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PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 3 March 2020

Time: 6.30pm,

Location: Council Chamber, Daneshill House, Danestrete

Contact:

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

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 4 FEBRUARY 2020

To approve as a correct record the Minutes of the previous meeting of the Planning & Development Committee held on 4 February 2020.

Pages 3 – 18

3. 19/00474/FPM - LAND TO THE WEST OF LYTTON WAY, STEVENAGE

To consider an application for the demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure.

Pages 19 – 60

4. 19/00283/FP - BARNWELL MIDDLE SCHOOL. SHEPHALL GREEN, STEVENAGE

To consider an application for the extension and resurfacing of playing courts, erection of 12no. 8m high floodlights, installation of 4.5m high fencing and siting of storage container.

Pages 61 – 74

5. 20/00102/ENF - LAND BETWEEN WATERCRESS CLOSE, COOPERS CLOSE AND WALNUT TREE CLOSE, STEVENAGE

To consider the instigation of enforcement action against the unauthorised erection of 2m high hoarding, enclosing open space between all three roads.

Pages 75 – 78

6. COMMUNITY INFRASTRUCTURE LEVY (CIL) - UPDATE

To receive an update presentation on the Community Infrastructure Levy (CIL).

7. PARKING PROVISION AND SUSTAINABLE TRANSPORT SUPPLEMENTARY PLANNING DOCUMENT (SPD) - UPDATE

To receive an update presentation on the Parking Provision and Sustainable Transport Supplementary Planning Document (SPD).

8. 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 79 – 90

9. 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 91 – 104

10. URGENT PART I BUSINESS

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

11. 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. 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.

12. URGENT PART II BUSINESS

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

Agenda Published 24 February 2020

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 4 February 2020

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete

Present: Councillors: David Cullen (Chair), Michelle Gardner (Vice Chair), Doug Bainbridge, Sandra Barr, Jody Hanafin, Lizzy Kelly, Graham Lawrence, John Lloyd, Sarah-Jane McDonough, Maureen McKay, Graham Snell and Tom Wren

Start / End Time: Start Time: 6.30pm
End Time: 8.15pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received on behalf of Councillor Liz Harrington.

2 MINUTES - 16 DECEMBER 2019

It was **RESOLVED** that the Minutes of the Planning and Development Committee held on 16 December 2019 be approved as a correct record and signed by the Chair.

3 17/00862/OPM - LAND TO NORTH OF STEVENAGE

The Committee considered an outline application for the erection of 800 residential dwellings, creation of a new local centre, provision of a primary school, provision of landscaped communal amenity space including children's play space, creation of new public open space together with associated highways, landscaping, drainage and utilities works.

Prior to the consideration of the application, the Assistant Director, Planning and Regulation reminded Members of the Nolan principles of public life, the ethical standards code of conduct for those in public life. He also advised Members that the Secretary of State had been asked by the MP for Stevenage to call in the application but no notification had yet been received from the Secretary of State.

The application was before the Committee for determination as it was a major application.

The Development Manager introduced the report to the Committee.

The Chair then called Mr John Spiers on behalf of Friends of Forster Country, an objector to the application to address the Committee. Mr Spiers raised a number of issues including:

- There had been over 400 objections to the application on the impact on the countryside, overdevelopment, loss of rural aspect and loss of character to Stevenage and created an urban sprawl which would absorb Graveley Village;
- Not delivering truly affordable homes for local people;
- Failure of officers to give proper due consideration of the proposed development in accordance with the NPPF;
- The construction of 800 houses on this site would directly contradict the Council's recent declaration of a Climate Emergency and its aim to be carbon neutral by 2050;
- There were several previously developed sites within Stevenage which could be redeveloped to take most of the 800 houses in this application.
- The application had the effect of destroying green belt land whilst use of alternative sites had not been properly considered;
- The impact and loss of wildlife in the area including the endangered skylark;
- Concerns around air quality and the impact this will have;
- Inability of GP surgeries to cope with the additional number of residents;
- There is already congestion on North Road. Access to the hospital will be made slower by the increased traffic and congestion will be exacerbated by construction traffic for approximately 5 years;
- The proposed highway infrastructure is not acceptable as it would not properly address cycling and walking;
- No proper consideration of the development's impact in relation to the future Smart Motorway;
- Concerns had been raised by both Historic England and the Campaign to Protect Rural England (CPRE);
- The significance of Forster Country should merit consideration as a Heritage Asset and be taken into account when assessing the application. This application would destroy the heritage and should be rejected.

The Chair thanked Mr Spiers for his presentation, and invited Catherine Bruce from Savills on behalf of the applicant, to address the Committee.

Ms Bruce stated that the applicants had worked closely with Stevenage Borough Council on the proposal including through the Local Plan process. She advised the Committee of the significant benefits to the town including affordable homes and new park land and the proposal accords with the Local Plan. The development would deliver 168 affordable homes, a new primary school and community centre, a country park, the planting of 2,200 trees and reintroducing historic field patterns.

The Masterplan had been sensitively designed in consultation with the Council's Independent Heritage Advisor and the biodiversity would be improved through the new Country Park. Improvements would be made to the highway and also to the cycleways and footpaths along with an improved bus route. This would allow for an increase in sustainable transport journeys.

The Chair thanked Ms Bruce for her presentation.

The Development Manager then gave an oral and visual introduction and presentation to the Committee. He advised that the main issues for consideration in determining this application were its acceptability in land use policy terms; housing policies and planning obligations; the conservation and nearby listed buildings; the impact on the character and appearance of the area generally the impact on both existing amenities; the effect of the proposals on the highway network and the adequacy of parking provision, trees and landscaping, ecology, climate change and flooding and Archaeology.

An update was circulated to Members with 2 revised conditions set out in the recommendations below at (1) and (16) and the following amendments:

- To clarify the figure of £111,577.00 toward outdoor sport will absorbed in the cost of creating the Country Park not provided as well;
- Section 9.1 bullet point 2 should refer to the gifting of land and a contribution not the provision of the Primary School which would be undertaken by Hertfordshire County Council;
- Also reference should be made to HCC Waste facilities included in the S106.
- HCC have confirmed that following discussions with the applicant the Primary Education contribution has increased to £8,334,675.00 and the Secondary Education to £8,266,890.00.
- HCC has also confirmed that there is no requirement for Contributions toward Nursery Education, however, Childcare contributions are required in accordance with the HCC Toolkit. This would amount to £96,750.00.

In terms of land use, The application had been assessed at the Local Plan stage following submission to the Secretary of State. The Committee was reminded of the Inspector's conclusions that there was a pressing need for housing within the Borough that could not be met outside of the Green Belt and that this site would be the most suitable, along with others, to meet the housing need in Stevenage.

It had also been demonstrated through the Master Plan that the layout of the site incorporating a substantial Country Park and open space to the east, the development would result in less than substantial harm to the designated heritage assets.

It was noted that the applicant had confirmed that the development would comprise of 30% affordable units. In addition, financial contributions would be required in relation to NHS facilities, indoor and outdoor sports facilities, contributions to Stevenage Borough Council for the maintenance of the Country Park and the provision of the primary school within the development site.

In terms of the impact on the highway network, the Transport Assessment undertaken by the applicant demonstrated that with the introduction of improvements to the highway network, the development would have an acceptable impact which would not prejudice the safety and operation of the existing road network. With regard to sustainability, through the provision of new cycle and pedestrian connections and the funding of an expanded bus service, the development would be sustainably connected to the wider urban area of Stevenage.

Members raised the following issues and questions in relation to the application:

- The balance between the development and the importance of the land had to be considered with the need for new homes;
- Officers advised that the electricity pylons would be grounded in some parts of the site;
- Members were advised that once the development was completed the Council would adopt and maintain the Country Park;
- How does the approval of this application align with the Council's commitment to addressing the climate change emergency; officers advised that the developers would ensure the works would be as carbon neutral as possible;
- Concern was expressed by a Member that the Council was not listening to the objections from the public. Officers reiterated that all objections had been considered but a balance between these views and the urgent need for housing was required;
- In relation to overflow parking from the Lister, these details would be considered at the appropriate point;
- Officers advised that the next stage of the application would be brought back to Committee if requested by Members.

It was **RESOLVED** that Planning Permission be **GRANTED** subject to the following revised conditions and the clarifications set out above and subject to the applicant having first entered into a S106 agreement to secure/provide contributions towards:-

- The provision of 30% affordable housing;
- The provision of a 2FE Primary School including nursery provision;
- Indoor sport;
- Secondary Education;
- Library services;
- Youth services;
- Sustainable Transport and Infrastructure;
- Securing of the travel plan and a monitoring fee;
- Trees and Plants from UK nurseries;
- Secure the provision of a maintenance company for the development of the open space and play area;
- Secure the provision of the Country Park and the transfer of the land to SBC;
- A contribution toward the future maintenance of the Country Park;
- Secure a Landscape Management Plan;
- GP Provision;
- Community use agreement to use the school facilities;
- Contribution toward upgraded or new HCC Waste facilities;
- Provision of fire hydrants; and
- Associated Section 278 Highway Works.

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 broadly accordance with the following approved plans: UD01 Rev C, UD02 Rev L, UD03 Rev M, UD04 Rev L, UD05 Rev L, and NSTV-WSP-00-XX-SK-CE-0002 P01.
2. The development hereby permitted shall be begun either before the expiration of seven years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.
4. Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of any part of the development.
5. No development, including site clearance, shall take place until a phasing plan, identifying the areas of the site to be developed under each phase for the delivery of housing, infrastructure, open space and the Country Park, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the phasing plan.
6. No more than 300 properties shall be occupied until a housing and infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority and assessed in conjunction with the appropriate sewerage and water company 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.
7. No development shall take place (including any demolition, ground works, site clearance) until a method statement for dealing with ecology at the site prepared in accordance with BS 42020:2013, D.2.2 has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include :-
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials e.g. species in planting schemes and species mixes for wildflower meadow, to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) persons responsible for implementing the works and funding details;
- f) initial aftercare, long-term maintenance, monitoring and requirement for remedial action should management be judged to be failing;
- g) disposal of any wastes arising from works.
- h) Number, model and location of integrated bat and bird boxes in built environment.

The planting works shall be carried out strictly in accordance with the approved details in the first planting season relating to the agreed phasing after the approval of the method statement and shall be retained in that manner thereafter and other agreed ecology measures shall be carried out strictly in accordance with the approved method statement within the first suitably available season relating to the agreed phasing, unless otherwise agreed in writing by the Local Planning Authority.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:-

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

9. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to ensure the implementation and establishment of each of the phases of the proposed Country Park before phased adoption by the Local Planning Authority to encourage a net increase in biodiversity. The content of the Strategy shall include the following:-

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.

- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

- 10. 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.
- 11. 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.
- 12. A scheme for managing any borehole installed within the development for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the Residential Development Plot.
- 13. No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless a pre-works survey of the vegetation to be removed and surrounding vegetation, is undertaken immediately prior to removal by a suitable qualified Ornithologist, and approved confirmed by the Local Planning Authority.
- 14. Prior to the commencement of development (including site clearance) a Construction Management Plan 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 Construction Management Plan 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.
15. The development hereby permitted shall not commence except for works related to the construction of one of the proposed accesses until one of the proposed accesses from the North Road has been constructed to accommodate construction traffic to the minimum standard of base course construction for the first 50 metres and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
 16. Prior to occupation of the first dwelling the southern access shall be provided, and prior to occupation of the 100th dwelling hereby permitted, the northern vehicular accesses shall be provided and thereafter retained at the position shown on the approved in principle drawing number General Arrangement drawing number NSTV-WSP-00-XX-SK-CE-0002 revision P01. The principal access road shall be provided 6.75 metres wide complete with 10.0 metres radius kerbs. 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.
 17. Prior to the occupation of each phase of development full details (in the form of scaled plans and written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - i) Roads, footways.
 - ii) Cycleways.
 - iii) Foul and surface water drainage.
 - iv) Visibility splays.
 - v) Access arrangements.
 - vi) Parking provision in accordance with adopted standard.
 - vii) Bus Stops.
 - viii) Turning areas.
 18. Prior to the occupation of each phase of the development, the applicant shall submit a Servicing and Delivery Plan. This plan is to be submitted 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 use, 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 access to from the site for delivery and servicing vehicles. The details shall include waste vehicle circulation route and constructed in accordance with the approved details. Thereafter the route shall be maintained in accordance with those approved details.

19. Prior to the completion of the primary road as identified on drawing ref: UD02 Rev L, the following passenger transport infrastructure shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority:-

The provision of road infrastructure both within the development site and on the wider routes that the proposed public transport services will travel to facilitate delivery of the strategy. This infrastructure shall comprise of but is not limited to the following:

Provide temporary bus stops along North Road during the first phase of the buildout of the development i.e. to serve the dwellings that are not more than 400 metres from the temporary bus stops.

High quality bus stop facilities along the bus service route within the development to include raised height kerbs and shelters that are within 400 metres of all residential areas, Real time information signs at key stops.

The future locations of all bus stops within the development should be determined prior to commencement of works and clearly marked on site during construction of the internal roads to ensure visibility for perspective purchasers.

20. Prior to the first occupation of each phase of the development, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for the future management and maintenance of the proposed streets within the development. Following the provision of such streets, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as 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.
21. Prior to the occupation of each phase of the development, the visibility splays to be provided shall be agreed with Hertfordshire County Council and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.
22. Prior to the commencement of development a Written Scheme of

Investigation detailing a programme of archaeological trial trench evaluation of the proposed development site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

23. No development shall commence in each phase of the development until an Archaeological Written Scheme of Investigation detailing a programme of archaeological mitigation, as appropriate given the results of the archaeological evaluations, has been submitted to and approved by the Local Planning Authority in writing.
following archaeological investigation
24. The development in each phase shall take place in accordance with the Written Scheme of Investigation approved under condition 23.
25. The development of each phase shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and the provision made for analysis and publication where appropriate.”
26. Prior to the occupation of each phase, details of Electric Vehicle Charging Points in that phase 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.
27. Prior to the first occupation of the non-residential units to be used within class A3/A4 hereby permitted, a scheme for the installation of equipment to control the emission of fumes and smell from the premises including any air conditioning equipment shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
28. Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that order) the non-residential units shall be used for Use Classes A1 /A2 /A3/ A4/ B1/ D1/ D2 only of the schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purposes, unless agreed in writing or approved by way of separate planning permission
29. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Flood and Drainage Technical Note, reference 70061701, dated 15 January 2020 and the following mitigation measures detailed within the FRA:
 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 23.7 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 run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 20,750 m³ (or such storage volume agreed with the LLFA) of total storage volume in swales, attenuation basin and deep-bore soakaway.

3. Discharge of surface water from the private drain into the Anglian Water sewer network and 25 deep-bore soakaways.

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.

30. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed drainage plan including location of SuDS measures, pipe runs and discharge point.

2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

3. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period including a + 40% allowance for climate change.

4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.

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

31. No development shall take place until a sensitivity study to determine how the existing surface water flow path in the east of the site can be managed has been submitted to and approved in writing by the local planning authority. The sensitivity study should demonstrate a viable method of managing the flow

path during storm events up to and including the 1 in 30 year event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The study should consider:

1. Viable method of a positive discharge for the flow path and the proposed discharge rates.
 2. The required attenuation volumes for all return periods up to and including the 1 in 30 year event.
 3. Consultation with the LLFA and LPA regarding any proposals and the requirements they may have. 1. To provide betterment to the existing surface water flow path on site to reduce flood risk in north Stevenage.
32. No development shall take place within the development parcels on the phasing plan to be submitted pursuant to condition 5, within which the proposed underground cable corridor runs as shown on the Illustrative Masterplan SK21 Rev K, until a scheme, including timetabling, for undergrounding the 132Kv overhead power lines and removal and replacement of pylons as shown on this drawing, has been implemented or unless otherwise agreed on writing by the local planning authority.

Following the decision and with the agreement of the Chair, Councillors Graham Snell and Tom Wren requested that their votes against the resolution be recorded in the Minutes.

4 19/00389/FP - ON THE GREEN RESTAURANT, 11 HIGH STREET

The Committee considered an application for the variation of condition 1 (approved drawings) attached to planning permission reference 14/00095/FP

The application was before the Committee for determination as it had been called in by Councillor Loraine Rossati due to concerns as to the impact the proposal would have on local residents.

The Principal Development Officer advised that the main issues for consideration in the determination of the application were the impact on the character and appearance of the area and the setting of the conservation area, impact upon neighbouring amenity, impact on the highway network and parking provision.

It was noted that the application sought to create an outdoor seating area with free standing tables and chairs. As they were removable there would not be a detrimental impact on the setting of the Grade II listed building. This view was supported by the Council's Conservation and Historic Advisor.

In terms of the impact of noise and disturbance on neighbouring properties, officers advised that following advice from the Council's Environmental Health Officer, it was recommended that if permission was granted it should only be for the temporary period of 12 months and subject to the Council approving an Operational Management Plan submitted by the applicants.

In response to a question the officer advised that there was no room for seating at the front of the property and that as it was situated at the lower end of the High Street which was the quieter end, the 12 months would safeguard the amenities of neighbouring properties.

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:

996:02F; 996:01B
- 2 The premises shall be used for Use Class A3 (Restaurant) and for no other purposes (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 3 The use of the restaurant hereby permitted shall only operate between the following times:

1130 to 2200 Mondays to Thursdays
1130 to 2300 Fridays and Saturdays
1130 to 2200 Sundays and Bank Holidays
- 4 Deliveries to or from the premises shall only take place between the hours of 09:30 and 15:30.
- 5 All equipment and ducting installed which controls the emissions of fumes and smells as approved by the Local Planning Authority shall be operated and maintained in accordance with the manufacturer's instructions.
- 6 The storage of refuse and recycling as approved by the local planning authority shall be made permanently available for the occupants of the building(s).
- 7 Prior to the first use of the outdoor seating area hereby permitted, a written notice shall be submitted to the local planning authority confirming the date in which the outdoor seating area will be in operation. The outdoor seating area shall thereafter only be operated for a period of 1 year from the date specified in the written notice.

- 8 No external lighting shall be installed or affixed to the building unless the local planning authority has first approved in writing details of position, height, design and intensity. Any that needs to be installed should be downward facing and directed away from any sensitive areas, including woodland edges, trees and hedgerows, potential or known bat access points and any installed artificial roosts. The design of the lighting scheme should follow the recommendations given in the Bat Conservation Trust's advice note on bats and lighting in the UK (BCT, 2008).
- 9 The premises shall not be used for the sale of food for consumption off the premises.
- 10 Prior to the first use of the external seating area, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Operational Management Plan shall thereafter be implemented in accordance with the approved details.
- 11 No amplified music shall be played in the outdoor seating areas at any time.
- 12 No outdoor seating associated with the use hereby permitted shall be placed on the public highway or on land outside the premises at any time.
- 13 No customers shall be permitted to use the external seating area hereby permitted before 0830 hours or after 2100 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise.

5 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

7 **URGENT PART I BUSINESS**

None.

8 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

9 **URGENT PART II BUSINESS**

None.

