA UK Six Hills Way Stevenage Herts  
Proposal : Upgrade of existing security fencing and relocation of gatehouse barrier and turnstile access  
Date of Decision : 31.10.19  
Decision : **Planning Permission is GRANTED**
18. Application No : 19/00541/FPH  
Date Received : 11.09.19  
Location : 61 St. Albans Drive Stevenage Herts SG1 4RU  
Proposal : Single storey rear extension, raising the garage roof, raising the main dwelling roof, installation of 1no. side dormer and juliette balcony on rear elevation  
Date of Decision : 01.11.19  
Decision : **Planning Permission is GRANTED**
19. Application No : 19/00542/CLPD  
Date Received : 11.09.19  
Location : 6 Brick Kiln Road Stevenage Herts SG1 2NH  
Proposal : Certificate of lawfulness (Proposed) for a hip-to-gable roof extension and installation of rear dormer window.  
Date of Decision : 06.11.19  
Decision : **Certificate of Lawfulness is APPROVED**
20. Application No : 19/00543/CLPD  
Date Received : 11.09.19  
Location : 45 Eliot Road Stevenage Herts SG2 0LL  
Proposal : Certificate of lawfulness for the demolition of the existing garage and erection of single storey outbuilding and creation of 3no car parking spaces and extended driveway.  
Date of Decision : 01.11.19  
Decision : **Certificate of Lawfulness is APPROVED**

21. Application No : 19/00544/FPH  
Date Received : 11.09.19  
Location : 6 Brick Kiln Road Stevenage Herts SG1 2NH  
Proposal : Proposed single storey side extension and roof alteration to existing single storey rear extension  
Date of Decision : 06.11.19  
Decision : **Planning Permission is GRANTED**
22. Application No : 19/00550/TPCA  
Date Received : 18.09.19  
Location : Theydon Rectory Lane Stevenage Herts  
Proposal : Removal of 4no. Conifer trees, 1no. Hawthorn tree, 1no. Field Maple tree and 2no. dead trees  
Date of Decision : 25.10.19  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
23. Application No : 19/00551/TPCA  
Date Received : 18.09.19  
Location : Turnpike Close Rectory Lane Stevenage Herts  
Proposal : Reduction of crown by 25-30% on 1no. Cherry Tree  
Date of Decision : 25.10.19  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
24. Application No : 19/00553/FPH  
Date Received : 19.09.19  
Location : Old Oak House Twinwoods Stevenage Herts  
Proposal : Single storey side and rear extension  
Date of Decision : 06.11.19  
Decision : **Planning Permission is GRANTED**

25. Application No : 19/00554/FPH  
Date Received : 19.09.19  
Location : 22 Ramsdell Stevenage Herts SG1 1QY  
Proposal : Single storey rear extension  
Date of Decision : 13.11.19  
Decision : **Planning Permission is GRANTED**
26. Application No : 19/00555/AD  
Date Received : 19.09.19  
Location : Euro Garages Whittle Way Stevenage Herts  
Proposal : 9no. non illuminated fascia signs, 4no. non illuminated window vinyls and 7no. internally illuminated fascias on totem pole  
Date of Decision : 06.11.19  
Decision : **Advertisement Consent is GRANTED**
27. Application No : 19/00558/FP  
Date Received : 23.09.19  
Location : 101 Blenheim Way Stevenage Herts SG2 8TD  
Proposal : Single storey rear extension and change of use from public amenity land to residential land  
Date of Decision : 18.11.19  
Decision : **Planning Permission is GRANTED**
28. Application No : 19/00559/FPH  
Date Received : 24.09.19  
Location : 2 Hillcrest Stevenage Herts SG1 1PL  
Proposal : Front porch  
Date of Decision : 08.11.19  
Decision : **Planning Permission is GRANTED**

29. Application No : 19/00560/FPH  
Date Received : 24.09.19  
Location : 36 Basils Road Stevenage Herts SG1 3PX  
Proposal : Single storey rear extension.  
Date of Decision : 25.10.19  
Decision : **Planning Permission is GRANTED**
30. Application No : 19/00563/FP  
Date Received : 25.09.19  
Location : 33 Queensway Town Centre Stevenage Herts  
Proposal : Sub-division of existing Use Class A1 (shop) unit into four units with use of proposed units 3 and 4 as either Use Class A1 (food retail shop) or Use Class A3 (restaurant or cafe). External alterations to create new shop frontage and installation of a mezzanine floor above unit 2.  
Date of Decision : 29.11.19  
Decision : **Planning Permission is GRANTED**
31. Application No : 19/00565/TPCA  
Date Received : 26.09.19  
Location : 12 Orchard Road Stevenage Herts SG1 3HE  
Proposal : Re-pollard 1no. Lime Tree by approx 30% to previous pollard points  
Date of Decision : 11.11.19  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

32. Application No : 19/00566/TPTPO  
Date Received : 26.09.19  
Location : 1 Clements Place Rectory Lane Stevenage Herts  
Proposal : Felling of 1no. Yew Tree (T2) protected by TPO 92  
Date of Decision : 21.11.19  
Decision : **REFUSE WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
- For the following reason(s):
- Insufficient reason or evidence has been provided to support the proposed removal of the Yew tree which is considered to be in good overall condition and vigour. Furthermore, the tree is considered to be of high amenity value which is beneficial to the visual character of Clements Place and Rectory Lane. Its removal would have a detrimental impact on the visual amenities of the area and, as such, the proposal does not accord with the advice in the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the National Planning Practice Guidance - Tree Preservation Orders and Trees in Conservation areas 2014.
33. Application No : 19/00567/FP  
Date Received : 26.09.19  
Location : 57 High Street Stevenage Herts SG1 3AQ  
Proposal : Change of use from A1 (Retail) to A2 (Financial and Professional Services) and repainting of shopfront  
Date of Decision : 20.11.19  
Decision : **Planning Permission is GRANTED**
34. Application No : 19/00568/LB  
Date Received : 26.09.19  
Location : 57 High Street Stevenage Herts SG1 3AQ  
Proposal : Repainting of shopfront  
Date of Decision : 20.11.19  
Decision : **Listed Building Consent is GRANTED**

35. Application No : 19/00569/FP  
Date Received : 26.09.19  
Location : Cell & Gene Therapy Catapult Manufacturing Centre Stevenage  
Bioscience Catalyst Gunnels Wood Road Stevenage  
Proposal : Single storey laboratory extension at Level 3 above the existing warehouse on the south eastern elevation of the existing CGTC Research and Manufacturing Centre, comprising six additional rooms, refurbishment of one existing room, modification to the existing internal staircase and a new corridor connecting to the existing internal staircase.  
Date of Decision : 21.11.19  
Decision : **Planning Permission is GRANTED**
36. Application No : 19/00578/FPH  
Date Received : 26.09.19  
Location : 7 Wensum Road Stevenage Herts SG1 3XX  
Proposal : Replacement of conservatory roof, bricking of 2 sides and replacement door  
Date of Decision : 13.11.19  
Decision : **Planning Permission is GRANTED**
37. Application No : 19/00570/FPH  
Date Received : 27.09.19  
Location : 72 Bandley Rise Stevenage Herts SG2 9NS  
Proposal : Single storey rear extension and front porch extension  
Date of Decision : 20.11.19  
Decision : **Planning Permission is GRANTED**
38. Application No : 19/00571/CLPD  
Date Received : 27.09.19  
Location : 1 The Old Walled Garden Stevenage Herts SG1 4TN  
Proposal : Certificate of lawfulness for a single storey rear extension  
Date of Decision : 18.11.19  
Decision : **Certificate of Lawfulness is APPROVED**

39. Application No : 19/00573/CLED  
Date Received : 27.09.19  
Location : 173 Chells Way Stevenage Herts SG2 0LU  
Proposal : Certificate of lawfulness (Existing) for a single storey rear extension  
Date of Decision : 25.10.19  
Decision : **Certificate of Lawfulness is APPROVED**
40. Application No : 19/00575/COND  
Date Received : 27.09.19  
Location : 14 Park View Stevenage Herts SG2 8PU  
Proposal : Discharge of conditions 3 (Materials), 6 (Boundary treatments) and 9 (Adaptation to Climate Change) attached to planning reference number 19/00325/FP  
Date of Decision : 19.11.19  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
41. Application No : 19/00576/FP  
Date Received : 28.09.19  
Location : The Range Monkswood Way Stevenage Herts  
Proposal : Variation of condition 5 attached to planning application reference number 10/00146/FP to allow an area of 275sqm (net) to be used for the sale of food and drink for human consumption off the premises.  
Date of Decision : 01.11.19  
Decision : **Planning Permission is GRANTED**

42. Application No : 19/00577/FPH  
Date Received : 28.09.19  
Location : 91 Collenswood Road Stevenage Herts SG2 9ET  
Proposal : Single storey front extension  
Date of Decision : 20.11.19  
Decision : **Planning Permission is GRANTED**
43. Application No : 19/00580/TPCA  
Date Received : 01.10.19  
Location : 3 Nycolles Wood Stevenage Herts SG1 4GR  
Proposal : Prune 1no. Ash Tree (T1) to remove dead wood  
Date of Decision : 05.11.19  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
44. Application No : 19/00581/TPCA  
Date Received : 01.10.19  
Location : The Cromwell Hotel 25 - 27 High Street Stevenage Herts  
Proposal : Removal of 1no. Poplar tree in car park  
Date of Decision : 11.11.19  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
45. Application No : 19/00587/HPA  
Date Received : 04.10.19  
Location : 68 Chertsey Rise Stevenage Herts SG2 9JL  
Proposal : Single storey side and rear extension which will extend beyond the rear wall of the original house by 4.6 metres, for which the maximum height will be 3.8 metres and the height of the eaves will be 2.6 metres  
Date of Decision : 13.11.19  
Decision : **Prior Approval is NOT REQUIRED**