CHAIR

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

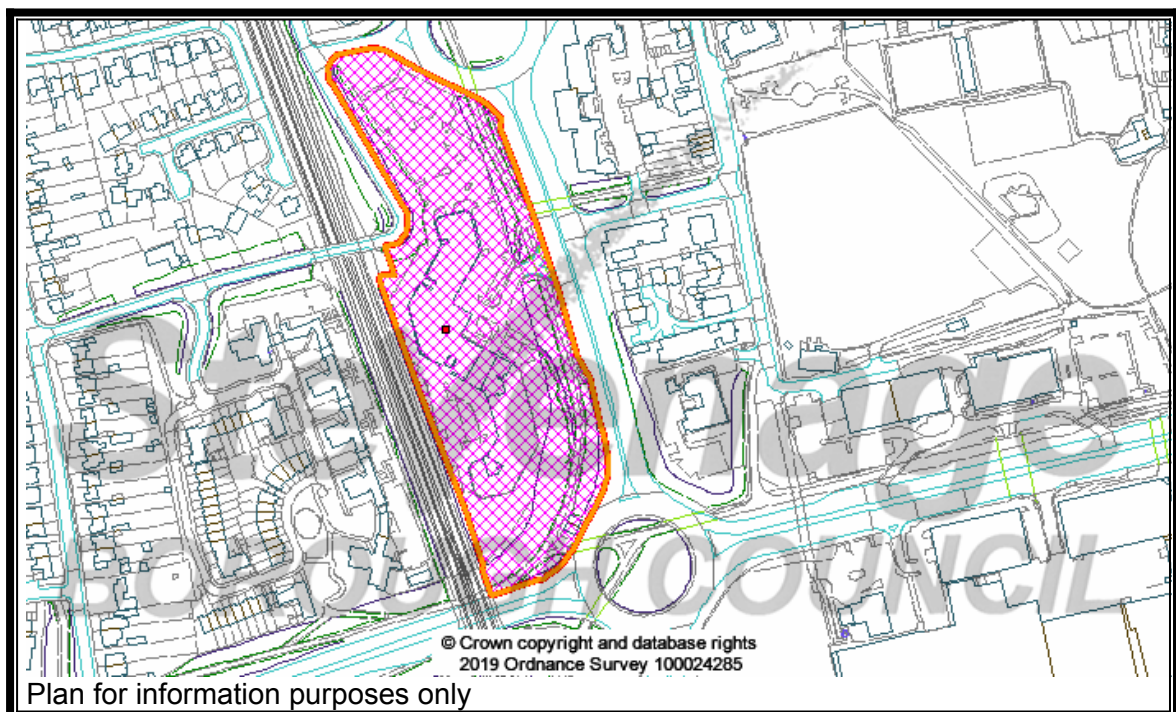
Date: 3 March 2020

Author: Dave Rusling 01438 242270

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Dave Rusling 01438 242270

Application Nos:	19/00474/FPM
Location:	Land To The West Of Lytton Way, Stevenage
Proposal:	Demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works
Drawing Nos.	16-019 D050C01, D051C01, D052C01, D053C02, D054C02, D060C02, D100C01, D101C02, D102C03, D111C01, D112C01, D113C01, D114C02, D115C02, D151C01, D152C01, D153C01, D154C01, D200C01, D201C02, D202C02, D203C02, D204C02, D251C01, D252C01, D253C02, D254C01, D300C01, D301C01, D302C01, D311C01, D312C02, D314C02, D351C01, D352C01, D353C01, D354C01, D400C03, D401C01, D402C01, D411C02, D412C02, D413C02, D451C02, D452C02, D453C02, D454C01, D500C02, D501C02, D503C02, D504C02, D551P02, D552C01, D553C02, D554C01, D600C02, D601C02, D602C02, D611C01, D612C01, D613C02, D614C02, D651C02, D652C02, D653C02, D654C01, D700C02, D701C03, D702C03, D706C01, D707C01, D708C02, D709C02, D751C01, D752C01, D753C01, D754P01.
Applicant:	Hill Residential Ltd
Date Valid:	8 August 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site which measures approximately 2.75 hectares in area is located close to the roundabout junction of Lytton Way and Fairlands Way. The site comprises the former office building known as the Icon, which is a 7/8 storey high primarily glazed building. The site is bordered to the west by the East Coast Main Line railway line beyond which are residential properties in Kilby Road/Watson Road and to the east the site adjoins Lytton Way where the vehicular access to the site is taken from. The northern boundary of the site adjoins Trinity Road which forms the roundabout linking it with Lytton Way.
- 1.2 The site is relatively flat, although an embankment slopes down toward Lytton Way on the eastern boundary of the site. This leads to a cycle way and footpath which runs north south along this eastern boundary of the site continuing in either direction. The existing building is a large office building constructed in the 1980's and is a prominent and recognisable feature in Stevenage due to its clear visibility from many parts of the town as well as its unique design characteristics. The building footprint is multi-angled and is constructed with large glazed elevations which step-in as the building rises. The building features a large ground floor reception and full height atrium area. It is served by undercroft car parking as well as additional open parking areas and small green spaces.

2 RELEVANT PLANNING HISTORY

- 2.1 Permission granted under ref 2/0095/85 in May 1985 for office development in two phases with ancillary car parking landscaping and access bridge on to Lytton Way.
- 2.2 Permission granted under ref 99/00225/FP in July 1999 for new entrance lobby, new canopy and associated landscaping works adjacent to new entrance.
- 2.3 Permission granted under ref 99/00493/FP in 2000 for fire escape and elevational changes to rear of building.
- 2.4 Permission granted under ref 00/00286/FP in July 2000 for alteration to Car Park to Provide Additional 37 Spaces.
- 2.5 Outline planning permission granted under ref 02/00562/OP in March 2003 for a four storey building on existing car park, comprising 2,790 square metres gross floorspace, for use within Class B1 (business use).
- 2.6 Permission granted under ref 14/00417/AD in September 2014 for Installation of 1no internally illuminated box sign.

3 THE CURRENT APPLICATION

- 3.1 The application seeks planning permission for the demolition of the existing office building and for the erection of seven apartment buildings comprising 576 dwellings, together with associated parking, open space, landscaping and infrastructure. The development would retain the existing access to the site from Lytton Way, which would lead on to an internal road which would serve each end of the site and the parking areas to serve the development. It is proposed to introduce 7 residential blocks, six of which would front onto Lytton Way with the seventh block being set back within the site framed by the entrance to the site and blocks 3 and 4.

- 3.2 The proposed blocks are of varying building heights, ranging from 8 stories to 16 stories. Blocks 1 and 6 are the two tallest buildings and are located at the northern and southern end of the site. These both range in height between 11 and 16 stories. Block 2 is located to the south east of block 1 and comprises an 8 storey building. Block 5 is located to the north of block 6 and is also an 8 storey block of flats. Blocks 3 and 4 are located either side of the access and both have a height of between 11 and 13 stories. The final building is block 7 which is located toward the rear of the site adjacent to the railway and ranges between 6 and 9 stories in height. The majority of the proposed apartment blocks are served with undercroft parking and there are also areas of surface parking courts located to the rear of the blocks fronting onto Lytton Way.
- 3.3 The proposed development is to be set within open amenity areas. The site currently benefits from existing mature trees and grassed banking, particularly along Lytton Way and it is intended that the majority of this will be retained. It is proposed to introduce open spaces between blocks 1 and 2, 2 and 3, 4 and 5 and 5 and 6, which will provide amenity terraces for residents. These areas would contain mixed planting and specimen shrubs along the building edges as well as sheltered spaces for seating. It is also proposed to provide an area of on-site open space/children's play area. It is also proposed to retain the existing trees and landscaping to the rear of the site. As well as retaining existing vegetation it is proposed to plant a number of new trees within the development site.
- 3.4 In order to comply with recent amendments to the building regulations restricting the use of combustible materials, it is proposed that all of the buildings would be constructed out of facing brick. The taller elements will be light grey brick with the lower section consisting of the darker tones. It is proposed to use two grey tones to form striped banding at ground floor level to connect all buildings across the development in an attempt to add architectural variety at pedestrian level. Champagne coloured balconies and windows will be used to provide accented colour throughout the building and to add variety and interest to the development. Each balcony type provides the same usable area and utilises a consistent structural frame with variable panels depending on location. It is proposed to use perforated metal panels and glazed panels in the design.
- 3.5 The mix of housing across the development comprises a mixture of studio apartments, 1, 2 and 3 bed flats. The make-up of the units comprises 20 studio apartments, 249, one bed units, 257 two bed units and 50 three bed units. A total of 274 car parking spaces are proposed to serve the development, comprising 79 undercroft spaces, 180 surface level parking spaces and 15 disabled bays. Additional to this, 576 cycle parking spaces are proposed to serve the development and these would be distributed across all of the flat blocks.
- 3.6 The application comes before the planning committee for consideration as it is a major application.

4 PUBLIC REPRESENTATIONS

- 4.1 As a major planning application the proposal has been publicised by way of letters to adjoining premises, the posting of site notices and a press notice. Following this publicity objections have been received from the occupiers of the following properties within Stevenage:-

461, Archer Road,
13, Austen Paths,
68, Basils Road,
13, 22, 24, 26, 28, 40, 42, 46, 52, 54, 56, 58, 62, 67, Brick Kiln Road,
58, Buckthorn Avenue,
72, Eastbourne Avenue,

5, Elder Way
 80, 126, 131, 142, 155, 163, 169, 174, 178, 182, 197, Fairview Road
 58, Ferrier Road,
 71, Fishers Green Road,
 21, Franklins Road,
 24, 53, Green Street,
 12, Gorleston Close,
 19, Hawkes Lane,
 94, Haycroft Road,
 4, High Street, Graveley,
 16, Jackdaw Close,
 15, 19, 36, 55, 70, 79, 80, 82, 87, 95, Kilby Road,
 2, King Georges Close,
 104, Letchmore Road,
 73, Longfields,
 73, 96, 191, 196, 202, Monument Court,
 5, Mozart Court,
 106, Oaks Cross,
 121, 533, Scarborough Avenue,
 48, Scott Road,
 27, Shackleton Spring,
 32, 48, Shephall Green,
 1, Sweyns Mead,
 2, The Hedgerows,
 2, The Priory, Rectory Lane,
 53, Trent Close,
 135, Torquay Crescent,
 55, 130, 154, Townsend Mews,
 22, Walden End,
 60, Wansbeck Close,
 3a, Weston Road,
 51, Whitney Drive,
 308B, Wisden Road,
 458, York Road,
 Fairview Road Residents Association,

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

- Objection to the height of the building. The new blocks will be up to 15 floors in height. This will affect view and privacy of residents in Kilby Road.
- Light pollution from proposed building rooms and balconies.
- Object to the building being demolished.
- High density of the development.
- No comparison of the height of the new and existing buildings.
- Overlooking and loss of privacy.
- The existing building should be converted to flats.
- The proposed buildings are ugly, way too high and far too many.
- Loss of light to surrounding properties.
- Lack of existing infrastructure for school, doctors surgery etc.
- Inadequate car parking facilities.
- Lack of open space and children's play space.
- Adverse impact on local services.
- The development has no architectural merit and is based on poor design standards maximizing financial gain for the developer and Council.
- The building of high rise blocks is a backward step to beat the housing crisis.
- Safety risks and anti-social behaviour associated with high rise blocks including increased crime levels.

- The development is unsuitable for families.
- The development will exacerbate existing traffic problems on Lytton Way.
- Loss of value of property.
- Noise and dust caused by construction of the flats.
- Air quality will suffer.
- It would be better for families if there were houses in the development.
- No need for more flats.
- Overdevelopment of the site.
- Buildings will be a fire hazard.
- The flats will be for workers moving out of London or Cambridge.
- Inadequate sewerage facilities.
- Inadequate density. Should be increased to 300dph.
- Inadequate provision of affordable housing.
- Site should be retained as an employment site.
- Inappropriate housing mix.

4.3 Letters of support have been received from:-

97, Leaves Spring,
212, Platform North, Gates Way,

- The building has long been empty and is not well suited to conversion for re-use.
- This is a prominent site addressing the roundabout which has housing on all sides and warrants substantial residential building which would support a central retail and leisure provision.
- Parking should be kept to a minimum. The location is a short walk from parks, shops, busses and trains. Space should be set aside for a car share/car club.

4.4 Please note 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 has considered the impacts associated with the proposed development based on the information submitted by the applicant, the Transport Assessment, Travel Plan, Technical Notes and the detailed plans. The highway safety, accessibility and capacity have all been assessed. The Highway Authority is satisfied that the proposed development will not have a 'severe' impact on the highway, subject to the development improving the existing access to the subway network and contributing towards wider improvement works under s106 agreement. The also recommend a number of conditions be attached to any grant of permission.

5.2 Hertfordshire County Council Growth and Infrastructure Unit

5.2.1 Following an assessment of the proposed development, 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.

5.2.2 They are also seeking contributions toward additional waste and recycling facilities or the expansion of the existing waste and recycling centre at Caxton Way. Finally, it is recommended that a number of fire hydrants should be provided as part of the development. As such, the fire hydrants and the other requirements requested by HCC would be secured as part of any S106 Legal Agreement.

5.3 Hertfordshire County Council Minerals and Waste

- 5.3.1 Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.
- 5.3.2 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 development's construction. Furthermore, Waste Policy 12: Sustainable Design, Construction and Demolition requires 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
- 5.3.3 The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted prior to the development's commencement either at this stage or as a requirement by condition, and provide comment to the Borough Council

5.4 Hertfordshire County Council as Lead Local Flood Authority

- 5.4.1 Have reviewed the flood Risk Assessment submitted with the application and the additional information provided and are raising no objection subject to the imposition of conditions should planning permission be granted.

5.5 Hertfordshire County Council – Public Health

- 5.5.1 For all development proposals Public Health recommends 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.
- 5.5.2 We recommend that a Health Impact Assessment (HIA) is undertaken for developments in excess of 100 dwellings. Our view is that this is an essential assessment for any development proposal to demonstrate that it will not have negative implications for the physical health and wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. Health Impact Assessments can also be a tool through which to demonstrate the opportunities of a proposal and how a development has been positively planned.
- 5.5.3 The proposed development is in a good location for residents to access local services and amenities. It is also well connected with pedestrian and cycle ways and close to public transport. However, we have some concerns that the development as it is currently proposed is not maximising the opportunities for active and sustainable travel; the planning authority should be requiring the applicant to demonstrate that walking and cycling are both accessible to the new occupants and are the primary modes of choice for local journeys. Some further re-assurance on the potential for negative impacts on the new community through exposure to noise, poor air quality and the demarcation of affordable rented apartments would be welcome.

5.6 Environmental Health Department

- 5.6.1 The ambient noise environment is likely to be dominated by transport noise sources i.e. road traffic, railway and air traffic. Consideration should be given to the fact that there may be increased air traffic noise as Luton Airport have recently been seeking planning consent to allow a temporary increase in the extent of the night-time air traffic noise into parts of Stevenage not currently affected; this will include the location of the proposed development and is something the developer might want to take into account when developing an effective noise mitigation strategy. See attached OS map showing increased extent of area affected by air traffic noise.

A policy decision from Stevenage will need to be made on the inclusion of the proposed balconies to the dwellings as noise levels for these balconies will be above the BS8233:2014 and WHO Community Noise 1999 Guideline levels of 50-55dB.

The Noise Impact Assessment does not mention noise impacts that arise from the development itself i.e. noise from undercroft parking on those flats that are directly above this area, from internal plant such as lifts, proposed plant rooms and the gymnasium. These matters should be considered and confirmed at the detailed design stage and should be issues that can be overcome with careful acoustic design.

With regard to layout in some cases the developer has shown good acoustic design with bedrooms adjoining bedrooms on party walls between different flat units, but this has not always been achieved uniformly across the development i.e. Internal layouts of individual dwelling units should avoid conflicting noise uses i.e. bedrooms of one dwelling sharing party walls with living rooms to a neighbouring dwelling. The layout should be revisited or a good level of sound insulation between dwellings must be achieved.

Whilst raising no objection to the proposal recommend that in view of the medium-high risk nature of the noise environment, the development should be subject to pre-commencement conditions to deal with Noise Mitigation – Transport Noise Sources Noise Mitigation – Plant & Other Internal Noise Sources. They also recommend the need for a condition requiring the submission of a construction management plan.

5.7 Council's Parks and Amenities Section

- 5.7.1 Have had the opportunity to look at the response to my comments and note the developer will instruct a management company to maintain the landscaping for this site. As such and at a later date, we require to be kept up-to-date with the contact details of the management company as they become apparent.

- 5.7.2 In terms of the proposed play area and the Sunken Garden / SUDs basin:

- I would like to note that in most case studies for providing play spaces within such drainage areas, that the actual play surface area is raised to prevent submersion within water. Given the SUDs were designed based on 1:30 probable flood events, the developer should consider the potential increased flood probability and impacts as a result of climate change.
- We recommend that serious consideration be given to providing inclusive access (for limited mobility and disabilities) to the sunken garden and play features. Consideration should be given to the suitability of the 1:3 (19°) slope, providing suitable surfaced access improvements as well as inclusive play opportunities.
- In general, an embankment side requires a slope gradient of around 30° and should consider access and wear surfacing patches.

- Regular safety inspections of the slide will also be required to be undertaken by an RPII inspector and any issues / defects reported and repaired promptly.

5.7.3 Overall the responsibility of the play area and maintenance will be with the developer, but they will need to identify and mitigate the risks for providing a play facility within the development.

5.8 BEAMS (Council's Conservation Advisor)

5.8.1 Stevenage Old Town Conservation Area (a designated Heritage Asset) lies to the east of Lytton Way and is focused along the historic High Street and Bowling Green to the north and includes much of Ditchmore Lane to the south. Its significance is derived from views along and within the historic High Street/Ditchmore Lane, Middle Row, Bowling Green and Church Lane in particular and the statutory listed and unlisted buildings within.

5.8.2 The application is accompanied by a Heritage Statement which assesses the impact of the new development upon the significance of the Stevenage Old Town CA and Listed Buildings in accordance with the NPPF, para. 189. The Heritage Statement does not make much reference to the existing building and whether it is of any architectural significance; late 20th century architecture is now being recognised by Historic England through listing. I am in no way suggesting the building is worthy of statutory listing or indeed is of any particular architectural merit but it would be constructive if the heritage statement could consider this.

5.8.3 Setting is defined in the National Planning Policy Framework (NPPF) as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral." However, setting itself is not designated and every heritage asset, whether designated or not has a setting. Its importance, and, therefore, the degree of protection it is offered in planning decisions, depends entirely on the contribution it makes to the significance of the heritage asset or its appreciation.

At present the application site can be glimpsed from the southern end of the Conservation Area (area 3 as identified in the Conservation Area Appraisal) in views looking west from between buildings, from the Millenium Gardens and from the junction of Ditchmore Lane and Gates Way. However, its relatively low height means it does not form a backdrop to the roofscapes of buildings along Ditchmore Lane although its heavily glazed front elevation does draw the eye. The proposed height of the taller elements of the new development will undoubtedly mean the development is more visible from the southern end of the conservation area when looking west - as illustrated within the Heritage Statement. However, due to the distance from Ditchmore Lane to the site (approx. 100 metres) and the way the site is physically divorced from the Old Town area by the busy Lytton Way, the new development (whilst it will be visible) does not mean it will automatically have a harmful impact upon the significance of the Conservation Area and Listed Buildings within through development within its setting.