46. Application No : 19/00588/FP  
Date Received : 07.10.19  
Location : 167 York Road Stevenage Herts SG1 4EZ  
Proposal : Change of use from public amenity land to private residential land to create two parking spaces  
Date of Decision : 18.11.19  
Decision : **Planning Permission is GRANTED**
47. Application No : 19/00589/FPH  
Date Received : 08.10.19  
Location : 17 Whitney Drive Stevenage Herts SG1 4BE  
Proposal : New roof type to existing pool room and new glazing fenestrations.  
Date of Decision : 27.11.19  
Decision : **Planning Permission is GRANTED**
48. Application No : 19/00590/FPH  
Date Received : 08.10.19  
Location : 8 Granby Road Stevenage Herts SG1 4AR  
Proposal : Part single storey first floor side/rear extension, including conversion of existing garage and insertion of a mezzanine floor.  
Date of Decision : 04.12.19  
Decision : **Planning Permission is GRANTED**
49. Application No : 19/00594/FPH  
Date Received : 09.10.19  
Location : 35 Stanley Road Stevenage Herts SG2 0EF  
Proposal : Single storey front extension (Retrospective application)  
Date of Decision : 15.11.19  
Decision : **Planning Permission is GRANTED**

50. Application No : 19/00599/FP  
Date Received : 12.10.19  
Location : 52 Stoney Croft Stevenage Herts SG1 3TW  
Proposal : Change of use from public amenity land to private residential land and hardstand for parking of one vehicle.  
Date of Decision : 13.11.19  
Decision : **Planning Permission is GRANTED**
51. Application No : 19/00601/FP  
Date Received : 14.10.19  
Location : 52 Beverley Road Stevenage Herts SG1 4PP  
Proposal : Change of use of public amenity land to private garden  
Date of Decision : 13.11.19  
Decision : **Planning Permission is GRANTED**
52. Application No : 19/00602/FP  
Date Received : 14.10.19  
Location : 17 Downlands Stevenage Herts SG2 7BH  
Proposal : Single storey side extension with insertion of window to existing ground floor front elevation.  
Date of Decision : 26.11.19  
Decision : **Planning Permission is GRANTED**
53. Application No : 19/00608/FP  
Date Received : 15.10.19  
Location : Gateway 1000 Unit H-K Arlington Business Park Whittle Way Stevenage  
Proposal : Extension to air conditioning unit adjacent to Unit K to house a new standby generator and alterations to the parking layout  
Date of Decision : 18.11.19  
Decision : **Planning Permission is GRANTED**

54. Application No : 19/00611/CLPD  
Date Received : 17.10.19  
Location : 2 Minerva Close Stevenage Herts SG2 7RA  
Proposal : Certificate of lawfulness for a single storey rear extension  
Date of Decision : 28.10.19  
Decision : **Certificate of Lawfulness is APPROVED**
55. Application No : 19/00617/CLPD  
Date Received : 19.10.19  
Location : 44 Wansbeck Close Stevenage Herts  
Proposal : Certificate of lawfulness for a proposed dormer to the rear, with 2no. rooflights to the front roof slope  
Date of Decision : 20.11.19  
Decision : **Certificate of Lawfulness is APPROVED**
56. Application No : 19/00626/FPH  
Date Received : 24.10.19  
Location : 56 Alleyns Road Stevenage Herts SG1 3PP  
Proposal : First floor extension over existing rear projection; part single-storey, part two-storey rear extension and replacement of flat roof with a dual pitched roof.  
Date of Decision : 27.11.19  
Decision : **Planning Permission is GRANTED**
57. Application No : 19/00629/FPH  
Date Received : 24.10.19  
Location : 22 Kings Walden Rise Stevenage Herts SG2 0JX  
Proposal : Single storey front infill extension and installation of bi-fold doors in side elevation  
Date of Decision : 26.11.19  
Decision : **Planning Permission is GRANTED**