Upon careful consideration of the plans put forward, whilst the proposal is not considered to enhance the significance, character and appearance of the Old Town Conservation Area, it is considered to preserve its setting and significance in line with the NPPF.

5.9 Police Crime Prevention Design Officer

5.9.1 Thank you for asking me to comment on this application. I have studied the documentation and have the following comments to make;

- I have substantive concerns regarding the mention on page 76 that mentions the local plan policy GD1 c. “creates a safe environment that designs out crime.” Unfortunately the Design and Access Statement and Planning Statement do not elaborate on how this is achieved. I also note the sections 6.1 and 6.2 detail the layout and views from the two types of flat. The issue is that this assumes that bedrooms are ‘active’ rooms – unfortunately, for the purposes of designing out crime, the bedrooms are not active rooms, as most people close the curtains on entering the room etc. These concerns could be mitigated by engaging with the Police Crime Design Service with the intention to achieve the Police minimum security standard that is Secured by Design.
- I have substantive concerns regarding the entrance to the site and the parking arrangements. The reason for my concern is that there is an on-going problem with street parking in Primett Road from commuters using the local Railway Station and, as the entrance appears to open thereby allowing unrestricted access to the site. This could be mitigated by installing some form of access control at the entrance.

5.9.2 Given these concerns the Police Crime Prevention Design Service are not, currently, in a position to support this application. If, however the applicant engages with us with a view to achieving SBD accreditation then this position would change

5.10 Environment Agency

5.10.1 No response received.

5.11 Thames Water

5.11.1 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 The Affinity Water Company.

5.12 Affinity Water

5.12.1 We are satisfied that our main concerns have been addressed but still require notification of the following:

- Piling Date (15 days prior).
- Contamination (previously unidentified) if encountered during construction.
- The depth of the Chalk aquifer if encountered during piling. (Due to the proximity of the planned 25mbg piles to the estimated minimum depth of the Chalk aquifer at 26mbg and potential for the geology to vary locally).

5.12.2 Notification of all the above is necessary in order to intensify our monitoring and plan potential interruption of the service. We would also be able to assess the aquifer connection in this area to our abstraction, which will assist in the risk assessments of future developments. We would also ask that mitigation measures be initiated if either the Chalk aquifer or contamination is encountered to avoid impacting the aquifer.

5.13 NHS East and North Hertfordshire Clinical Commissioning Group

- 5.13.1 Should this development of 576 dwellings go ahead, based on an occupancy of 2.4 it will create circa 1,382.4 new patient registrations.
- 5.13.2 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.
- 5.13.3 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.
- 5.13.4 '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.
- 5.13.5 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.
- 5.13.6 Therefore, a financial contribution is sought towards the provision of GP Practices of £407,694.64. It is proposed to focus the monies on on the King George Practice Group and/or the Stanmore Medical Group of practices within whose patient registration boundaries this development directly falls. This may include the digitalisation of patient records to release rooms to increase clinical capacity by way of reconfiguration and any associated works. A trigger point of on occupancy of the 50th 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.
- 5.13.7 In addition, it is vital to consider the impact of developments and additional residents on community and mental healthcare. Therefore, a financial contribution of £1,380,376.00 would be sought towards acute, mental health and community costs. In terms of mental health and community health costs, £216,858 would be focused towards Stevenage Health & Wellbeing Centre. In terms of acute costs £1,275,529.00 would be focused towards Lister Hospital which includes undertaking refurbishment works.

5.14 Sport England

5.14.1 The population of the development is estimated to be around 1,382 people based on a typical dwelling occupancy of 2.4 persons per dwelling. This additional population will generate additional demand for community sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating or exacerbating existing deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new community sports facility needs arising as a result of the development. In its current form, the application makes provision for small pocket parks and a shared amenity/play space but no on-site provision for outdoor sport or indoor sport facilities. As set out in paragraph 5.28 (h) of the Planning Statement, it is anticipated that a Section 106 Planning Obligation would be required in order to secure benefits including off-site public open space provision.

5.14.2 The evidence base for community sport and local planning policy context can be summarised as follows:

The Stevenage Local Plan (2011-2031) includes policy HC8 which supports residential developments where on-site sports facility provision or a commuted sum is made in accordance with the standards in the Council's Sports Facilities Assessment & Strategy.

Stevenage Borough Council's Sports Facility Assessment and Strategy 2014-2031 (2015) provides a robust assessment of current and future community sports facility needs to support the delivery of the local plan and development management. The assessment identified a range of quantitative and/or qualitative deficiencies for both indoor and outdoor sports facilities and identified priorities for addressing these needs. Policy HC8 and other relevant policies of the local plan have been informed by this evidence base and set out the priorities for how developments should make provision for sport. While needs have been identified for new facilities, there is an emphasis in the local plan and sports facility strategy on prioritising enhancements to existing facilities or the replacement of existing facilities in order to meet both current and future needs.

In view of the local planning policy and evidence base context, it is considered that in accordance with Government policy in paragraph 96 of the NPPF, a robust local basis exists for justifying the provision of outdoor and indoor community sports facility provision to be made by this development.

5.14.3 In terms of outdoor sport, the preference is for provision to be made through financial contributions secured through a Section 106 agreement. Using Sport England's Playing Calculator the development would require a demand for additional grass and artificial pitches. In view of this, it is requested that a sum of £167,226.00 is provided to address this requirement. Additionally, it is calculated that the development would generate a need for 1.28 changing rooms requiring a contribution of £239,879.00. Sport England, therefore, advises that consideration should be given by the Council to using the figures from the calculator to inform the level of a financial contribution.

5.14.4 With regard to indoor sports provision, using the Sport England Sports Facilities Calculator (SFC), this indicates that a population of 1,382 in Stevenage Borough will generate a demand for 0.10 sports halls (£267,450.00), 0.07 swimming pools (£283,031.00) and 0.08 indoor bowls centres (£35,021.00) (total £585,502.00). This money could be used toward the replacement of or upgrade of the Stevenage Swimming Centre and/or the Arts and Leisure. Sport England, therefore, advises that consideration should be given by the Council to using the figures from the calculator to inform the level of a financial contribution.

5.14.5 As there are no confirmed proposals at this stage for meeting the development's outdoor or indoor sports facilities needs an objection is made to the planning application in its current form.

5.14.6 Finally, Sport England acknowledge that scheme viability may be an issue and there are competing priorities in terms of affordable housing and other infrastructure for the use of financial contributions. They emphasise that their response to the application represents non-statutory advice to the Council on the demand generated for community sports facilities by the proposed residential development. The Council, as the local planning authority, will therefore need to consider how much weight to give to this advice in the context of viability considerations and other competing infrastructure requirements that may apply to this application. This is not a matter that Sport England can review its position to account for as it is not within our remit to advise on these matters and it would be inappropriate to do so. Without prejudice to the above position, if the Council is not of the view that the contributions sought by Sport England can be secured without compromising the viability of the delivery of the scheme or impacting on other planning obligations that may be sought then I would advocate that the maximum possible contribution is sought within the financial constraints of the scheme.

5.15 Network Rail

5.15.1 There are no objections to the proposed development but there are a number of requirements the applicant will need to comply with due to the proximity of the electrified railways. The requirements which need to be adhered to cover the following:-

Drainage;
Protection of existing railway drainage assets within a clearance area;
Fail safe use of crane and plant;
Excavations and earthworks;
Security of mutual boundary;
Armco safety barriers;
Fencing;
Method Statements/Fail Safe/Possessions;
OPE;
Demolition;
Vibro-impact machinery;
Scaffolding;
Cranes;
Encroachment;
Noise/soundproofing;
Trees/Shrubs/Landscaping;
Lighting;
Access to railway.

5.15.2 It is recommended that issues of drainage, boundary fencing, Armco barriers, method statement, soundproofing, lighting and landscaping should be the subject of conditions.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. At the time the revised NPPF was published, the Stevenage Local Plan was subject to a Holding Direction by the Secretary of State following an Examination in Public in 2017. On 25 March 2019 the Secretary of State withdrew the Holding Direction on the understanding that the Council would adopt it as part of the Development Plan. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan be considered up to date for the purpose of determining planning applications.
- 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 SP9: Healthy Communities
 Policy SP11: Climate change, flooding and pollution;
 Policy SP12: Green infrastructure and the natural environment;
 Policy SP13: The historic environment;
 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 HO7: Affordable housing targets;
 Policy HO8: Affordable housing tenure, mix and design;
 Policy HO9: House types and sizes;
 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 NH7: Open space standards;
Policy NH10 – Conservation Areas;

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; housing policies and planning obligations; the impact on the character and appearance of the area generally, the impact on both existing amenities and proposed occupants; the effect of the proposals on the highway network and the adequacy of parking provision, trees, ecology and landscaping and climate change.

7.2 Land Use Policy Considerations

Loss of Employment Land

- 7.2.1 Policy EC7 of the adopted local plan: Employment Development and Unallocated Sites states that new major employment development will not be permitted outside of allocated areas and centres. Additionally, this policy also addresses the circumstances for planning applications which seek development causing the loss of employment land on sites not allocated for any specific purposes. This part of the policy states:-

‘Planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where:

- i) There is sufficient suitable employment land available elsewhere;
- ii) The proposals provide overriding benefits against other objectives or policies in the plan; or
- iii) It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time’.

- 7.2.2 With regard to part iii above, the advice in the local plan suggests that “the Council would normally expect a site to be have remained vacant and be actively marketed for a period of at least six months to satisfy criterion iii”. To support the application a marketing report has been provided by the applicant. This confirms that local estate agents Brown & Lee were instructed by Talk Talk UK to market the excess office space in the building in June 2011. At that stage, Talk Talk was intending to remain in the building after their lease expiry in September 2015. The property was marketed both wholly and partially over the previous 7 years, with very little interest.

- 7.2.3 The marketing initiatives undertaken included: Letting boards outside the property located on Lytton Way; an A4 sided full-colour brochure was produced and mailed to local occupiers along the A1(M) corridor, including Letchworth Garden City, Hitchin, Stevenage, Welwyn Garden City and Hatfield. Other commercial agents including Matthews & Goodman and Lambert Smith Hampton were instructed alongside Brown & Lee in order that the building could be marketed more widely. The property was also marketed online through local estate agent websites and EG Property Link.

- 7.2.4 The main feedback received from the marketing process included: the appearance of the building was deemed to be too ostentatious for Stevenage, putting potential occupiers off. The design was not what was expected by companies seeking to occupy space in Stevenage. Larger scale occupiers deemed the layout and floorplate efficiency to be poor. The service charge of £11 per sqft was too high for many potential occupiers. The cumulative effect of service charge, along with rent and business rates was too expensive for occupiers seeking space in this market.
- 7.2.5 Further to the above, an analysis of the Stevenage office market was undertaken and has demonstrated that there is very weak demand from occupiers. Demand is for the best buildings in each centre and there is a lack of this in Stevenage. The result of this is dated schemes such as the Icon Building are struggling to find occupiers and will remain unlet for the foreseeable future. This has been evidenced in the case of the site through minimal interest from potential occupiers, despite an intensive 7 year marketing process. It is, therefore, clear that office demand in Stevenage is poor, particularly for the type of office accommodation which the Icon Building offers.
- 7.2.6 In view of the above, it is considered that the building has been actively marketed in accordance with the requirements of policy EC7 of the local plan and it has been demonstrated that there is no demand to continue to use the building for office purposes.

Compliance with the Council's Housing Policies

- 7.2.7 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".
- 7.2.8 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.
- 7.2.9 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".
- 7.2.10 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.
- 7.2.11 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.

- 7.2.12 The proposal consists of the creation of 576 dwellings and a mixture of studio, 1, 2 and 3 bedroom units. The proposed layout covers the bulk of the site area, including over the footprint of the former office building and as associated curtilage. The land is, therefore, considered to be previously developed for the purposes of policy HO5. Furthermore, the proposal does not see the loss of public amenity space, and is close to the local bus, rail and cycle network. As such, the proposal is considered to be in a sustainable location.
- 7.2.13 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.
- 7.2.14 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.
- 7.2.15 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 1, 2 and 3 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.
- 7.2.16 The impact of the proposal on the local environment and surrounding properties will be addressed later in this report, however, 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 144 affordable units.
- 7.3.2 Policy HO7 continues that "planning permission will be refused where these targets are not at least achieved unless:

- a) Developers robustly demonstrate that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or
- b) Meeting the requirements would demonstrably and significantly compromise other policy objectives.”

7.3.3 Additionally, advice in the Planning Practice Guidance (PPG) refers to viability and sets out the key principles for viability and plan making. This seeks to ensure that policy requirements are taken into account when land is valued and purchased and goes on to state that “the price paid for the land is not a relevant justification for failing to accord with relevant policies in the plan”. Where viability statements are required at the decision taking stage, then the PPG reinforces the responsibility of the applicant to be transparent in terms of the assumptions behind the evidence provided. The principles of carrying out viability assessments are:-

“to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission”.

7.3.4 In this instance the applicant has provided a detailed financial viability assessment which demonstrates that the proposal is unable to provide the policy compliant position of 25% affordable housing. This appraisal has been independently assessed by the Council’s own viability consultants who have confirmed that the application is unable to provide the full amount of affordable housing provision and other S106 contributions required toward infrastructure improvements, such as Education, Libraries, Youth etc, NHS and sport. In submitting the application the developer was offering 9% affordable housing. However, when all the other S106 requirement requested by HCC, NHS Sport England and SBC were assessed this demonstrated that the scheme would be even more unviable.

7.3.5 However, following further negotiations with the applicant, whilst they accept the scheme is not viable, they are aware of the Council’s desire to achieve maximum affordable housing provision. In view of this, they have made an offer to the Council to provide the following levels of affordable housing taking into account the fact that they are eligible to Vacant Building Credit (VBC) which is offset against the affordable housing requirements. This is calculated on the floorspace of the development and then offsetting the amount of vacant floorspace. In the case of this application the development proposes 47,268 sq.m of floorspace; however, the current building is 11,316sq.m. As such, the qualifying amount of affordable housing required is calculated to be 76% of 25%. (47,268 sqm less 11,316 sqm = 24% of the proposed floorspace). Given the application is for 576 dwellings, using this assessment, 109 units would be sought under policy as affordable dwellings. In view of this, the applicant is proposing two affordable housing proposals to the Council:-

Option 1

7.3.6 The provision of 98 affordable homes all as Affordable Rent. The applicant considers that best meets the need for Affordable Homes within the District. That would equate to 90% of the required level (allowing for vacant building credit). This would be provided as follows:

35 x 1 bed

45 x 2 bed (4p)

10 x 3 bed (5p)

8 x 1 bed modular homes to be delivered on the Council’s development at Hertford Road. Should that not prove achievable, a financial contribution of £65,000 per modular home to enable delivery elsewhere on council land.

Option 2

- 7.3.7 A policy compliant version (allowing for VBC) of 109 affordable homes on site, comprising:

76 affordable rented homes (35 x 1 bed, 39 x 2 bed, 2 x 3 bed) (70%)
33 shared ownership homes (10x1 bed, 15x2 bed, 8x3 bed) (30%)

This latter option results in 76 rented homes being provided rather than 98.

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

- 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;
- Meets the requirements of Policy HO9 (House types and sizes);
- Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- Will remain at an affordable price for future eligible households.

- 7.3.9 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.

- 7.3.10 Having regard to the above and given the viability issues relating to the proposal either of these offers of affordable housing and housing mix are considered acceptable to the Council. However, the Committee may have a view on which option is most appropriate to the Council.

- 7.3.11 In addition to affordable housing, as referred to previously, financial contributions have also been requested in accordance with the Hertfordshire County Council tool kit toward NHS facilities, indoor and outdoor sports facilities and contributions to Stevenage Borough Council toward outdoor sport and children's play facilities. However, based on the outcome of the viability appraisal the applicant has confirmed that they are unable to pay the amounts requested in the table below. However, being aware of the implications a development of this scale would have on facilities they are prepared to pay a contribution toward some of the services, and these are also set out in the table below:-

Stevenage Borough Council	Financial Contribution Requested	Financial Contribution offered
Contribution toward outdoor sport and children play space improvements. These would include multi games areas at Shephalbury Park or King George V playing fields and improvements to Fairlands Valley Park – Maze and trim trail improvements.	£52,784.00	£52,784.00
Total	£52,784.00	£52,784.00

Hertfordshire County Council		
Primary Education - toward the new primary school proposed in Stevenage Town Centre	£3,333,870.00	£1,500,000.00 toward all HCC requirements incl Waste.
Secondary Education – towards the delivery of a new secondary free school at the former Barnwell East Secondary School.	£3,019,212.00	
Childcare Services towards a new pre-school, Clare Little Bear	£21,515.00	
Library Service – to support the re-provision of Stevenage Central Library as part of the redevelopment of Stevenage Town Centre.	£59,730.00	
Youth Services – for the re-provision of the Bowes Lyon Young People's Centre to provide a life-skills training kitchen, including group work area which will enable a greater number of young people to learn independent living skills.	£5,834.00	
Sustainable Transport – financial contributions towards improvements to cycle routes connecting the new development to the town centre and Gunnels Wood or improvements to Stevenage rail station or improvement of bus services between new development sites and the Town Centre.	£381,852	£22,754.00 to subsidise 2 hybrid electric vehicles for 2 years on site through Ubeqoo
HCC Waste facilities - towards either the replacement or enlargement of the current waste facility at Caxton Way		
Enlargement	£32,629.00	
Replacement	£57,811.00	
Travel Plan monitoring contribution	£6,000.00	£6,000.00
Total	£6,860,642.00 or £6,885,824.00	£1,528,754.00
NHS England and East & North Herts CCG		
GMS GP provision.	£407, 694.00	£81, 538.00
Acute, mental health and community costs.	£1,380,376.00	£0
Total	£1,788,070.00	£81,538.00

Sport England		
Indoor sports facilities - toward New Leisure Centre at Stevenage Swimming Pool/Bowes Lyon youth centre site (or alternative facilities) including maintenance contribution.	£585,502.00	£0
	£167,226.00	£0
Outdoor Sport facilities – toward artificial and turf playing pitch provision	£239,897.00	£0
Provision toward changing room provision		
Total	£992,625.00	£0
Overall Total	£9,694,121.00 or £9,719,303.00	£1,662,322.00
NOTE:- All financial obligations would be index linked.		

7.3.12 In addition to the above, there would be a requirement to secure fire hydrants on the application site which the applicant is prepared to provide.

7.3.13 Following further correspondence from HCC Growth and Infrastructure Unit, HCC have considered the £1.5m of S106 financial contributions which are being offered for the Growth and Infrastructure Unit requirements. HCC confirm their disappointment that they will not be receiving the full level of contributions which have been requested and are concerned that the £1.5m being offered will not provide sufficient mitigation towards those HCC services. However, they note that a viability assessment has been produced and that viability is a material consideration in the determination of the application for the planning authority.