58. Application No : 19/00630/FPH  
Date Received : 25.10.19  
Location : 526 York Road Stevenage Herts SG1 4EP  
Proposal : Single storey rear extension and alterations from flat roof to pitched roof on existing single-storey wing.  
Date of Decision : 27.11.19  
Decision : **Planning Permission is GRANTED**
59. Application No : 19/00633/FPH  
Date Received : 28.10.19  
Location : 1 Admiral Drive Stevenage Herts SG1 4FL  
Proposal : Relocation of existing front boundary wall  
Date of Decision : 28.11.19  
Decision : **Planning Permission is GRANTED**
60. Application No : 19/00664/PADEMO  
Date Received : 11.11.19  
Location : Former Police Station And Social Services Building And Garage Block And Associated Parking Southgate Herts SG1 1HG  
Proposal : Prior approval for the  
Date of Decision : 18.11.19  
Decision : WITHDRAWN
61. Application No : 19/00669/NMA  
Date Received : 14.11.19  
Location : MBDA UK Six Hills Way Stevenage Herts  
Proposal : Non material amendment to planning application 19/00253/FPM to change the base materials of the modular building to profiled steel sheet cladding  
Date of Decision : 28.11.19  
Decision : **Non Material Amendment AGREED**

62. Application No : 19/00210/FPH  
Date Received : 05.04.19  
Location : Church Cottage Rectory Lane Stevenage Herts  
Proposal : Erection of two storey side extension and new brick wall  
Date of Decision : 07.10.19  
Decision : **Planning Permission is GRANTED**
63. Application No : 19/00211/LB  
Date Received : 05.04.19  
Location : Church Cottage Rectory Lane Stevenage Herts  
Proposal : Two storey side extension with internal alterations, replacement windows and external works  
Date of Decision : 07.10.19  
Decision : **Listed Building Consent is GRANTED**
64. Application No : 19/00354/FPH  
Date Received : 11.06.19  
Location : 59 Burydale Stevenage Herts SG2 8AX  
Proposal : Single storey front and two storey rear extension  
Date of Decision : 11.10.19  
Decision : **Planning Permission is GRANTED**
65. Application No : 19/00393/AD  
Date Received : 02.07.19  
Location : Wiltron House Rutherford Close Stevenage Herts  
Proposal : 1no. non-illuminated external fascia sign  
Date of Decision : 30.09.19  
Decision : **Planning Permission is GRANTED**

66. Application No : 19/00412/FPH  
Date Received : 09.07.19  
Location : 23 Siddons Road Stevenage Herts SG2 0PP  
Proposal : Single storey front extension  
Date of Decision : 17.10.19  
Decision : **Planning Permission is GRANTED**
67. Application No : 19/00433/FP  
Date Received : 16.07.19  
Location : 65 Queensway Town Centre Stevenage Herts  
Proposal : Erection of external staircase to the rear of the property and new gate within the opening of the rear wall of the service yard  
Date of Decision : 21.10.19  
Decision : **Planning Permission is GRANTED**
68. Application No : 19/00442/FP  
Date Received : 20.07.19  
Location : 169 York Road Stevenage Herts SG1 4EZ  
Proposal : Change of use from public amenity land to residential use and to install an electric vehicle charging point  
Date of Decision : 01.10.19  
Decision : **Planning Permission is GRANTED**

69. Application No : 19/00449/FPH  
Date Received : 26.07.19  
Location : 64 Haycroft Road Stevenage Herts SG1 3JJ  
Proposal : Single storey rear extension  
Date of Decision : 22.10.19  
Decision : **Planning Permission is GRANTED**
70. Application No : 19/00450/FP  
Date Received : 29.07.19  
Location : 7 Peartree Way Stevenage Herts SG2 9DY  
Proposal : Change of use from public amenity land to residential use  
Date of Decision : 30.09.19  
Decision : **Planning Permission is GRANTED**
71. Application No : 19/00459/FPH  
Date Received : 31.07.19  
Location : 11 Church Lane Stevenage Herts SG1 3QS  
Proposal : Part two storey and part single storey rear extension  
Date of Decision : 27.09.19  
Decision : **Planning Permission is GRANTED**

72. Application No : 19/00460/LB  
Date Received : 31.07.19  
Location : 11 Church Lane Stevenage Herts SG1 3QS  
Proposal : Listed building consent for a part two storey and part single storey rear extension  
Date of Decision : 27.09.19  
Decision : **Listed Building Consent is GRANTED**
73. Application No : 19/00464/FP  
Date Received : 02.08.19  
Location : 16B - 16D High Street Stevenage Herts SG1 3EJ  
Proposal : Two storey rear extension and raising of roof including dormer windows to create additional bedrooms to flats 16c and 16d  
Date of Decision : 30.09.19  
Decision : **Planning Permission is GRANTED**
74. Application No : 19/00466/FPH  
Date Received : 05.08.19  
Location : 20 Jupiter Gate Stevenage Herts  
Proposal : Two storey rear extension  
Date of Decision : 30.09.19  
Decision : **Planning Permission is GRANTED**