7.3.14 In view of the above and in this instance, HCC is willing to accept the £1.5m to be used for the following requirements:

- £1,467,000 towards education provision
- £16,500 towards library provision
- £16,500 towards waste provision

TOTAL = £1,500,000

7.3.15 The above is on the understanding that the primary and secondary education contributions are combined into a single education contribution (totalling £1,467,000) and that the following definition is included in the committee report and S106 legal agreement ***“towards additional primary and/or secondary education provision serving the development”***. The reason for this requirement is that the £1,467,000 being provided is significantly less than monies required for either education project. Therefore HCC requires a degree of flexibility as to how the education contribution is divided between the primary and secondary education projects. Additionally, this is also on the proviso that the S106 legal agreement contains ‘clawback’ mechanisms which allow the future viability of the scheme to be reassessed and any increase or uplift in market conditions results in additional monies being provided for the underfunded HCC requirements.

7.3.16 The above requirements are considered reasonable to both the applicant and the Council and the definition will be included within any legal agreement. Additionally, due

to the viability issues relating to the proposal it was always the intention that there would be a “clawback” clause added to the S106 legal agreement.

- 7.3.17 To clarify the NHS position, whilst the developer is prepared to pay a sum toward GP provision, they do not agree to the financial contribution sought by the NHS in terms of the acute, mental health and community contribution which has been requested. Whilst the applicant does not dispute there is a need to support and finance these fundamental services; the financial contribution which has been sought does 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.*

- 7.3.18 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.

- 7.3.19 In terms of GP provision, the calculation is based on an assumption that 2.4 persons will occupy the new dwellings and this will create 1,382 new patient registrations at a cost of £407,694.64. However, the applicant contends that based on the 2011 census 10,880 persons live in 6,873 flats within Stevenage, an average household size of 1.58 in flats across Stevenage. Furthermore, the basis of the calculation that all new dwellings create new patient registrations is not accepted and is not an appropriate basis for contributions. Among the biggest drivers of household formation are people living longer or downsizing. Furthermore, the applicant contends that a significant number of new homes house people already living within the area, who will already be registered with a GP. The applicant, therefore, contend that based on household projections, whilst there will be an increase in households, a significant number are meeting a decline in household size and that only 20% of the household growth is from new households. In view of this, the applicant contends that only 20% of the contribution towards GP provision is required and are therefore prepared to pay 20% of the requested contrition which amounts to £81,538.00.

- 7.3.20 Finally, with regard to the request for a contribution towards sustainable transport, the applicant contends that site lies in central Stevenage, in a highly sustainable and accessible location. The transport statement sets out the diverse range of services and employment opportunities within close proximity to the site. There are also bus and rail services in very close proximity. Car parking within the development will be below the maximum standard and 574 cycle spaces are provided. The development is already well located for sustainable travel and measures are proposed through the application to support sustainable travel options. Additionally, as part of the application it is proposed to undertake improvements to the existing cycle and pedestrian linkages to the site. The applicant, therefore, contends that this request is unreasonable. However, they are willing to contribute toward the provision of 2 hybrid cars to serve the development as well as to provide and fund the monitoring of a Travel Plan.

- 7.3.21 To summarise, as set out previously, the application has been accompanied by a viability appraisal which has been assessed and found that the development would be

unviable, based on an initial submission providing 9% of affordable housing. However, following negotiations the applicant has offered to increase the level of affordable housing to a level which would be policy compliant taking into account VBC or an option to provide a lesser number but all as affordable rent. Furthermore, they are offering a contribution of £1,662,322.00 toward education, libraries, youth, waste and open space/children's play space provision. It is considered that this offer, based on the viability of the scheme is acceptable.

7.4 Impact upon the Character and Appearance of the Area

- 7.4.1 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that development 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.
- 7.4.2 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions”.
- 7.4.3 Policy GD1 of the adopted local plan 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.
- 7.4.4 The application site represents an “island” site which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road/Chequers Bridge Road to the north. In terms of the characteristics of the area, to the west beyond the railway are residential properties in Kilby Road/Watson Road, which comprise a mix of flats and dwelling houses. These comprise primarily 1 and 2 bedroom flats in buildings ranging between 4, 6 and 10 storeys in height, the tallest element being where the development adjoins Fairlands Way. Also as part of this development are a number of 2 storey 3 and 4 bedroom dwellings. To the west of this are residential properties in Fairview Road comprising mainly of two storey detached and semi-detached dwellings. Further properties are located in the Brik Kiln Road to the north west of the site.
- 7.4.5 To the east are properties in Ditchmore Lane, comprising a mixture of 4 storey offices (Saffron Ground), The Haven, a 3 storey development, The Gate Hotel and residential properties. Further north is Platform North, which is a recently converted 3 and 4 storey residential flatted development to the east of which are properties in the High Street.
- 7.4.6 To the north of the site beyond Trinity Road is a petrol filling station beyond which is the residential development of Monument Court, which is a flatted development which is 5/6 stories in height with undercroft car parking. To the north east of the site adjacent the eastern arm of Trinity Road is the Townsend Mews development which is a 4/5/6 storey flatted development.

- 7.4.7 Having regard to aforementioned assessment it is clear that the characteristics of the area comprise a combination of commercial premises including the application premises and a mixture of low medium and high rise residential developments.
- 7.4.8 In assessing the proposed development this would involve the demolition of the existing 7/8 storey glazed office building to be replaced with 7 flat blocks ranging across the site between 8 stories in height and 16 stories. The submitted plans indicate the two tallest buildings block 1 and 6 would be located at the southern (block 1) and northern (block 6) boundaries of the site. These are between 11 and 16 stories in height and would be set at an angle, with block 1 facing north east across the Trinity Road Lytton Way roundabout and block 6 toward the Fairlands Way/Lytton Way Roundabout. These buildings would have a height of between 35m and 50m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.9 Flat block 2 would be sited to the south of block 1 and comprises an 8 storey block which faces east/west with the front elevation facing toward Lytton Way. This has a height of 26m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.10 Flat blocks 3 and 4 would be sited either side of the proposed access to the site and are intended to frame the entrance to the development. These are similar in appearance and comprise of a 13 storey element adjacent to the access road reducing to an 11 storey element. These would face east/west with the front elevation facing toward Lytton Way and would have a height of between 33m and 40m. At ground floor level block 4 would contain a Gym, communal lounge area and a management lobby with residential accommodation on the floors above. Block 5 would have communal parking cycle facilities at the ground floor along with residential accommodation similar to the remainder of the blocks.
- 7.4.11 Block 5 would be positioned toward the southern part of the site located between blocks 4 and 6 and comprises an 8 storey block and would be similar in appearance to block 2. This faces east/west with the front elevation facing toward Lytton Way and has a height of 26m. This would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.12 The final element of the scheme is block 7 which would be located toward the western part of the site set back behind the other 6 blocks which face onto Lytton Way. This is a part 6 storey, part 9 storey building having a height ranging between 20m and 30m. This unit would incorporate undercroft parking and cycle facilities at the ground floor with the residential accommodation above.
- 7.4.13 Having regard to the setting of the site, as indicated previously, there is no particular characteristic to the area albeit the most recent development has tended to be the residential developments to the north, east and west of the site, with the Kilby Road/Watson Road development being most prominent containing a 10 storey flatted element. The other flatted development is at a lower height. The current application seeks to introduce a series of tall building on the site ranging between 8 and 16 stories in height. Clearly the introduction of these dwellings and particularly the taller buildings at the north and southern end of the site would be seen as prominent features in the street scene, located at nodal points in the highway network.
- 7.4.14 The applicant has designed the development to create its own character and sense of place with the intent to create a series of differing, yet linked block typologies that front Lytton Way. The use of the higher buildings are intended to create gateway features which will be recognised by road users, as is the case with the tall flatted block in the Watson Road/Kilby Road development. The use of differing heights adds variety to the

development with the framing of the access to the site by blocks 3 and 4 offering views through to the rear of the site framing block 7. The layout is such that the buildings would front Lytton Way, allowing for the service road and parking areas to be provided to the rear of the development. In particular, this allows for central amenity areas sheltered within the site. The site benefits from existing mature trees and grassed banking, particularly along Lytton Way and it is intended that where appropriate this would be retained. Additional to this, it is also proposed to introduce landscaping within the development allowing for a mixture of pocket green spaces and paved areas between the blocks acting as more private communal amenity.

- 7.4.15 With regard to the appearance of the buildings, these would all be finished in facing brickwork. The taller elements will be light grey brick with the lower section consisting of the darker tones. Balconies and windows will provide accented colour throughout the building. The two grey tones of brickwork are intended to form a striped banding at ground floor level to connect all buildings across the development and add further architectural variety at pedestrian level. All of the residential properties would have their own individual metal balconies which from a design perspective help to break up the facades and add interest to the appearance of the buildings.
- 7.4.16 Paragraphs 193 to 196 of the NPPF (2019) have to be considered in the determination of this planning application. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets. Paragraph 193 stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance
- 7.4.17 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required to having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.4.18 The application has been assessed by the Council's Conservation Advisor who has assessed the impact of the development of the nearby Old Town Conservation Area and listed buildings. However, due to the distance from Ditchmore Lane to the site (approx. 100 metres) and the way the site is physically divorced from the Old Town area by the busy Lytton Way, it is considered that the new development, whilst it will be visible, will not have a harmful impact upon the significance of the Conservation Area and Listed Buildings through development within its setting. In view of this, whilst the proposal is not considered to enhance the significance, character and appearance of the Old Town Conservation Area, it is considered to preserve its setting and significance in line with the NPPF. Accordingly, it is considered that the proposal will have a less than significant effect on these nearby heritage assets.
- 7.4.19 In conclusion on this issue, taking account of the factors referred to above, whilst it is accepted that the site is an elevated site in a prominent gateway location into the town centre, it is considered that the form and design of the proposed scheme respond imaginatively to the context and constraints of the site. The layout has been carefully designed to introduce a series of tall buildings which respond to Lytton Way and create a high density scheme that would fit in with the existing character of the surrounding area.

7.5 Impact upon Neighbouring Amenity/Future Residential Amenity

- 7.5.1 As referred to above, the application site is considered to be an “island” site which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road/Chequers Bridge Road to the north. In view of this, the application site does not physically adjoin any residential developments. In assessing the impact on neighbouring amenity, the Council’s Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new developments. In this regard the, when assessing developments over 2 storeys in height the recommended separation distances are 30m for a back to back relationship or 20m for a back to side relationship. There are no standards relating to front to front or front to rear relationships.
- 7.5.2 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line. These developments are located between 50-60m away from the proposed development. Given this separation, they accord with Council’s adopted standards. Similarly, given this level of separation there would be no significant loss of light to these properties. In terms of the Monument Court development, this lies to the north of the site and is over 50m away and again accords with the guidance. Additionally, proposed Block 1 would be angled such that it faces in a north east direction over the Trinity Road/Lytton Way roundabout away from this development. In assessing the impact on properties within Townsend Mews and backing onto Lytton Way facing Ditchmore Lane, these would be over 50m away from the proposed development. Again, this would result no significant loss of light to these properties.
- 7.5.3 Having regard to the aforementioned relationships and separation, it is considered that there would be no sustainable objection to the development with regard to the impact on the amenities of nearby residential properties.
- 7.5.4 In assessing the future residential amenity which would be provided by the proposed development, all of the dwellings accord with the space requirements set out in the adopted local plan. In terms of relationship between units, the majority of the development has a side to side relationship. In terms of Block 7 as this would be located to the rear of blocks 3 and 4 and there is a possibility that there would be some overlooking between the rear and front of these dwellings. Whilst there is no separation standard for this relationship in the Design Guide, this could be an issue. However, given the fact this is a high density development, this relationship would be known to future occupiers of the development and they would, therefore, be aware of this prior to deciding to occupy the dwellings.
- 7.5.5 In terms of layout, each building consists of 1, 2 and 3 bedroom apartments providing eight/nine units per floor. Over 50% of the apartments are dual aspect and the majority of the larger units are located on corner plots. The one bedroom flats are generally single aspect with private amenity space, open plan kitchen/living/diners and have direct access to private balconies. The two bedroom units are generally dual aspect with kitchen/ living/diners achieving views across two directions. The main bedroom offers an en suite. The 3 bedroom units are dual aspect and offer a main bedroom with en suite and communal bathroom. These have open plan kitchen/living/diners and have direct access to private balconies. Additional to this, 50% of the units will comply and exceed the accessible and adaptable dwelling requirement as set out in the Local Plan. Finally, the development is proposed to be constructed out of appropriate materials which would accord with the requirements of the building regulations legislation relating to fire safety.

- 7.5.6 With regard to amenity space, the Council's Design Guide recommends that 50 sqm of amenity space plus an additional 10sqm per unit over 5 is required. This also states that where there is no communal space, effort should be made to provide balconies or roof gardens. It is proposed to provide approximately 900 sq m of amenity space within the development which includes an equipped play area in the amenity space along with sculptural play within the courtyard spaces between the buildings and in the equipped amenity space. Added to this, all of the buildings are provided with balconies, the approximate size of which is 5 sqm which will provide an area of open space for the occupiers. This provision would be below the standards recommended in the Design Guide providing approximately 65% of the requirement. The reason for the limited amount of amenity space is caused by the constrained shape and banked frontage of the site.
- 7.5.7 Notwithstanding the above, the site is within 5 minute walking distance of the King George recreation ground which offers a range of open space and play equipment and facilities. Additionally, there are the Medway Playing field and the play area at Cutty's Lane within a 10 minute walking distance. Having regard to this available public open space nearby, it is considered that the combination of this on-site and off-site open space/play space provision would be appropriate to serve the development. Added to this, the developer is offering a financial contribution toward improvements to off-site sport and children's play facilities and one of the possible projects would relate to King George V playing fields.
- 7.5.8 Having regard to the above assessment, it is considered that future residents of the dwellings will all have an acceptable living environment.

7.6 Highway Safety

- 7.6.1 The plans and Transport Assessment (TA) submitted with the application identify that the existing vehicular access will be retained and utilised for the proposed development. The site is directly accessed from the northbound carriageway of the A602 Lytton Way via a left-in left-out priority junction. The access is located approximately 110m south of the A602 Lytton Way/Trinity Road roundabout and 150m north of the A602 Lytton Way/A1155 Fairlands Way roundabout. An internal spine road will run through the centre of the site providing connectivity to the various residential blocks and associated parking provision.
- 7.6.2 The TA considers the full development traffic impact for 2024, the anticipated full occupation year of the proposed development. To identify these impacts, baseline conditions in 2024 without the development are first assessed. The future baseline background growth and trips is established by assessing that which could be generated by the office building assuming full occupation.
- 7.6.3 Vehicular trip generation for the existing office building, assuming full occupation, have been calculated using the Trip Rate Information Computer System (TRICS) database v.7.4.4. Assuming the building is fully occupied under its permitted usage as an office (B1 land class), it would generate a total of 143 vehicle trips in the AM peak hour (131 arrivals and 12 departures) and 129 vehicle trips in the PM peak hour (10 arrivals and 119 departures). Coinciding with standard working hours, the majority of trips arriving to the site occur in the AM peak hour whereas the majority of trips departing the site occur in the PM peak hour.
- 7.6.4 This model indicates that the operation of the A602 Lytton Way/Trinity Road roundabout is not significantly altered by 2024 with the addition of background traffic growth and vehicles associated with the office in full occupation. In terms of the operation of the A602 Lytton Way/A1155 Fairlands Way roundabout this is pushed over capacity by 2024 with the addition of background traffic growth and vehicles

associated with the office in full occupation. Finally, the A602 Lytton Way/site access priority junction is forecast to operate with significant reserve capacity.

- 7.6.5 With the proposed redevelopment, the flats would generate a total of 152 vehicle trips in the AM peak hour (34 arrivals and 118 departures) and 184 vehicle trips in the PM peak hour (124 arrivals and 60 departures). Coinciding with standard working hours, the majority of trips departing the site occur in the AM peak hour whereas the majority of trips arriving at the site occur in the PM peak hour. The trips associated with the residential dwellings have been added to the 2024 future baseline values to form the “future baseline with development” scenario.
- 7.6.6 The comparison demonstrates a significant reduction in arrivals to the site during the AM peak hour and departures from the site in the PM peak hour generated by the proposed residential development compared to the permitted office use. However, there are additional departures from the site in the AM peak hour and greater arrivals in the PM peak hour. This is due to the reverse tidal nature of trips associated with the two land use types with the residential development generating trips and the office building attracting trips in the AM peak hour and the reverse occurring in the PM peak hour.
- 7.6.7 Overall, the proposed redevelopment is forecast to generate a net increase in the total number of two-way movements in both the AM and PM peak hours; however this is minimal in the AM peak hour.
- 7.6.8 With regard to the impact on the highway network, the model outputs indicate that in the 2024 future baseline with development scenario, there is a slight improvement of performance on the A602 Lytton Way (North) and Trinity Road (East) arms in the AM peak compared to the 2024 future baseline with permitted office use scenario. However, this benefit is offset by a reduction in performance on the A602 Lytton Way (South) and Trinity Road (West) arms. In the PM peak hour, the reverse pattern is evident although queues and delays have reduced or maintained at the same level compared with the 2024 future baseline with permitted office use scenario.
- 7.6.9 In terms of the Lytton Way/Fairlands Way roundabout, the model outputs indicate that in the 2024 future baseline with development scenario, there is a slight improvement of performance on all arms except the A602 Lytton Way (North) in the AM peak hour. The A1155 Fairlands Way (East) was at theoretical capacity in the 2024 future baseline with permitted office use scenario but the redevelopment would reduce this. The performance improvements on the A1155 Fairlands Way (East) are greater in magnitude than the dis-benefits to the A602 Lytton Way (North) and, as such, there is no significant change to the junction performance. In the PM peak hour, the performance of the junction is marginally worsened with slightly elevated flow capacity increases. However, at the A602 Lytton Way (South) and A1155 Fairlands Way (West) junction there are significant increases in the associated queue and delay values.
- 7.6.10 This modelling indicates that the A602 Lytton Way / A1155 Fairlands Way roundabout to operate within capacity in the AM peak hour with marginal improvements to performance. In the PM peak hour the junction is forecast to operate over-capacity; however, the impact of the proposed development is not deemed severe when compared to the 2024 future baseline with permitted office used scenario.
- 7.6.11 In respect of the A602 Lytton Way/Site Access priority junction with the development in place, this is forecast to operate with significant reserve capacity and the impact of the proposed development is not deemed severe when compared to the 2024 future baseline with permitted used scenario.
- 7.6.12 Finally, with regard to the A602 Lytton Way/Trinity Road roundabout the modelling demonstrates that this remains within capacity and the impact of the proposed

development is not deemed severe when compared to the 2024 future baseline with permitted use scenario.