75. Application No : 19/00467/FP  
Date Received : 06.08.19  
Location : Land To The Front Of 56 Hillcrest Stevenage Herts SG1 1PN  
Proposal : Change of use of public amenity land to private garden including driveway.  
Date of Decision : 30.09.19  
Decision : **Planning Permission is GRANTED**
76. Application No : 19/00471/AD  
Date Received : 07.08.19  
Location : MBDA UK Six Hills Way Stevenage Herts  
Proposal : 1no. internally illuminated freestanding sign and alterations to existing signage  
Date of Decision : 03.10.19  
Decision : **Advertisement Consent is GRANTED**
77. Application No : 19/00472/FP  
Date Received : 07.08.19  
Location : 254 Bude Crescent Stevenage Herts SG1 2QU  
Proposal : Change of use from Class C3 to C4 to a 4 bed HMO (House of Multiple Occupancy)  
Date of Decision : 17.10.19  
Decision : **Planning Permission is GRANTED**

78. Application No : 19/00476/FPH  
Date Received : 08.08.19  
Location : 109 Hertford Road Stevenage Herts SG2 8SH  
Proposal : Two storey rear, side and front extension  
Date of Decision : 07.10.19  
Decision : **Planning Permission is GRANTED**
79. Application No : 19/00480/FP  
Date Received : 09.08.19  
Location : 23 Barley Croft Stevenage Herts SG2 9NP  
Proposal : Change of use from public highway land to residential land and creation of hardstand  
Date of Decision : 03.10.19  
Decision : **Planning Permission is GRANTED**
80. Application No : 19/00481/FPH  
Date Received : 09.08.19  
Location : Eastbourne Lodge 48A Eastbourne Avenue Stevenage Herts  
Proposal : First floor rear extension and insertion of 2no. windows on the rear elevation at ground floor level  
Date of Decision : 07.10.19  
Decision : **Planning Permission is GRANTED**

81. Application No : 19/00484/FPH  
Date Received : 10.08.19  
Location : 50 Brixham Close Stevenage Herts SG1 2RZ  
Proposal : Single storey front extension  
Date of Decision : 07.10.19  
Decision : **Planning Permission is GRANTED**
82. Application No : 19/00491/CLPD  
Date Received : 16.08.19  
Location : 69 Fishers Green Road Stevenage Herts SG1 2PL  
Proposal : Certificate of lawfulness for a loft conversion and alterations to kitchen fenestration  
Date of Decision : 10.10.19  
Decision : **Certificate of Lawfulness is APPROVED**
83. Application No : 19/00492/CLPD  
Date Received : 16.08.19  
Location : 11 Chells Way Stevenage Herts SG2 0LA  
Proposal : Proposed loft conversion with insertion of dormer to rear elevation and 3 no rooflights to front elevation.  
Date of Decision : 10.10.19  
Decision : **Certificate of Lawfulness is APPROVED**

84. Application No : 19/00493/FPH  
Date Received : 17.08.19  
Location : 44 Wansbeck Close Stevenage Herts  
Proposal : Part two storey, part single storey side extension and replacement of roof on existing rear extension  
Date of Decision : 15.10.19  
Decision : **Planning Permission is GRANTED**

85. Application No : 19/00497/FPH  
Date Received : 19.08.19  
Location : 22 Kings Walden Rise Stevenage Herts SG2 0JX  
Proposal : Single storey front infill extension and installation of bi-fold doors in side elevation  
Date of Decision : 11.10.19  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Document January 2012. The proposal would, therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Car Parking Standards SPD (2012), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

86. Application No : 19/00498/CLPD  
Date Received : 19.08.19  
Location : 97 Oaks Cross Stevenage Herts SG2 8LT  
Proposal : Certificate of lawfulness for single storey rear extension  
Date of Decision : 10.10.19  
Decision : **Certificate of Lawfulness is APPROVED**
87. Application No : 19/00499/FPH  
Date Received : 19.08.19  
Location : 41 Burymead Stevenage Herts SG1 4AY  
Proposal : Erection of front porch and canopy  
Date of Decision : 10.10.19  
Decision : **Planning Permission is GRANTED**
88. Application No : 19/00494/HPA  
Date Received : 20.08.19  
Location : 220 Broadwater Crescent Stevenage Herts SG2 8HL  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.0 metres, for which the maximum height will be 3.2 metres and the height of the eaves will be 2.9 metres.  
Date of Decision : 01.10.19  
Decision : **Prior Approval is REQUIRED and REFUSED**
- For the following reason(s);
- The property is on article 2(3) land (Conservation Area). Consequently, the proposed development is contrary to Schedule 2, Part 1, Class A, Criteria (g) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Therefore, Prior Approval is required and Refused.