- 7.6.13 Due to the proximity of the proposed development site to Stevenage Railway Station, Stevenage Bus Station, local bus stops and the segregated pedestrian/cycle network, along with the restricted car parking provision for the residential development, the assessment of the net change in multi-modal trips represents a robust assessment of the redevelopment's impacts. Furthermore, the application accords policy IT5 of the adopted local plan as there will be safe, direct and convenient routes within the development and links with the existing segregated walking and cycle network which provides appropriate means to traverse the highway network. Additionally, the site is well served by passenger transport services from Stevenage Railway Station and Stevenage Bus Station offering onward local, regional and national travel. Whilst it is considered that the development site is well connected to the existing cycle network, it is proposed as part of the development to improve the existing southbound ramp to the site which would be replaced with a 3m wide ramp with a gradient of 1:20 to connect directly to the pedestrian/cycle network providing for southbound, eastbound and northern journeys. A pedestrian link is also to be provided from the site to Trinity Road to support northbound and westbound journeys, linking into Chequers Bridge Road. These improvements have been provided in accordance with the advice from HCC highways.
- 7.6.14 Finally, as part of the application it is proposed to provide a contribution toward 2 hybrid cars for use by occupiers of the development as well as the provision of a number of individual electric charging points throughout the development. Additional to this a residential travel plan has been submitted as part of the application and appropriate funding would be provided in order to monitor and implement the requirements of this plan.
- 7.6.15 In summary, junction capacity assessments have been undertaken to establish the net impact on traffic flows on the highway network surrounding the proposed development. These indicate that the A602 Lytton Way/Trinity Road roundabout operates marginally below its theoretical capacity in all scenarios; the A602 Lytton Way/site access junction is forecast to operate with reserve capacity in all scenarios and the A602 Lytton Way/A1155 Fairlands Way roundabout would operate over-capacity in the 2024 future scenarios. However, when comparing the future baseline associated with the permitted use to the future baseline plus development scenarios, the impact of the proposed development is minimal. HCC as highway has assessed the highway implications of the development and consider that it has been demonstrated that the development will not have a severe vehicular impact on the highway network in comparison to the use as an office.
- 7.6.16 With regard to non-car modes of transport, the proposed development is predicted to generate a net increase in journeys undertaken by train compared with the permitted use of the site. The additional demand by rail is likely to be spread across the many services that are available from Stevenage Railway Station; therefore, the impact on existing train capacity is likely to be negligible. A net decrease in journeys undertaken by bus is anticipated in comparison to the permitted use of the site, as a result of workers being more likely to travel by bus than residents. However, the net impact on public transport services is not considered appropriate to seek additional services or public transport facilities for the proposed development. Additionally, it is considered that any increase in walking and cycling trips can be accommodated by the extensive network of good quality segregated footways/cycleways that surround the site. The network provides good quality connections to the town centre and key employment areas as well as access to transport interchanges including Stevenage Railway Station and Stevenage Bus Station.

7.6.17 With regard to servicing and emergency access for the site, this will be via the existing vehicular access. Swept path analysis of the proposed internal spine road for a large refuse vehicle of 11.3m in length has been undertaken which demonstrates that a refuse vehicle can safely access and egress the site. Similarly, an assessment has been undertaken which confirms that a fire tender of 8.6m in length can also safely navigate through the site.

7.7 Parking Provision

7.7.1 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 developments based on the number of bedrooms. The proposed development would comprise the following accommodation schedule:

- 20 no. studio apartments (1 parking space);
- 249 no. one bedroom units (1 parking space);
- 257 no. two bedroom units (1.5 parking spaces).
- 50 no. three bedroom units (2 parking spaces);

7.7.2 Taking into consideration of the above, there would be a requirement to provide 755 off-street parking spaces. However, the application site is located within residential accessibility zone 1 where the Council would seek between 25% to 50% of the maximum number of car parking spaces to serve the development. In this regard, the Council would require between 188 to 378 parking spaces. The proposed development would seek to provide 274 car parking spaces which would be in accordance with the Council's adopted standards. The applicant has confirmed that the parking areas would not be allocated and, as such, there would not be a requirement to provide additional visitor parking. Additional to this, 5% of the total number of spaces should be designated for disabled persons. In this regard, 15 disabled bays are provided as part of the overall parking provision which accords with the policy. With regard to the proposed Gym within the ground floor of block 4, as this would be for occupiers of the development and ancillary to the proposed residential use, there would be no requirement to provide additional parking facilities to serve this element.

7.7.3 In assessing car parking provision associated with the development, the submitted plans indicate that all of the proposed flat blocks with the exception of block 4 would be designed with an element of undercroft parking with the remainder of the provision being unallocated parking bays located to the rear of the proposed flat blocks.

7.7.4 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. As part of the development 576 cycle parking spaces are proposed spread across the individual units.

7.8 Development and Flood Risk

7.8.1 The application site is located in 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 and Flood Risk Assessment.

7.8.2 The Flood Risk Assessment and Drainage Strategy have been assessed by the Lead Local Flood Authority (LLFA) who initially raised objections. However, following the

submission of additional information it has been confirmed that Thames Water are willing to accept flows restricted to 12.0l/s if it is proven the site cannot discharge adequately to either soakaways or existing watercourses. Given the constraints of the site and proven low infiltration rates, the LLFA consider this method of discharge to surface water to be acceptable.

7.8.3 Additionally, the LLFA are satisfied with the list of SuDS management stages regarding quality management and treatment, including pollution hazard indices and the mitigation provided from the SuDS features, such as permeable paving and detention basin. Additionally, the LLFA note that the schematic drainage strategy drawing has been updated to include indication of exceedance surface water flow paths in events greater than the 1 in 100 year + 40% climate change rainfall return period.

7.8.4 Finally, the LLFA have confirmed that they are satisfied that given the constraints of the site in an urbanised area, the proposed drainage strategy demonstrates appropriate consideration of the SuDS hierarchy and the choice of SuDS methods is justified.

7.8.5 Having regard to the aforementioned assessment the proposed development is considered to be acceptable from a sustainable drainage viewpoint.

7.9 Trees/Landscaping/Ecology/ Biodiversity

7.9.1 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.

7.9.2 An arboricultural report has been submitted with the application which confirms that there are some trees of modest amenity value on site, most of which are 'B' and 'C' category standard trees. There were 95 individual trees, 32 groups and 4 hedges surveyed on-site or immediately adjacent to the site boundary. The dominant individual tree species are Rowan and Whitebeam, with Sycamore, Horse Chestnut and Maple as the other standard trees present. There are some low quality trees on site that it is recommended should be felled regardless of the constraining development. 18 trees and 5 groups within category 'B' and 28 trees, 5 groups and 3 hedges within category 'C' are in conflict with the proposed layout and will be required to be felled, as well as a section of a further category 'B' group trees.

7.9.3 In addition to the above a landscaping strategy has been submitted with the proposal identifying proposed new planting and open space provision within the development. The existing landscaped embankment towards Lytton Way will be enhanced further with additional shrub and tree planting to integrate the buildings better into the landscape when viewed from the road. It is proposed that embankment slopes will have large swathes of ground cover and meadow grass offering year round interest. Access into site will be along a two-way permeable block paved street with raised pavements. Low hedges and an avenue of trees will provide a formal soft edge on either side of the access square. The access road will lead into a shared surface nodal square framed by attractive, permeable block paving with decorative, specimen trees. A further row of formal planted trees to the west will terminate the space and the view leading into the site. The reinforced planting along this stretch will also provide privacy and seclusion for ground floor units.

7.9.4 Trees will be used throughout the development as focal features through the spaces in order to improve legibility throughout the site and reinforce local character. Street trees, with oblong crown shapes will reinforce the linear spaces and provide softened frontage to the tall residential blocks. Amenity terraces between the development

blocks will have smaller multi-stem and single stem trees with ornamental value to create a more intimate setting around them. Trees along the edge to network rail track have been carefully selected following a consultation with network rail to exclude species that are not acceptable along the edge of the railway.

- 7.9.5 The proposals have been assessed by the Council's Parks and Amenities Section who whilst raising no objection to the proposal have raised queries about the layout of the landscaping and particularly the proposed play area. They have also queried the future maintenance of the open space. As part of any grant of permission conditions can be imposed requiring details of the proposed play area including the proposed gradient and layout/equipment to be submitted to the Council for approval. Additionally, whilst details of the proposed new landscaping have been referred to in the submitted landscape strategy, these details can also be required for submission for approval.
- 7.9.6 Overall, it is intended to retain a number of the trees at the site, particularly toward the rear boundary. Whilst it is accepted that some poor quality trees would need to be removed as part of the proposal, it is considered that with appropriate replacement and additional landscaping the development would have an acceptable appearance.
- 7.9.7 With regard to ecology, a desktop study was carried out for any statutory or non-statutory wildlife sites within 2km of the proposal area. The data search identified one statutory designated site and eighteen non-statutory designated sites within 2km of the application area.
- 7.9.8 With regard to the site itself, surveys were undertaken of the existing building and the site. The main building is a large modern multi-storey office building, constructed of brick and steel with mainly large glass which has an under-building car parking area with the main structure above. Along the rear of the building and to the north are large areas of car parking and landscaped areas typical of a multi-office business site. The building is considered to offer no ecological value due to the style and materials used in its construction.
- 7.9.9 With regard to nesting birds, shrubs and trees on and adjacent to the site showed limited potential to support nesting birds. In terms of Bats, the main building on site was considered unsuitable for roosting bats, being mainly of glass and brick construction, with no features such as cracks or roof voids that could be used by roosting bats. Additionally, none of the trees on or bordering the site showed potential for roosting bats. The site showed limited potential for foraging and commuting activity, with few hedgerows or avenues of trees and little connectivity to the wider environment.
- 7.9.10 The survey of the site identified that there was little habitat on site that was considered suitable for reptiles, with shortly mown grass surrounding much of the site and a lack of potential shelter features. The area to the north west of the site was densely vegetated with ivy and scrub and was considered unlikely to support reptiles. As with reptiles, it was considered that there was little habitat suitable for great crested newts as there are no ponds nearby or with connectivity to the site. Finally, there was no evidence of Badgers using the site.
- 7.9.11 To summarise on ecology, the site has the potential to support nesting birds and foraging and commuting bats, however, there is no other habitat on or immediately adjacent to the site that shows potential to support any other protected flora or fauna. Notwithstanding this, it recommended that trees, hedgerows and shrubs present should be retained and enhanced with additional planting of native species where possible, to ensure the continued provision of bird nesting habitat on site.

7.9.12 In assessing improvement to biodiversity, the proposed development includes areas of landscaping with opportunities to include several biodiversity enhancement measures, namely the establishment of species-rich grassland, planting of new hedgerows and trees, and planting of nectar-rich shrubs. The calculation of Defra biodiversity offsetting metrics for the current and proposed habitats confirms that the proposed development is likely to lead to an enhancement to local biodiversity. The inclusion of scattered trees, introduced shrubs (provided they comprise a mixture of nectar-rich or otherwise valuable species for wildlife), hedgerows and species-rich grassland have the potential to provide a refuge for wildlife in an area otherwise dominated by urban development. This would help to provide high-quality connecting habitat to areas of greenspace in the wider landscape. Inclusion of additional enhancements within the buildings will add further to overall biodiversity enhancement of the Site.

7.10 Sustainable Construction and Climate Change

7.10.1 Policy FP1 of the 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.

7.10.2 The applicant has provided a sustainability statement with the application, including building performance. This indicates that the buildings would be designed to achieve low energy carbon emissions by using passive solar design in order to minimise heat loss in the winter and overheating in the summer by using natural light and ventilation as much as possible. Community heating with the use of high efficiency commercial boilers will be provided. Additionally, the development will be constructed using enhanced building fabric specification with low air permeability rate and calculated thermal bridging. Added to this, low NOx commercial gas boilers will be specified for the community heating scheme to ensure that the local air pollution levels are not increased.

7.10.3 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.

7.10.4 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.

7.11 Other Matters

Crime Prevention/anti-social behaviour/security

7.11.1 In regards to crime prevention it is noted that concerns have been raised by local residents that the development could have an impact on their security. In addition, they have raised concerns that the development could generate issues of anti-social

behaviour. Whilst these are not planning matters, there is a requirement under the NPPF to design out crime. Nevertheless the Police Crime Prevention Design Advisor (PCPDA) has been consulted on the application and whilst raising concerns has indicated that these could be mitigated by engaging with the PCPDA with the intention to achieve the Police minimum security standard that is Secured by Design. The applicants have confirmed that it is their intention to engage with the PCPDA with a view of achieving secure by design accreditation.

Health Impact of the development

- 7.11.2 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.
- 7.11.3 In relation to the recommendation of submitting a Health Impact Assessment for this development, there is no statutory requirement 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.

Impact on Property Values/Loss of Views.

- 7.11.4 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. Further, there is no evidence that there would be any material effect on existing property values. Similarly, the right to a view is not deemed to be a material planning consideration.

Air Quality

- 7.11.5 An Air Quality Assessment has been carried out to assess the effects of both construction and operation of the proposed development on the application site and surrounding area. The air quality impacts have been calculated using the ADMS-Roads gaussian dispersion model. Major roads in the vicinity of the development site have been modelled explicitly within 200 metres of assessed receptors for the 2017 baseline scenario, the future without the development scenario and the future with the development scenario.
- 7.11.6 The results of the assessment indicate that baseline air quality conditions at nearby existing receptors meet the annual mean NO₂ national objective of 40 µg/m³ and are expected to reduce further by the first operational year of 2023.
- 7.11.7 The results of the dust risk assessment indicate that construction activities may have, at worst, high air quality impacts at nearby receptors without mitigation. These impacts can be minimised or removed through the implementation of a published construction phase dust management plan which details appropriate mitigation measures and dust

monitoring. Air quality impacts from construction vehicles are anticipated to be negligible, due to the low number of vehicle movements.

- 7.11.8 Baseline information indicates that new receptors will not be introduced into any area breaching air quality objectives. Detailed dispersion modelling has shown that NO₂ concentrations at 21 assessed receptors around the development and the development itself, which include locations representative of worst-case exposure, will be within the annual objective during the first year of operation. There will be a negligible impact on local air quality from operational traffic.
- 7.11.9 In view of the aforementioned it is considered that the development would result in an acceptable level of air quality.

8. CONCLUSIONS

- 8.1 In summary, the principle of residential development has been established as being acceptable on this windfall site. In addition, whilst considered a high density scheme, the development is located within a sustainable location with access to local buses, train station, the nearby cycle and pedestrian network and is in close proximity to both the Old Town and Stevenage Town Centre and the facilities which they provide. In view of this, the proposal is considered to accord with the Council's adopted District Plan policies which relate to windfall developments.
- 8.2 The design and layout of the development would not significantly harm the amenities of the occupiers of neighbouring residential properties and the residents of the proposed development would enjoy an acceptable level of amenity. In design terms, it would represent a high quality development resulting in landmark buildings in this prominent town centre location.
- 8.3 The proposal would have adequate off-street parking in line with the Council's adopted standards as well as an appropriate level of cycle parking provision in a convenient location. Finally, issues relating to construction management, materials and landscaping, be satisfactorily addressed through the use of conditions
- 8.4 In terms of the provision of affordable housing and developer contributions, the application has been accompanied by a viability appraisal which has been assessed and which has demonstrated that the scheme is not capable of delivering the full amount of obligations normally required. However, the applicant has made a significant offer toward affordable housing provision and other section 106 obligations and this offer is considered acceptable.

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 affordable housing;
 - Additional primary and/or secondary education provision serving the development;
 - Library services;
 - Securing of a travel plan monitoring fee;
 - Trees and Plants from UK nurseries;
 - Secure the provision of a maintenance company for the development of the open space and play area;
 - HCC Waste
 - GP Provision;

- Provision of fire hydrants; and
- Associated Section 278 Highway Works.

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 broadly accordance with the following approved plans: 16-019 D050C01, D051C01, D052C01, D053C02, D054C02, D060C02, D100C01, D101C02, D102C03, D111C01, D112C01, D113C01, D114C02, D115C02, D151C01, D152C01, D153C01, D154C01, D200C01, D201C02, D202C02, D203C02, D204C02, D251C01, D252C01, D253C02, D254C01, D300C01, D301C01, D302C01, D311C01, D312C02, D314C02, D351C01, D352C01, D353C01, D354C01, D400C03, D401C01, D402C01, D411C02, D412C02, D413C02, D451C02, D452C02, D453C02, D454C01, D500C02, D501C02, D502C02, D503C02, D504C02, D551P02, D552C01, D553C02, D554C01, D600C02, D601C02, D602C02, D611C01, D612C01, D613C02, D614C02, D651C02, D652C02, D653C02, D654C01, D700C02, D701C03, D702C03, D706C01, D707C01, D708C02, D709C02, D751C01, D752C01, D753C01, D754P01, 2660-SK-04-F.
REASON:- For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have 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 development has an acceptable appearance and to protect the visual amenities of the area.
4. Prior to the first occupation, a scheme of landscaping which shall include details of both hard and soft landscape works and the timings of works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area. Furthermore, to ensure the landscaping scheme does not affect the operation of the adjoining railway network.
5. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
REASON:- To ensure a satisfactory appearance for the development.
6. No development, including any site clearance or demolition works, shall commence until all trees within the development site which are to be retained have been protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.

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

7. Within the tree protection areas to be fenced off in accordance with condition 6, there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.

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

8. No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless a pre-works survey of the vegetation to be removed and surrounding vegetation is undertaken immediately prior to removal by a suitable qualified Ornithologist, and approved in writing by the Local Planning Authority.

REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

9. Prior to commencement of works above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. 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.

10. Prior to the commencement of development (including site clearance) a Construction Management Plan 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. The Construction Management Plan 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 to accommodate construction traffic.
- (xvii) Details of consultation and complaint 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.

11. No development apart from demolition and site preparation works shall take place until the final design of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the Flood Risk Assessment prepared by PEP Civil & Structures Ltd, reference 460917-PEP-00-xx-RP-C-6201, dated September 2019. The scheme shall also include;

1. Confirmation of Thames Water agreement demonstrating discharge is permitted at the agreed rate of 12.0l/s.

2. Implement drainage strategy based on detention basin, permeable paving and geocellular tanks as indicated on the proposed drainage strategy drawing 469017-PEP-00-XX-DR-C-1800 Rev P04 and drawing 469017-PEP-00-XX-DR-C-1801 Rev P04

3. 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.

4. Silt traps for protection for any residual tanked elements.

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

12. The development shall be carried out in accordance with the approved final design of the surface water drainage scheme.
REASON:- To reduce the risk of flooding to the proposed development and future occupants.
13. Upon completion of the surface water drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to the Local Planning Authority for approval in writing. The scheme shall include;
1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for ongoing management and measures to secure the operation of the scheme throughout its lifetime.
- The development shall thereafter be carried out in accordance with the approved details.
REASON:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
14. No properties shall be occupied until written confirmation has been provided that either:-
1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 2. A housing and infrastructure phasing plan has been agreed 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:- Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.
15. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing/wall must not be removed or damaged. The barrier would need to be installed at each turning area, roadway and car parking area which is located adjacent to the railway.
REASON:- In order to protect infrastructure associated with the railway line managed by Network Rail.
16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17 and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to the Local Planning Authority for approval in accordance with condition 18.
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. 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. No development above slab level shall take place until a scheme for protecting the proposed dwellings from noise arising from road & rail traffic and air transport sources has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Cass Allen Noise Impact Assessment report (Ref: RP02-16241) dated 23rd July 2019. No dwelling shall be occupied until the measures detailed within the scheme for that dwelling 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 hereby approved.

20. No development above slab level shall take place until a scheme for protecting the proposed dwellings from noise arising from internal plant & plant rooms, undercroft parking areas and the communal gym has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the measures within the scheme for that dwelling 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 hereby approved.

21. Prior to first occupation of the development hereby approved the details of the type and design of at least 576 cycle parking spaces (at least one per property) should be submitted to and approved in writing by the Local Planning Authority. Residents cycle parking should be in the form of lit, lockable and weather resistant cycle lockers or stores and be installed in accordance with the approved details. Cycle parking shall be fully completed for each block or phase and in accordance with the approved details before first occupation of that particular block or phase in the development.

REASON: To ensure the provision of cycle parking spaces in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the Stevenage's parking standards.

22. Prior to first occupation of the development hereby approved the following pedestrian improvement works shall be undertaken:

1. Provision of new ramp in accordance with Appendix B of WSP Technical Note HCC003 dated 24th January 2020

2. Provision of a new pedestrian access to the north as identified under Appendix C of WSP Technical Note HCC003 dated 24th January 2020.

The works shall be completed 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.

23. Prior to the occupation of the development hereby permitted, the details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs) for 28 vehicles, the energy sources, a timetable for their delivery and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and timetable and permanently maintained and retained.
REASON: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).
24. No part of the development hereby permitted shall be occupied prior to the implementation of the approved WSP's Residential Travel Plan Doc Ref No. 70020570-RTP-001 Dated July 2019. Those parts of the approved Travel Plans that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
REASON: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).
25. 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 any works above slab level. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied and thereafter permanently retained.
REASON:- To ensure a satisfactory standard of development in the interests of amenity
26. Prior to the first occupation, details of a scheme to provide suitable bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The scheme shall be installed in accordance with approved details.
REASON: - To increase opportunities for wildlife in new developments.
27. Prior to the first occupation, details shall be submitted to and agreed in writing by the local planning authority of the layout of the open space/play area identified to be constructed adjacent to block 7. The scheme shall include details of the gradient/levels of the proposed play area and details of any equipment to be provided. The scheme shall be implemented in accordance with the approved details prior to the occupation of block 7 or before the occupation of 50% of the dwellings, whichever is the sooner.
REASON:- To ensure the provision of quality play space in the development.
28. The development shall be implemented in accordance with the above slab level measures to reduce energy and water consumption contained within the approved Whitecode Design Associates Energy Strategy 10293-S-EBER-0001 Revision 5 dated 30 July 2019
REASON:- To ensure the development is adaptable to climate change

29. Prior to the first occupation of the dwellings 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.

INFORMATIVES

Hertfordshire County Council as Highways Authority

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>

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>

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>

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>

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.

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

route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Hertfordshire Constabulary Crime Prevention Design Advisor.

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

Affinity Water

Notification shall be given to affinity water of the following:-

1. 15 days' notice prior to any Piling works commencing
2. Details of the depth of the Chalk aquifer if encountered during piling.

Pro-active statement

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage 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:**

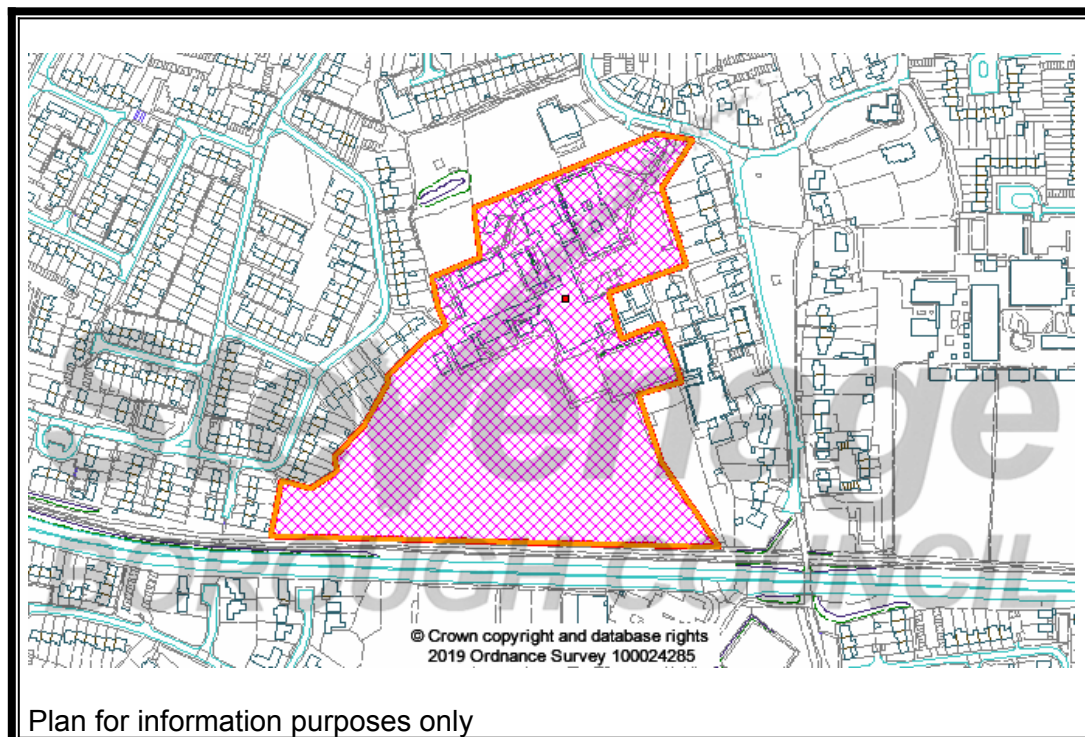
Date: 3 March 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	19/00283/FP
Location:	Barnwell Middle School, Shephall Green, Stevenage
Proposal:	Extension and resurfacing of playing courts, erection of 6no. 12m high floodlights, installation of 4.5m high fencing and siting of storage container.
Drawing Nos.:	SSL 2587 03 Rev 04; SSL 2587 04 Rev 02; SSL 2587 07 Rev 02; SSL 2587 02 Rev 01; SSL 2587 06 Rev 01; SSL 2587 01; SSL 2587 02.
Applicant:	Mr A Petitt, Barnwell Middle School
Date Valid:	10 May 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Shephall Green which is also designated a conservation area. The site comprises the Barnwell Middle School (formerly Heathcote School) which has a number of single storey and two-storey utilitarian designed school blocks. The blocks are generally of steel frame construction with single glazed crittall windows along with metal cladding and flat roof areas finished in a ply membrane. The school site comprises a brick-built single storey building with a gable-end roof clad in concrete inter-locking roof tiles along with single-storey mobile classrooms. The school site also comprises a large area of playing fields and a Multi-Use Games Area (MUGA), which is also the subject of this application, which is constructed from concrete and is enclosed by a 2.5m high wire mesh fence.
- 1.2 The surrounding area comprises 1960's suburban style terrace properties through to detached properties which have a unique architectural style. To the east of the site lies Greenside School. In addition, there are many buildings in the conservation area, particularly houses, which date back from the 1960s and 70s along with more modern developments such as The Grove which comprises of detached and terraced houses. The main character of the conservation area is low density with green areas and mature trees, resulting in a semi-rural atmosphere. There is also the church of St. Mary's which dates from the 14th Century. The area also comprises the Rectory and a public house (The Red Lion).

2. RELEVANT PLANNING HISTORY

- 2.1 Planning consultation reference 01/00107/REG3 from Hertfordshire County Council under Regulation 3 sought the Council's comments on the erection of a single storey building to accommodate four new classrooms. Objection was raised to the proposed development in May 2001.
- 2.2 Planning consultation reference 04/00026/REG3 from Hertfordshire County Council under Regulation 3 sought the Council's comments on the erection of a Mobile learning support unit. No objection was raised to the proposed development in February 2004.
- 2.3 Planning consultation reference 04/00513/REG3 from Hertfordshire County Council under Regulation 3 sought the Council's comments on the erection of 5-bay double mobile classroom unit. No objection was raised to the proposed development in November 2004.
- 2.4 Planning consultation reference 13/00004/CC from Hertfordshire County Council sought the Council's comments on the erection of 1no. eight classroom teaching block, 1no. two classroom teaching block, external canopy, construction of new footpath, covered walkway, new pedestrian access, new informal recreation space, fencing and associated matters. No objection was raised to the proposed development in February 2013.
- 2.5 Planning application 14/00414/FP sought permission for the installation of a 2 class mobile classroom (relocated from Barnwell East Campus). This application was granted permission in November 2014.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission to increase the size of the existing football court from 32.20m by 31.20m to 39.67m by 31.20m. The football court would be re-laid with a 3G artificial turf carpet and would be enclosed by a 3m high wire mesh fence. The fence would incorporate a double leaf gate at the northern end with foot well and boot scraper and a double entrance gate at the southern end.

- 3.2 The proposal also seeks permission to re-lay the tennis court and netball court area with a two-tone colour coated macadam. The total court area which currently measures 33.7m by 50.60m would not be extended as part of the development proposal. However, it would be enclosed by a 4.5m high wire mesh fence along with a single-leaf gate and foot well along with a double entrance gate at the southern end. To the south of the court a shipping container is to be erected which would measure 6m by 2.44m with an overall height of 2.59m and would be painted green. This application also seeks permission for the installation of 6 no. 8m high floodlight columns around the 3G pitch.
- 3.3 This application comes before the Planning and Development Committee as it was called-in by Councillor Sarah Mead. The application was called-in on the following grounds:-
- Impact on neighbouring amenities;
 - Car parking; and
 - Highway issues.
- 3.4 In addition, the call-in was made as it was advised that concerns were raised about the light spill in the evening and the impact this would have on neighbouring properties in Greencote Mews. In addition, it was advised that there was no public communication regarding the anticipated usage of the facility. Furthermore, it was set out that there is restricted parking as well as limited road space for turning etc and the potential traffic of car collecting/dropping off users which will impact residents. Moreover, it was advised in the call-in request that residents already alter their day to day routine during school hours and further impact into the evening would be overbearing. Concern was also raised about noise during evening times and the disturbance this will cause local residents. This is due to the application proposing this facility to be open every weekday and weekend until 9pm. Therefore, the level of noise may become overbearing in terms of regularity.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining premises and site notices have been erected. At the date of drafting this report, five objections have been received from numbers 40, 48, 50 and 54 Shephall Green and 339 Lonsdale Road. A summary of the objections raised are as follows:-
- The proposed lighting would have a detrimental impact on amenities of local residents;
 - The development would generate unacceptable noise levels which would affect the amenities of local residents;
 - The development is a commercial enterprise and not a community facility;
 - There would be insufficient parking to serve the development;
 - The development will result in on-street parking;
 - There are already similar facilities in the area which are already in operation, so the proposed development cannot be justified;
 - The scheme is in an inappropriate location due to the school site being surrounded by private housing;
 - This scheme will affect the well-being of local residents;
 - The information provided by the applicant in terms of the proposed development is inaccurate and misleading;
 - The development would result in a loss of privacy;
 - Will the Council reduce rates/council tax to compensate the impact the development would have on residents;
 - The development would further exacerbate existing highway issues in the area;
 - Similar applications in the past were rejected by the Council;
 - The development would not benefit pupils in the evening;

- The Council has failed to make the documents available for residents to view;
- No consideration has been given to the concerns raised by local residents;
- The applicant has not engaged with the local community on the application;
- The amendments to the scheme are a complete disregard to the problems the community will face if permission was granted;
- The development is of no real benefit for the school;
- The school should look at using other facilities as it would be cheaper for the school and this would have less of an impact on local residents.

4.2 Please note that the above is not a verbatim copy of the representations which have been received. A full copy of the representations received by the Council can be viewed on the Council's website.

5. CONSULTATIONS

5.1 B.E.A.M.S

5.1.1 In accordance with NPPF, para. 189 the application has been accompanied by a Heritage Statement which considered the impact of the proposed development upon the setting of the Shephall Green Conservation Area. The application has been amended and the floodlighting to the courts on the east side, closest to the Shephall Green CA boundary have been omitted which could be considered a visual improvement in relation to the local amenity and setting of the Conservation Area.

5.1.2 The proposed new / replacement playing courts with associated fencing, storage container and floodlighting (at a reduced level) are considered to preserve the setting of the Shephall Green Conservation Area and will not have an adverse impact upon the setting of any Listed Buildings within Shephall Green, no objection.

5.2 Sport England

5.2.1 The proposed development would enhance two games court areas by converting one area to a small artificial grass pitch (AGP) with a 3G surface and resurfacing the other court. The games court would be extended to the south onto the adjoining natural turf playing field. The proposal to convert one of the games court areas into a small AGP with a 3G surface suitable for football would provide an all-weather outdoor sport facility which could be used continuously throughout the year and intensively due to its surface. Unlike the macadam surface that it would replace, the AGP could be used for pitch sports such as football and tag rugby.

5.2.2 Due to the ground conditions of the existing natural turf playing field, it will unlikely to be available for use by the school for some parts of the year especially in the winter. The AGP would help address any capacity and surface quality restrictions associated with the use of the natural turf playing field and could substantially improve the delivery of the PE curriculum. In addition to helping meet the school's needs, it would also offer potential for community use and the proposal to make the facility available for community use outside of school hours is welcomed. Stevenage Borough Council's Playing Pitch Strategy acknowledged demand for additional 3G AGP provision to meet club training needs and while the size of the facility would prevent any formal match use (for FA affiliated football clubs), it would still be suitable for training and small sided recreational matches played on an informal basis.

5.2.3 The implementation of the facility if it had secured community access would therefore make a contribution to addressing local community playing pitch needs. I have consulted the Football Foundation (who represent the Football Association and the Herts County FA) who have advised that they are supportive of the principle of proposal due to the potential benefits it will offer for meeting local community football needs.

- 5.2.4 The resurfacing of the remaining courts would improve their quality and providing a higher quality consistent surface with new link marking for tennis, netball and basketball. The new fencing proposed around both games court areas would provide an enhancement to the facilities by providing modern weldmesh fencing that would be more durable from a ball stop and maintenance perspective than the chain link fencing that it would replace. The proposal for sports lighting around both areas would also be welcomed as this would allow the games courts to be used for community use in the evenings as well as extra-curricular use by the school.
- 5.2.5 In terms of the impact on the playing field, the extension to the games court area to the south would encroach onto part of the natural turf playing field that is (or has been) marked out for playing pitches especially summer athletics tracks and throwing areas. However, the encroachment is considered to be modest and sufficient space would appear to exist on the remaining playing field for any pitches that would be affected to be realigned or relocated without impacting on other pitches.
- 5.2.6 As a non-statutory consultee, the proposed development would provide significantly enhanced games courts that would offer potential to make a contribution towards meeting community sports facility needs in the Stevenage area for the reasons set out above. The proposals are considered to meet the above objective therefore. Sport England would therefore wish to confirm its support for the principle of the proposed development as a non-statutory consultee. The proposal for the facilities to include sports lighting is welcomed and this is considered essential as this will offer significant sports development benefits in terms of facilitating use during peak community use periods. Without sports lighting, it would not be possible for the facility to meet the needs that it has been designed to address and it may not be financially viable to implement.
- 5.2.7 While Sport England would not require a planning condition to be imposed relating to the hours of use of the games courts or their lighting, it is acknowledged that the Council may wish to impose such a condition in order to address potential impact on residential amenity or the environment. If planning permission is granted, it is recommended that any condition that may be imposed by the Council is not overly restrictive in this regard. It is advised that peak community use of similar facilities usually extends until 10.00 pm on weekday evenings. If the Council wishes to impose a planning condition restricting the hours of use of the games courts or their sports lighting, consideration should be given to using condition 14 from our model conditions schedule.
- 5.2.8 It should be noted that if the Council sought to remove the proposed sports lighting from the application or impose significant restrictions on the hours of use of the games courts or their sports lighting in the evenings this may affect our position on the planning application. If such an approach is to be taken it is requested that Sport England be advised before the planning application is determined to provide an opportunity to review our position on the planning application.
- 5.2.9 If noise generated from the use of the MUGA is an issue in the determination of the planning application, Sport England has published a guidance note on the planning implications of artificial grass pitch acoustics. This is intended to aid in developing a more consistent approach when assessing the noise associated with artificial grass pitch use and to provide some rules of thumb when assessing noise impact.
- 5.2.10 Sport England does not wish to object to the application as the benefits of sport are considered to clearly outweigh the detriment caused by the impact on the playing field. This is subject to conditions if permission were to be granted. These conditions would be as follows:-
- Games Court Area Design Specification;
 - Community Use Agreement;

- Hours of operation.

- 5.2.11 Following further correspondence with Sport England (09th September 2019) due to additional information being provided by the applicant in terms of the specifications of the MUGA, Sport England have confirmed that these details are satisfactory. Consequently, Sport England recommend the condition on the games court area design specification is not required if planning permission were to be granted.
- 5.2.12 Following the omission of the floodlighting to the eastern courts further consultation with Sport England advised that the absence of floodlighting around these games courts would diminish the sports development benefits of the overall proposal as the ability for Barnwell School and the community to use these games courts during the evening and other periods of poor daylight would be restricted.
- 5.2.13 However, having reviewed the application our position would remain as set out in our response of 30 May 2019 (contained above in paragraphs 5.2.1 to 5.2.10) as the benefits of the project to sport would still be considered to outweigh the impact on the playing field despite the proposed omission of the floodlighting from the games courts i.e. the proposal would still meet exception 5 of our playing fields policy. In summary, no objection is made to the application subject to a condition being imposed relating to a community use agreement as previously set out.

5.3 Hertfordshire County Council Highways

- 5.3.1 The County Council as the Highways Authority consider the development would not result in any highways issues. Therefore, it does not wish to restrict the grant of planning permission.

5.4 Environmental Health

- 5.5.1 From an Environmental Health perspective, the playing hours requested are excessive. I would suggest that 18.00 is a more suitable finishing time for Sundays and Bank Holidays, taking into account the likely community use on these days. Monday to Saturday it should be established that all activity is ceased, cleared away and personnel are gone by 21.00, not that the last match finishes at this time. I understand Planning can recommend a 12- month trial period, and I would support this. I would remind all parties that Statutory Nuisance provisions still apply, notwithstanding.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- The Stevenage Borough Council Local Plan 2011-2031
 - Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. At the time the revised NPPF was published, the Stevenage Local

Plan was subject to a Holding Direction by the Secretary of State following an Examination in Public in 2017. On 25 March 2019 the Secretary of State withdrew the Holding Direction on the understanding that the Council would adopt it as part of the Development Plan. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan be considered up to date for the purpose of determining planning applications.

- 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 Stevenage Borough Local Plan 2011-2031 (2019)

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP8: Good Design;
Policy SP9: Healthy Communities;
Policy SP11: Climate Change, Flooding and Pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy SP13: The historic environment;
Policy IT5: Parking and Access;
Policy GD1: High Quality Design;
Policy HC5: New health, social and community facilities;
Policy HC7: New and refurbished leisure and cultural facilities;
Policy FP7: Pollution;
Policy FP1: Climate Change; and
Policy NH10: Conservation areas.