89. Application No : 19/00501/FPH  
Date Received : 20.08.19  
Location : 111 Chancellors Road Stevenage Herts SG1 4TZ  
Proposal : Part two storey, part single storey rear extensions, first floor side extension and single storey front extension  
Date of Decision : 15.10.19  
Decision : **Planning Permission is GRANTED**
90. Application No : 19/00502/CLPD  
Date Received : 21.08.19  
Location : 16 Wellington Road Stevenage Herts SG2 9HR  
Proposal : Certificate of lawfulness for proposed garage conversion  
Date of Decision : 11.10.19  
Decision : **Certificate of Lawfulness is APPROVED**
91. Application No : 19/00507/FPH  
Date Received : 21.08.19  
Location : 22 Old Bourne Way Stevenage Herts SG1 6AD  
Proposal : Single storey side and rear extension  
Date of Decision : 14.10.19  
Decision : **Planning Permission is GRANTED**

92. Application No : 19/00508/FP  
Date Received : 22.08.19  
Location : 55 Whomerley Road Stevenage Herts SG1 1SR  
Proposal : Change of use from a 5 bed House of Multiple Occupation (HMO) into 2no. 1 bed flats.  
Date of Decision : 15.10.19  
Decision : **Planning Permission is GRANTED**

93. Application No : 19/00511/AD  
Date Received : 23.08.19  
Location : Gunnels Wood Starbucks Arlington Business Park Whittle Way Stevenage  
Proposal : Installation of 1no. internally illuminated totem pole sign, 1no. internally illuminated mini totem sign and 1no. non-illuminated banner sign  
Date of Decision : 16.10.19  
Decision : **GRANT AND REFUSAL OF CONSENT**

With regard to the internally illuminated 1 no. totem sign, REFUSE ADVERTISEMENT CONSENT for the following reason:-

The proposed 1 no. totem sign detailed on drawing number 19-414 Rev 3 due to its overall height at 11 metres and prominent location would have a detrimental impact on the visual amenities of Gunnels Wood Road and the wider area. Therefore, the proposal would be contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 adopted 2019, the Planning Practice Guidance (2014) and the National Planning Policy Framework (2019).

94. Application No : 19/00513/TPTPO  
Date Received : 27.08.19  
Location : 4 Cameron Close Stevenage Herts SG2 0HG  
Proposal : Reduction to crown and removal of dead wood to Beech tree (T5) protected by TPO 74  
Date of Decision : 21.10.19  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
95. Application No : 19/00516/CLPD  
Date Received : 29.08.19  
Location : 23 Siddons Road Stevenage Herts SG2 0PP  
Proposal : Certificate of Lawfulness for a single storey rear extension  
Date of Decision : 23.10.19  
Decision : **Certificate of Lawfulness is APPROVED**
96. Application No : 19/00532/NMA  
Date Received : 06.09.19  
Location : Meggitt Six Hills Way Stevenage Herts  
Proposal : Non material amendment to planning application 19/00116/FP to replace brickwork base with continued cladding to ground level, minor amendment to lobby windows and omit the parapet  
Date of Decision : 04.10.19  
Decision : **Non Material Amendment AGREED**

97. Application No : 19/00533/COND  
Date Received : 06.09.19  
Location : Symonds Green Neighbourhood Centre Units 1-2 Filey Close  
Stevenage Herts  
Proposal : Discharge of condition 9 (Thames Water) attached to planning  
permission reference 16/00395/FPM  
Date of Decision : 10.10.19  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
98. Application No : 19/00534/FP  
Date Received : 07.09.19  
Location : 16 Bowcock Walk Stevenage Herts SG1 1SZ  
Proposal : Change of use of amenity land to residential  
Date of Decision : 24.10.19  
Decision : **Planning Permission is GRANTED**
99. Application No : 19/00548/FP  
Date Received : 12.09.19  
Location : ASDA Stores Ltd Monkswood Way Stevenage Herts  
Proposal : Erection of 1no. single storey modular retail unit (Use Class A1)  
in car park  
Date of Decision : 14.10.19  
Decision : **Planning Permission is GRANTED**

100. Application No : 19/00549/AD  
Date Received : 12.09.19  
Location : ASDA Stores Ltd Monkswood Way Stevenage Herts  
Proposal : Installation of 3no. internally illuminated fascia signs, 4no. non-illuminated panel signs and 1no. non-illuminated frosted vinyl sign  
Date of Decision : 14.10.19  
Decision : **Advertisement Consent is GRANTED**
101. Application No : 19/00562/NMA  
Date Received : 25.09.19  
Location : 49 Sparrow Drive Stevenage Herts SG2 9FB  
Proposal : Non Material Amendment to planning application 17/00273/FPH to change the roof of the extension from a mono pitch roof to a hip roof, and amendments to fenestration  
Date of Decision : 23.10.19  
Decision : **Non Material Amendment AGREED**
102. Application No : 19/00574/CLPD  
Date Received : 27.09.19  
Location : 20 Jupiter Gate Stevenage Herts  
Proposal : Certificate of lawfulness for a loft conversion with box dormer to the rear and roof light to the front roof slope  
Date of Decision : 21.10.19  
Decision : **Certificate of Lawfulness is APPROVED**