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012.
Stevenage Design Guide Supplementary Planning Document January 2009
Shephall Green Conservation Area Management Plan July 2012.

7. APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, the impact on the character and appearance of the area and the setting of the conservation area, impact upon neighbouring amenity, impact on the highway network and parking provision.

7.2 Land Use Policy Considerations

- 7.2.1 Policy HC5 of the Stevenage Borough Local Plan 2011 – 2031 (2019) states that planning permission for new health, social or community facilities, or to modernise, extend or re-provide existing facilities, on an unallocated site will be granted where:
- a. A need for the facility has been identified;
 - b. The site is appropriate in terms of its location and accessibility; and
 - c. The facility is integrated with existing health, social or community facilities where appropriate.
- 7.2.2 Policy HC7 of the Local Plan (2019) stipulates that for new and refurbished leisure and cultural facilities, or to modernise, extend or re-provide existing facilities on an unallocated site will be granted where there is a need for the facility, the site is appropriate in terms of its location and accessibility and with the exception of sports facilities, a sequential approach to site selection can be satisfactorily demonstrated and an impact assessment has been provided where required by Policy TC13 and it has been demonstrated that there will be no significant adverse impact.
- 7.2.3 The proposed development seeks permission to re-surface one block of tennis courts and re-surface and extend the football court with 3G artificial grass with new fencing and floodlights. The proposed development would help to provide an all-weather outdoor sports facility which could be used continuously though the year. This is because unlike the current surface, the Artificial Grass Pitch (AGP) could be used for pitch sports such as football and tag rugby. In addition, the existing natural turf pitches are not always available all year round, especially in the winter months. As such, the AGP would address any capacity and surface quality restrictions associated with natural turf playing field and therefore, as advised by Sport England, would help to improve the delivery of the PE curriculum.
- 7.2.4 Further to support the schools requirements for PE, the facility has also been designed so that it can be used by the community outside of school hours. The Council's Sports Facility Assessment and Strategy 2014 – 2031 (2014) identifies that there is a demand for additional 3G AGP provision in order to meet club training needs. In addition, as advised by Sport England, whilst the size of the facility would prevent any formal match use (for FA affiliated football clubs), it would still be suitable for training and small sided recreational matches which are played on an informal basis. Therefore, Sport England considers the development would make a contribution to addressing local community playing pitch needs. They also advised that the FA and Herts County FA are supportive of the proposal due to the potential benefits it will offer for meeting local community football needs.
- 7.2.5 The resurfacing of the remaining courts would help to improve their quality by providing a higher quality surface which would be more suitable for tennis, netball and basketball throughout the year. This will be utilised by the school as part of the PE curriculum and would also be available outside of school hours for the local community.
- 7.2.6 Notwithstanding the above, it is noted that due to the enlargement of the football court, this would encroach onto part of the natural turf playing field that is marked out for playing pitches especially the summer athletics tracks and throwing areas. However, the level of encroachment is limited and sufficient space would appear to exist on the remaining playing field for pitches that would be affected to be realigned or relocated without impacting on other pitches. As such,

Sport England with regards to playing fields does not raise any concerns with the proposed development in this instance.

- 7.2.7 Given the aforementioned, there is an established need for the development in terms of both the school as well as meeting the needs of the local community as identified in the Council's Sports Facility Assessment. Looking at the site's location, it is already an existing facility which is utilised by the school and is within a sustainable location due to the site being located within the urban area of the town. The site is also accessible by foot, by bicycle and by public transport as there are bus stops along Hydean Way which is located just to the north of the site. The development would also be integrated as part of the school and being a sports facility, a sequential assessment and impact assessment does not need to be undertaken in this instance.
- 7.2.8 Therefore, it is considered that the principle of the development is acceptable as it would help to firstly improve the facilities used by the school in relation to the PE curriculum. Secondly, the development would help to meet the needs of the community in terms of providing suitable facilities for sports such as football and touch rugby along with netball, tennis and basketball. However, to ensure that the facility is secured for the use of the local community, Sport England recommends a condition be imposed if permission were to be granted. This condition will require the preparation of a community use agreements which has to be submitted to the Council and is prepared in consultation with Sport England. This agreement will set out the School's policy and arrangements for community use of its sports facilities and covers matters such as hours of use, types of bookings and restrictions on community use.
- 7.2.9 The above condition is therefore, justifiable as it would help to alleviate a situation where community access to the facility outside of school hours does not take place. In addition, this agreement will provide clarity and formalisation to community access to the facility which also helps to meet the Council's Playing Pitch Strategy priorities.

7.3 Impact on the Character and Appearance of the Area and the Setting of the Conservation Area.

- 7.3.1 In terms of design, Paragraph 127 of the National Planning Policy Framework (NPPF) 2019 stipulates that planning decisions should ensure development functions well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF states that "permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions".
- 7.3.2 Turning to the impact on the setting of the Shephall Green Conservation Area, paragraphs 193 to 196 of the NPPF have to be considered in the determination of this planning application. This is because, as established through case law, if there is any harm to these heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 193, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 195 sets out that where a proposed development will lead to

substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 7.3.3 In reference to paragraph 196 of the NPPF (2019), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.3.4 Policy GD1 of the Local Plan (2019) requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design. Policy NH10 of the same document states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD.
- 7.3.5 The proposed development, as detailed in paragraphs 3.1 and 3.2 of this report, seeks planning permission for extension and resurfacing of the playing courts combined with the erection of 6 no. 8m high flood lights. The scheme also comprises new fence enclosures and the erection of a container which would be used for storage of equipment. The proposed courts themselves are already in place with a very minor enlargement to the existing football court. The proposed fence enclosures are similar in height to existing fencing in the school premises including fencing utilised at Greenside School which adjoins the application site. With regards to the floodlights, whilst they would be visible from certain vantage points in the conservation area, they have been reduced in number and height and would have a slim profile and as such, are not overly obtrusive. In addition, the majority of the development would not be readily visible from the public realm as it would be screened by existing buildings within Barnwell Middle School, Greenside School as well as residential properties which border the school site.
- 7.3.6 Following consultation with the Council Conservation and Historic Advisor, they consider that the proposed development would preserve the historic character of the setting of the conservation area. In addition, the majority of the development would not be readily visible from the public realm and is set against the backdrop of the existing school. Consequently, the proposed development would not have a detrimental impact on the visual amenities of the wider street scene.

7.4 Impact upon Neighbouring Amenity

- 7.4.1 Policy FP7 of the adopted Local Plan (2019) states that all proposals should minimise, and where possible, reduce air, light and noise pollution. Applications where pollution is suspected must contain sufficient information for the Council to make a full assessment of potential hazards and impacts. However, planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:-
 - a. The natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution;
 - b. Health and safety of the public; and
 - c. The compliance with statutory environmental quality standards.
- 7.4.2 The proposed development site is located within 5m from the residential properties in Greencote Mews. As such, due to the nature of the proposed development combined with the installation of floodlights, the level of noise generated from the development along with the

level of illumination from the floodlighting could potentially have a detrimental impact on nearby residential properties.

7.4.3 Further to the concerns raised over light spillage, the scheme has been amended to remove the floodlighting associated with the eastern courts which provide netball, tennis and basketball facilities. The remaining 6no. floodlights for the 3G pitch are of sufficient distance from the occupiers of Greencote Mews that luminance levels from light spillage are of an acceptable level, especially give the reduced height of the light columns.

7.4.4 In respect of noise nuisance, it is noted that the nature of the courts for sports use will undoubtedly bring with it a level of noise which is unavoidable, especially being an existing school site. The main issue with possible further noise nuisance relates to the community use of the courts outside of school hours, and over the weekends. The school have agreed and submitted a Noise Management Plan which addresses potential noise sources, the nearest noise sensitive locations, a noise policy for use of the facilities, a noise complaints procedure, and complaint recording. Furthermore the proposed hours of use have been revised to reflect the following –

- Monday to Friday 08:00 to 20:00 hours
- Saturday 10:00 to 20:00 hours
- Sunday 10:00 to 18:00 hours

7.4.5 The proposed hours and Noise Management Plan are considered to be acceptable in terms of reducing noise nuisance for neighbouring residential properties. The Council's Environmental Health team support a 12 month temporary permission to allow for monitoring of the revised proposed hours, in conjunction with the Noise Management Plan which would be controlled by imposition of a condition. This will help to reduce the level of impact the development would have on the amenities of residents who reside in nearby residential properties and allow the Council to assess the impact for the 12 month period of time.

7.5 Impact on the Highway Network

7.5.1 The proposed development site is currently served by an existing vehicular access off Shephall Green which is a local access road with a speed restriction of 30mph. The access has acceptable visibility splays in accordance with Manual for Streets and Hertfordshire County Council's Roads in Hertfordshire Guidance. This application does not seek to extend or alter the existing access arrangements into the school.

7.5.2 In terms of vehicle traffic generation, there would be a limited increase in vehicles travelling to and from the site after school hours by persons looking to use the courts. However, the increase in traffic generation will generally occur outside of peak hours. Therefore, and following consultation with Hertfordshire County Council as Highways Authority, they do not consider the proposed development would prejudice the safety and operation of the highway.

7.6 Parking provision

7.6.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards as set out in the Council's Car Parking Standards SPD (2012). The Council's Car Parking Standards SPD (2012) sets out the maximum number of parking spaces which would be required to support the proposed development. The relevant parking requirements for the school are as follows:-

- 1 space per full time member of staff;
- 1 space per 100 pupils,
- 1 space per 8 pupils over aged 17+;
- 1 space per 20 pupils aged under 17.

- 7.6.2 Taking the above standards into consideration, as the proposed development is not seeking to increase the number of staff or pupils at the school, then no additional off-street parking would be required to serve the development in this instance. In terms of the use of the courts after school hours, as this would be considered ancillary to the established use of the site as a school, the Council can only assess the proposal against the aforementioned standards.
- 7.6.3 Notwithstanding the above, a professional judgement has to be made as to whether or not there is sufficient off-street parking to serve the development for after school hour's visitors. The school currently has approximately 80 parking spaces and 4 disabled spaces. This is considered to be more than sufficient to accommodate the use of courts in out of school hours. Therefore, it is unlikely the development would result in generating on-street parking which could have a detrimental impact on the safety and operation of the highway network.

8. CONCLUSIONS

- 8.1 In summary, it is considered that the proposed development would provide suitable facilities in order for the school to meet its PE curriculum requirements. In addition, the proposed development would also help to address the shortage of AGP facilities as identified in the Council's Sports Facility Assessment and Strategy 2014 – 2031 (2014). The development would also not have a detrimental impact on the visual amenities of the street scene or the historic character setting of the conservation area. Furthermore, and through appropriate conditions, the development is not considered to have a detrimental impact on the amenities of nearby residents. Moreover, the scheme would have sufficient off-street parking and would not prejudice the safety and operation of the highway network.
- 8.2 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2019) and NPPG (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:
SSL 2587 03 Rev 04; SSL 2587 04 Rev 02; SSL 2587 07 Rev 02; SSL 2587 02 Rev 01; SSL 2587 06 Rev 01; SSL 2587 01; SSL 2587 02
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 approved hours of use as outlined in condition 4 shall be for a temporary period of 12 months only following first use of the facilities, the date of which shall first be notified in writing to the Local Planning Authority. On expiration of the 12 month period or before that date the hours of operation shall revert back to those of the school operating times.
REASON:- To enable the Local Planning Authority to reconsider the appropriateness of the extended operating hours on the amenity of neighbouring residential properties at the expiration of the temporary period.
 - 4 The sports facility and its associated sports floodlights shall be operated in accordance with the approved Noise Management Plan and only during the following hours (excluding a 30 minute allowance for closure of the facilities after the specified times):

- a) 08.00 and 20.00 hours Monday to Friday;
- b) 10.00 and 20.00 Saturday; and
- c) 10.00 and 18.00 Sunday.

REASON:- To balance illuminating the sports facility for maximum use and benefit with the interest of amenity and sustainability.

- 5 No occupation shall commence of the enhanced games court until a community use agreement has been prepared and a copy of the completed agreement has been provided to the Local Planning Authority. The agreement shall apply to the sport facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review the Local Planning Authority. The development shall not be used at any time other than in strict compliance with the approved agreement.

REASON:- To secure well managed safe community access to the sports facilities and ensure sufficient to the development of sport.

- 6 The games court area in regards to surfacing, fencing and line markings shall be carried out in accordance with the approved details and specification as agreed by Sport England.

REASON:- To ensure the development is fit for purpose and sustainable.

Pro-active Statement

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

10. BACKGROUND DOCUMENTS

- 1. The application file, forms, plans and supporting documents having the reference number relating to this item.
- 2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
- 3. Stevenage Borough Local Plan 2011-2031 adopted May 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

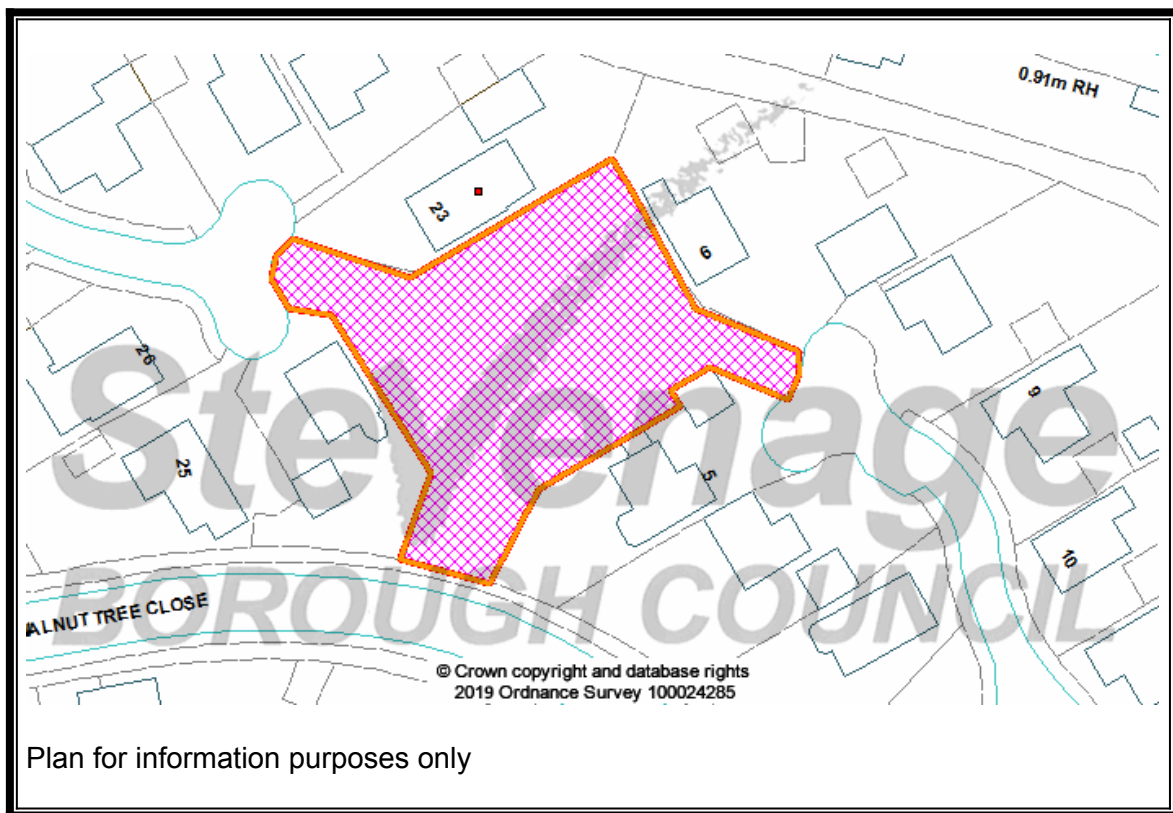
Date: 3 March 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	20/00102/ENF
Location:	Land Between Watercress Close, Coopers Close And Walnut Tree Close, Stevenage
Proposal:	Authorisation to serve an enforcement notice.
Drawing Nos.:	N/A
Applicant:	N/A
Date Valid:	N/A
Recommendation:	SERVE AN ENFORCEMENT NOTICE



1. BACKGROUND

- 1.1 The site in question is a diamond shaped area of open space located between and at the end of the cul-de-sacs of residential roads Coopers Close and Watercress Close. To the south the site is bounded by Walnut Tree Close. The open space has small spurs at the western, eastern and southern corners providing pedestrian access from each road and is predominantly laid to grass with landscaping banks located along the boundaries with those residential properties that abut the site.
- 1.2 The site is in private ownership and the current owner applied for planning permission to build three detached houses with associated access and car parking in 2019 (Planning Reference:- 19/00002/FP). Officers were recommending refusal and the application was subsequently withdrawn at the request of the applicant before a decision was issued.
- 1.3 On Saturday 25 January contractors arrived on site and erected 2m high hoarding panels across the entrance of each pedestrian access to the land. The agent has been contacted seeking removal of the hoarding and the owner of the land believes the works legal for planning purposes and is not willing to remove the enclosures.

2. DISCUSSION

- 2.1 The approval of the residential estate off Walnut Tree Close and beyond that off Edmonds Drive was approved in 1986. As part of the approved plans the area of land was annotated as a 'play area'. However, no S106 Agreement was signed to specify the land be used as such or for agreement of the land to be adopted by the Council. Furthermore, there are no stipulations placed on the decision notice by way of condition that protects the area of land in question.
- 2.2 Notwithstanding this, the area of land has been open for public use since the estate was built and it is officer's opinion that the open space has acquired a public right of way and access over the land. This is because of the length of time in which it has been in use by the general public.
- 2.3 In terms of the hoarding erected on site, each of the three entrances has been blocked up and enclosed by approximately 2m high hoarding painted white with orange trim across the top and bottom. Each area of hoarding has been set back from the highway edge by approximately 1.5 to 2m maximum. Most visible at the cul-de-sac of Watercress Close, this hoarding and the hoarding at the end of Coopers Close are very prominent as viewed from the public realm and are considered harmful to overall the character and appearance of the street scene. Furthermore, these two areas of hoarding are considered to be adjacent to a vehicular highway for the purposes of Class A, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and thus would not benefit from permitted development rights as they are over 1m in height.
- 2.4 Whilst the Order does not specify a given distance by which something is considered adjacent to a highway, planning case law and appeal decisions have generally taken a view point that if the boundary treatment or enclosure in question is the first line of boundary on a site it would be classed as being adjacent to a highway. At only between 1.5 and 2m in distance from the highway verge the hoardings at Watercress and Coopers Close are deemed to be adjacent to the highway.

- 2.5 When looking at the hoarding erected at the Walnut Tree Close entrance, this is set behind an existing area of 1.8m high close boarded fencing similar in appearance to the rear garden fencing along this stretch of the road. Similarly, there is a 1m high area of close boarded fencing actually closing off the opening into the open space. The hoarding is then set back approximately 3 to 4m from the initial fencing and highway edge. In this case the hoarding is not considered to lie adjacent to a highway. Notwithstanding this, the placement of the fencing precludes the public from accessing a public right of way over the land and this is not deemed acceptable in this instance.