103. Application No : 19/00586/NMA  
Date Received : 03.10.19  
Location : 29 Jupiter Gate Stevenage Herts  
Proposal : Non Material Amendment to planning application 19/00098/FPH to change the roof from a part flat/part pitched roof to a mono pitch roof and reduction in width of extension off the boundary line  
Date of Decision : 22.10.19  
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 Borough Local Plan 2011-2031 adopted May 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Responses to consultations with statutory undertakers and other interested parties.
5. Central Government advice contained in the National Planning Policy Framework February 2019 and National Planning Practice Guidance 2014 (as amended).
6. Letters received containing representations.

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Tuesday 10 December 2019

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

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – David Rusling 01438 242270

### **1. APPEALS RECEIVED**

- 1.1 19/00383/FP, 36 Fellowes Way. Appeal against refusal of planning permission for the erection of 1no. one bedroom bungalow.

### **2. DECISIONS AWAITED**

- 2.1 17/00730/ENF, 18b Boulton Road. Appeal against serving of Enforcement Notice relating to an unauthorised gym operating from the premises.
- 2.2 18/00600/CLEU, 80 Kymswell Road. Appeal against refusal of a Certificate of Lawful Existing Use for the continued use of the premises as a HMO (use Class C4).

### **3. DECISIONS RECEIVED**

- 3.1 19/00165/FP, Land at 68 Wildwood Lane, Stevenage. Appeal against refusal of planning permission for the demolition of existing double garage. Erection of detached three-bedroom house and integral garage. Erection of replacement single garage to No.68.

#### **3.1.1 Procedural Matters**

Since the determination of the application, the Council adopted the Stevenage Borough Local Plan 2011-2031 (2019) on 22 May 2019.

The appellant submitted amended plans with the appeal showing an increase in the size of the garages. The amended scheme is not so changed that were it to be granted, it would not deprive those who would have been consulted in the usual manner. Therefore, the amended drawing is accepted by the Inspector.

#### **3.1.2 Main Issues**

##### *Character and appearance of the area*

Wildwood Lane has a strong linear character with dwellings on both sides of the road with a mostly consistent building line following the curve of the highway. Whilst the proposed dwelling would be a similar scale and design, it would be markedly incongruous with the pattern of development being set back from the building line.

The Inspector acknowledged the existing garage to be demolished is set back, however, the dwelling it serves is not and the proposed development would be significantly more prominent in the street scene.

The new dwelling would be jarringly incongruous within its context and cause significant harm to the character and appearance of the area. As such, it would be contrary to Policies GD1 and HO5 of the Local Plan and the adopted Design Guide. It would also be contrary to the design principles of the National Planning Policy Framework (NPPF).

#### *Living Conditions*

Due to their height and number, the woodland trees situated close by to the east would restrict sunlight and cause significant overshadowing of the rear private amenity space, particularly early in the day. The proposed garage to the south would also cause overshadowing of the new dwelling's garden. Taken together in addition to the new dwelling itself, there would be a lack of direct sunlight to significant parts of the garden for unreasonably lengthy periods of the day. As such, the proposed development would cause significant harm to the occupiers of the dwelling contrary to Policy GD1 of the Local Plan and the adopted Design Guide. It would also be contrary to the design principles of the NPPF.

#### *Highway Safety*

The appeal site is located within Residential Accessibility Zone 3 in the Council's adopted Parking Provision SPD which requires 2 off-street parking spaces for the new dwelling (rounded up from 1.5 spaces).

The amended plan received as part of the appeal process shows the internal measurements of the proposed garage would fall below the required minimum as stated in the adopted Parking Provision SPD and would not therefore be counted as an off-street parking space. Therefore the site is only served by one space which is insufficient and would lead to on-street parking.

Paragraph 109 of the NPPF advises that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the impact on the road network would be severe. The Inspector accepted the Council's evidence of significant on-street parking already occurring in the area and He gave significant weight to this, stating that the additional on-street parking would have an unacceptable impact on highway safety. Therefore, the proposed development is contrary to Policy IT5 of the Local Plan and conflict with Paragraph 109 of the NPPF.

#### 3.1.3 Conclusion

Whilst the provision of a new dwelling in a sustainable location would provide benefits to the housing supply and economy through construction jobs and future occupiers spending locally, these modest benefits do not outweigh the significant harm the Inspector identified and reported above. Accordingly, the proposed development does not accord with the development plan and there are no other considerations to outweigh this finding.

#### 3.1.4 Decision

The Appeal is dismissed (decision attached).



## Appeal Decision

Site visit made on 22 August 2019

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> September 2019

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**Appeal Ref: APP/K1935/W/19/3231403**

**Land at 68 Wildwood Lane, Stevenage SG1 1TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms S Statham against the decision of Stevenage Borough Council.
- The application Ref 19/00165/FP, dated 9 March 2019, was refused by notice dated 1 May 2019.
- The development proposed is demolition of existing double garage, erection of detached three-bedroom house and integral garage, erection of replacement single garage to no. 68.

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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the Council's determination of the application, the Stevenage Borough Local Plan 2011–2031 (2019) (LP) was adopted by the Council on 22 May 2019. Consequently, this Local Plan now forms the development plan.
3. The appellant has submitted an amended plan (Proposed Plans, Elevations and 3D Views, Revision A) with the appeal showing an increase in the size of the garages. The appeal process should not generally be used to evolve a scheme. However, the amended development is not so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. Therefore, I accept the amended drawing.

### Main Issues

4. The main issues in this appeal are the effect of the development on:
  - the character and appearance of the area;
  - the living conditions of future occupiers of the new dwelling, as regards overshadowing of the private amenity area; and
  - highway safety.

### Reasons

#### *Character and appearance*

5. Wildwood Lane in the vicinity of the appeal site has a strong linear character of development with dwellings on both sides of the road displaying a largely

consistent front building line which follows the curve of the highway. Notwithstanding that the proposed house would be of similar scale and design to nearby dwellings, it would be markedly incongruous with this pattern of development, being set back significantly from the building line and against the curve of built-form which responds to the curve of the Lane.

6. While I acknowledge that the existing single-storey detached garage to be demolished is set back, the dwelling which it serves is not and the erection of a 2-storey detached house with integral garage would be significantly more prominent on the streetscene.
7. The jarring incongruence of the prominent new dwelling within its context, notwithstanding the removal of an existing pre-cast garage of limited contribution to visual amenity, would cause significant harm to the character and appearance of the area. As such the proposed development would be in conflict with Policies GD1 and HO5 of the LP, as supported by the Council's Design Guide Supplementary Planning Document (SPD), which amongst other aims seek to protect the character and appearance of places, including as regards the development of windfall sites. It would also be in conflict with the design principles of the National Planning Policy Framework (the Framework).

#### *Living conditions*

8. Due to their height and number, the tall trees associated with mature woodland situated close to the east of the appeal site would restrict sunlight and cause significant overshadowing of the rear private amenity area of the proposed development, particularly in the earlier part of the day. There would also be overshadowing of the new dwelling's garden from the proposed detached garage which would be built to its south. The extent in combination of these separate overshadowing effects, together with the effect of the new dwelling itself, would mean that direct sunlight to significant parts of the garden would be restricted for unreasonably lengthy periods of the day.
9. For the above reasons, the proposed development would cause significant harm to the living conditions of future occupiers of the new dwelling, as regards overshadowing of the private amenity area. As such it would be in conflict with Policy GD1 of the LP, as supported by the SPD, which seeks to protect the amenity of future occupiers. It would also be in conflict with the design principles of the Framework.

#### *Highway safety*

10. The appeal site falls within residential accessibility zone 3 under the Council's Parking Provision Supplementary Planning Document (PPSPD); a designation which reflects the sustainable location. Accordingly, there is a requirement to provide 2 off-street parking spaces in respect to the proposed new dwelling (rounding-up from 1.5 spaces).
11. The proposed new dwelling's garage, according to the amended plan which I have accepted, would have internal dimensions below those required by the PPSPD and I do not find that it would deliver a sufficiently sized parking space. Given this, the integral garage would not be counted as an off-street parking space and accordingly the proposed house would only be served by 1 off-street parking space in total. This would be below that required by the PPSPD and would lead to on-street parking.

12. Paragraph 109 of the Framework advises that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Council has submitted evidence, including photographs, showing that a significant element of on-street parking occurs on what is a relatively narrow and curved road. I give this evidence significant weight and find that additional on-street parking in this context would have an unacceptable impact on highway safety. Therefore, for all the above reasons, the proposed development would be in conflict with Policy IT5 of the LP and would also conflict with Paragraph 109 of the Framework.

### **Other Matter**

13. The delivery of an additional home in a sustainable location would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing. The supply of housing under the appeal proposal would, though, be modest. The proposal would also support the local economy through construction jobs and from the potential of future residents to spend locally. Overall, these benefits of moderate weight do not outweigh the significant harm I have identified.

### **Conclusion**

14. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is dismissed.

*Andrew Walker*

INSPECTOR

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