3. RECOMMENDATION

- 3.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the three areas of hoarding and to reinstate the land to its original open state. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 3.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 3.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

4. REMEDY REQUIRED

- 4.1 Within two weeks of the date of any Enforcement Notice served, the entirety of the three areas of hoarding be removed and the land reinstated to its original open state with access being made available to the public.

5. BACKGROUND DOCUMENTS

1. Stevenage Borough Local Plan 2011-2031 (2019).
2. Central Government advice contained in the National Planning Policy Framework 2019 and Planning Policy Guidance 2014.

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Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Dave Rusling 01438 242270

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

1. Application No : 19/00676/FP

 Date Received : 18.11.19

 Location : 41 Linkways Stevenage Herts SG1 1PR

 Proposal : Variation of Condition 1 of planning permission 17/00289/FP to
 amend plans to include a single storey front extension, single
 storey rear extension and alterations to approved single storey
 rear extension to include a flat roof (retrospective).

 Date of Decision : 11.02.20

 Decision : **Planning Permission is GRANTED**

2. Application No : 19/00678/FPH

 Date Received : 18.11.19

 Location : 21 Hastings Close Stevenage Herts SG1 2JG

 Proposal : Raising height of roof of existing dwelling and first floor side
 extension

 Date of Decision : 06.02.20

 Decision : **Planning Permission is GRANTED**

3. Application No : 19/00680/FPH
Date Received : 19.11.19
Location : 12 Watercress Close Stevenage Herts SG2 9TN
Proposal : Two storey rear extension
Date of Decision : 23.01.20
Decision : **Planning Permission is GRANTED**
4. Application No : 19/00687/LB
Date Received : 22.11.19
Location : Coreys Cottage Coreys Mill Tates Way Stevenage
Proposal : Demolish Existing Grade II listed building
Date of Decision : 31.01.20
Decision : **Listed Building Consent is REFUSED**

For the following reason(s);

Insufficient information has been submitted and no clear and convincing justification provided to support the demolition of this Grade II Listed Building. The proposal is, therefore, contrary to the provisions of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SP13 of the Stevenage Borough Local Plan 2011-2031 adopted 2019, the advice in the National Planning Policy Framework (2019) and the National Planning Guidance 2014.
5. Application No : 19/00693/FP
Date Received : 26.11.19
Location : Rise Gym 2 Pond Close Stevenage Herts
Proposal : Variation of condition 4 (hours of operation) attached to planning permission reference number 12/00029/FP
Date of Decision : 23.01.20
Decision : **Planning Permission is GRANTED**

6. Application No : 19/00698/FP
Date Received : 27.11.19
Location : Courtlands Todds Green Stevenage Herts
Proposal : Erection of 1no. 3 bedroom bungalow
Date of Decision : 23.01.20
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
The erection of the bungalow represents inappropriate development which is harmful to the openness of the Green Belt. The applicant has failed to adequately demonstrate a case of very special circumstances to outweigh the harm caused to the Green Belt contrary to paragraphs 143, 144 and 145 of the National Planning Policy Framework (2019) and Policies GB1, GB2 and SP10 of the Stevenage Local Plan 2011-2031 (adopted 2019).
- The proposed development would have a harmful impact on the visual amenities of the wider rural countryside including the Green Belt. Consequently, the proposed development is contrary to Policies GB2, SP8 and GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), the Council's supplementary planning document Stevenage Design Guide SPD (2009), the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).
7. Application No : 19/00701/AD
Date Received : 28.11.19
Location : 1 Modular Business Park Norton Road Stevenage Herts
Proposal : Installation of 4no. aluminium fascia box signs.
Date of Decision : 23.01.20
Decision : **Planning Permission is GRANTED**
8. Application No : 19/00705/FPH
Date Received : 02.12.19
Location : 28 Fishers Green Stevenage Herts SG1 2JA
Proposal : Two storey rear infill extension and first floor side extension
Date of Decision : 27.01.20
Decision : **Planning Permission is GRANTED**

9. Application No : 19/00706/FP
 Date Received : 02.12.19
 Location : 2A Letchmore Road Stevenage Herts SG1 3HU
 Proposal : Demolition of the existing building and construction of a building
 comprising 5 apartments, laying out of car parking and
 access areas, gardens and landscaping.
 Date of Decision : 28.01.20
 Decision : **Planning Permission is GRANTED**
10. Application No : 19/00707/FPH
 Date Received : 03.12.19
 Location : 67 Brook Drive Stevenage Herts SG2 8TP
 Proposal : First floor rear extension
 Date of Decision : 23.01.20
 Decision : **Planning Permission is GRANTED**
11. Application No : 19/00709/FP
 Date Received : 04.12.19
 Location : 15 Wisden Road Stevenage Herts SG1 5NH
 Proposal : Change of use from highway land to residential use
 Date of Decision : 31.01.20
 Decision : **Planning Permission is GRANTED**
12. Application No : 19/00712/FP
 Date Received : 05.12.19
 Location : 21 Leaves Spring Stevenage Herts SG2 9AT
 Proposal : Change of use from public amenity land to residential use
 Date of Decision : 29.01.20
 Decision : **Planning Permission is GRANTED**

13. Application No : 19/00713/FPH
Date Received : 06.12.19
Location : 10 Chester Road Stevenage Herts SG1 4LD
Proposal : Single storey front extension with associated roof lights and first floor rear extension.
Date of Decision : 31.01.20
Decision : **Planning Permission is GRANTED**
14. Application No : 19/00717/FPH
Date Received : 08.12.19
Location : 22 Fresson Road Stevenage Herts SG1 3QU
Proposal : Single storey side extension and front extension to garage; installation of flue for wood burning stove.
Date of Decision : 29.01.20
Decision : **Planning Permission is GRANTED**
15. Application No : 19/00718/FPH
Date Received : 09.12.19
Location : 9 Beane Avenue Stevenage Herts SG2 7DL
Proposal : First floor side extension over garage, first floor front extension, replacement of existing bay window on front elevation with ground floor infill extension and alterations to roof pitch on rear gable roof.
Date of Decision : 31.01.20
Decision : **Planning Permission is GRANTED**
16. Application No : 19/00720/FP
Date Received : 09.12.19
Location : Glaxo Sycamore House Leyden Road Stevenage Herts
Proposal : Installation of external plant, automatic access barrier, substation, erection of cycle and bin stores, alterations to the external appearance of the building, and associated stepped and ramped access from Gunnels Wood Road.
Date of Decision : 30.01.20
Decision : **Planning Permission is GRANTED**

17. Application No : 19/00722/FP
Date Received : 10.12.19
Location : 188 Bedwell Crescent Stevenage Herts SG1 1NE
Proposal : Part two storey, part single storey rear extension and single storey front extension to existing dwelling, erection of 1no. four bedroom dwelling and change use of amenity land to residential land for car parking
Date of Decision : 04.02.20
Decision : **Planning Permission is GRANTED**
18. Application No : 19/00723/FP
Date Received : 11.12.19
Location : 34 Angle Ways Stevenage Herts SG2 9AW
Proposal : Erection of 1no. two bedroom end of terrace dwelling.
Date of Decision : 06.02.20
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
- The proposed dwelling by reason of its size, bulk, design and massing would be over dominant and detrimental to the form of the original semi-detached dwelling to the detriment of the visual amenities of the area. The proposal is therefore contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2019) and National Planning Policy Guidance (2014).
- The proposal, by reason of its two storey height, mono-pitch roof configuration, proximity to the boundary of the site and prominent corner location would result in a contrived appearance in the street scene and would erode the space and openness around the building and between the two respective rows of semi-detached dwellings. If approved the proposal would have a harmful impact on the character and visual amenity of the area. The development is, therefore, contrary to Policies GD1, SP8 and HO5 of Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2019) and the National Planning Policy Guidance (2014).

19. Application No : 19/00728/FPH
Date Received : 13.12.19
Location : 40 Brick Kiln Road Stevenage Herts SG1 2NH
Proposal : Single storey rear extension
Date of Decision : 03.02.20
Decision : **Planning Permission is GRANTED**
20. Application No : 19/00730/COND
Date Received : 13.12.19
Location : 7 Chouler Gardens Stevenage Herts SG1 4TB
Proposal : Discharge of conditions 8 (driveway gradient); 10 (drainage) and 16 (climate adaptations) attached to planning permission reference number 19/00201/RM
Date of Decision : 13.02.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
21. Application No : 19/00737/CLPD
Date Received : 16.12.19
Location : 38 Neptune Gate Stevenage Herts SG2 7SH
Proposal : Certificate of Lawfulness for a single storey rear extension
Date of Decision : 31.01.20
Decision : **Certificate of Lawfulness is APPROVED**
22. Application No : 19/00732/FP
Date Received : 17.12.19
Location : 38B Queensway Town Centre Stevenage Herts
Proposal : Proposed new shopfront with internal alterations
Date of Decision : 31.01.20
Decision : **Planning Permission is GRANTED**

- | | | |
|-----|--------------------|---|
| 23. | Application No : | 19/00733/AD |
| | Date Received : | 17.12.19 |
| | Location : | 38B Queensway Town Centre Stevenage Herts |
| | Proposal : | Installation of 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign |
| | Date of Decision : | 31.01.20 |
| | Decision : | Advertisement Consent is GRANTED |
| 24. | Application No : | 19/00734/FPH |
| | Date Received : | 17.12.19 |
| | Location : | 190 Telford Avenue Stevenage Herts SG2 0AU |
| | Proposal : | Single storey rear extension |
| | Date of Decision : | 11.02.20 |
| | Decision : | Planning Permission is GRANTED |
| 25. | Application No : | 19/00735/FPH |
| | Date Received : | 17.12.19 |
| | Location : | 22 Park Close Stevenage Herts SG2 8PX |
| | Proposal : | Single storey front extension and rendering of front elevation |
| | Date of Decision : | 07.02.20 |
| | Decision : | Planning Permission is GRANTED |
| 26. | Application No : | 19/00736/FP |
| | Date Received : | 17.12.19 |
| | Location : | Airbus Defence And Space Gunnels Wood Road Stevenage Herts |
| | Proposal : | Construction of a single storey pressure test facility |
| | Date of Decision : | 06.02.20 |
| | Decision : | Planning Permission is GRANTED |

27. Application No : 19/00739/TPCA
Date Received : 19.12.19
Location : Thomas Alleyns School High Street Stevenage Herts
Proposal : Various works to 57no. Trees within the boundary of Thomas Alleyne School Main Campus, Middle Field and Far Field.
Date of Decision : 24.01.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
28. Application No : 19/00740/FPH
Date Received : 20.12.19
Location : 4 Hunters Close Stevenage Herts SG2 7BL
Proposal : First floor front extension
Date of Decision : 12.02.20
Decision : **Planning Permission is GRANTED**
29. Application No : 19/00744/FPH
Date Received : 23.12.19
Location : 1 Edmonds Drive Stevenage Herts SG2 9TJ
Proposal : Erection of single storey rear extension following demolition of conservatory
Date of Decision : 14.02.20
Decision : **Planning Permission is GRANTED**
30. Application No : 19/00746/NMA
Date Received : 31.12.19
Location : 7 Boxfield Green Stevenage Herts
Proposal : Non Material Amendment to planning application 17/00734/FPH to change rear windows and add bi-fold doors.
Date of Decision : 28.01.20
Decision : **Non Material Amendment AGREED**

31. Application No : 20/00002/NMA
Date Received : 02.01.20
Location : 7 Woodland Way Stevenage Herts SG2 8BX
Proposal : Non material amendment to planning application 17/00210/FPH for the addition of a front porch
Date of Decision : 27.01.20
Decision : **Non Material Amendment AGREED**
32. Application No : 20/00005/COND
Date Received : 06.01.20
Location : 103 Queensway Town Centre Stevenage Herts
Proposal : Discharge of condition 16 (external lighting) attached to planning permission number 18/00268/FPM
Date of Decision : 31.01.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
33. Application No : 20/00007/COND
Date Received : 07.01.20
Location : 103 Queensway Town Centre Stevenage Herts
Proposal : Discharge of condition 21 (Remediation Works) attached to planning permission number 18/00268/FPM
Date of Decision : 07.02.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
34. Application No : 20/00011/CLPD
Date Received : 07.01.20
Location : 11 Woodland Way Stevenage Herts SG2 8BX
Proposal : Certificate of Lawfulness for a loft conversion with a rear facing dormer window
Date of Decision : 20.02.20
Decision : **Certificate of Lawfulness is APPROVED**

35. Application No : 20/00013/FPH
Date Received : 08.01.20
Location : 15 Broad Oak Way Stevenage Herts SG2 8QN
Proposal : Part two storey, part first floor rear extension and front porch extension
Date of Decision : 20.02.20
Decision : **Planning Permission is GRANTED**
36. Application No : 20/00023/TPTPO
Date Received : 09.01.20
Location : Wickes Building Supplies Ltd Monkswood Way Stevenage Herts
Proposal : Re-pollarding of 2no. Lime Trees (T2 and T3) and reduction of crown to previous points on 1no. Norway Maple Tree (T1) protected by TPO 24
Date of Decision : 20.02.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
37. Application No : 20/00034/HPA
Date Received : 15.01.20
Location : 19 Ferrier Road Stevenage Herts SG2 0NU
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 6m, for which the maximum height will be 3m and the height of the eaves will be 2.9m
Date of Decision : 20.02.20
Decision : **Prior Approval is NOT REQUIRED**

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.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 3 March 2020

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – David Rusling 01438 242270

1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

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

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

3. DECISIONS RECEIVED

3.1 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). Appeal allowed.

3.1.1 Preliminary Matters

The planning merits of the existing development are not relevant and not an issue for consideration.

3.1.2 Reasons

The principle question is whether at the time of the submission of the Lawful Development Certificate (LDC), the existing development was lawful.

On 20 September 2017 the Council confirmed an Article 4 Direction removing Permitted Development rights for change of use from Use Class C3 (Single Family Dwelling) to Use Class C4 (House of Multiple Occupation (HMO)). The application site operates as a HMO and rental agreements and bank statements were provided to evidence this is the case since 2012. The Council did not dispute this.

At the time the HMO commenced in 2012, the General Permitted Development Order that was in force allowed for a change of use from Use Class C3 to Use Class C4 without the benefit of planning permission. It follows that at the time the change of use occurred the development was lawful. The Article 4 cannot be applied retrospectively and as such the lawful use must still exist and there has not been a breach of planning control.

The Council applied the time limits set out in s.171B93) as the test for whether the existing use is lawful. These time limit provisions are only applicable when a breach of planning control has occurred. As established, no breach has occurred and therefore the time limits are irrelevant.

3.1.3 Conclusion

The Inspector found that on the balance of probabilities, the refusal to grant an LDC was not well founded and that the appeal should therefore succeed. Under powers directed to him under Section 195(2) of the 1990 Act as amended he issued the LDC.

Appeal decision attached.

3.2 19/00383/FP, 36 Fellowes Way. Erection of 1no. one bedroom bungalow. Appeal dismissed.

3.2.1 Main Issue

The main issue is the effect of the development on the character and appearance of the area.

3.2.2 Reasons

The appeal site is located within a predominantly residential area comprising two storey and single storey dwellings of differing designs and sizes. Dwellings are typically set back from the road with open frontages which makes a positive contribution to the openness of the area.

The appeal site forms part of the rear garden of 36 Fellowes Way, which tapers towards the rear. The proposed dwelling would be sited in the narrowest part of the garden with vehicle access from Fellowes Way. Whilst there is no clearly defined building line, dwellings are set back from the highway with spacious frontages. The proposed dwelling would be sited forward of Nos. 34, 34A and 36 Fellowes Way with the frontage at 900mm at its closest to the highway. The dwelling would appear significantly closer to the highway than neighbouring properties and would fail to reflect the established pattern and grain of development, reduce the openness of the area and appear incongruous and unduly prominent in the street scene.

The Inspector agreed with the appellant's view that No.34a Fellowes Way and a substation do not compromise the openness of the area, however these buildings are set back from the highway and retain an open and spacious frontage. The proposed dwelling would be significantly further forward of these buildings and diminish the openness of the area.

The Inspector goes on to acknowledge that the proposed dwelling would only be 3.2m in height, however he felt that its proximity to the highway would mean it would still be visible above the boundary fence. Whilst trees in the locality would screen the site, the dwelling would nevertheless remain prominent in the street scene.

The Inspector disagreed that the proposed dwelling could be perceived as ancillary to 36 Fellowes way owing to the vehicular access and general domestic comings and goings of a dwelling. He found no relevant comparison between the proposed dwelling and other ancillary buildings in the locality. Further, he stated that the Council made a compelling case that as the building would be within 2m of the boundary, even if it was ancillary to No.36, it would not be permitted development.

The proposed dwelling has been significantly reduced in height following previous refusals of permission and the Inspector acknowledges that this would result in far less impact on the character and appearance of the area than previous submissions. However he stated that the reduction in height was not enough to reduce the impact such that it would not be harmful.

He found that the proposed development would significantly harm the character and appearance of the area, contrary to Policies GD1 and HO5 of the Council's adopted Local Plan (2019). It would also fail to accord with the National Planning Policy Framework. The Council stated in their refusal that the development would fail to accord with their adopted Design Guide (2009), however the Inspector found no particular elements within this Design Guide that the development would conflict with.

3.2.3 Other Matters

As of November 2019 the Council has a demonstrable 5 year housing supply which the appellant does not disagree with. In the absence of any evidence to the contrary, the Inspector found no reason to conclude otherwise. Accordingly, he attributed full weight to the policies of the adopted Local Plan. The "tilted balance" set out in paragraph 11d of the NPPF is not engaged.

3.2.4 Conclusion

The Council raise no objections to the effect on neighbouring amenity, highway safety, parking provision or heritage assets. However, lack of harm in these respects is not a benefit but rather a neutral effect which affords no weight in favour of the proposal. Whilst the dwelling would have a good access to services, facilities and job opportunities and would make a positive, albeit very limited, contribution to the housing supply, the Inspector concluded that individually or cumulatively, these do not outweigh the harm to the character and appearance of the area and for these reasons, the appeal is dismissed.

Appeal decision attached.

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Appeal Decision

Site visit made on 10 December 2019

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th February 2020

Appeal Ref: APP/K1935/X/18/3218192

80 Kymswell Road, Stevenage SG12 9JS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Wesley de Villers against the decision of Stevenage Borough Council.
 - The application ref. 18/00600/CLEU, dated 30 September 2018, was refused by notice dated 26 November 2018.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of the property as a Use Class C4 House in Multiple Occupation (HMO) under permitted development rights for changes from Class C3 (residential) to Class C4 (HMO) since 21 December 2012 and prior to the Article 4 Direction that came into force on 20 September 2017.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Preliminary matters

2. For the avoidance of doubt, I should explain that the planning merits of the existing development are not relevant, and they are not therefore an issue for me to consider in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

Reasons

3. In an appeal against refusal to grant an LDC the main issue for me to determine is whether on the balance of probabilities the Council's decision to refuse the grant of an LDC was well-founded. In that regard the principal question here is whether at the date of application for the LDC, the existing development was lawful.
4. On 20 September 2017 the Council confirmed an Article 4 Direction removing permitted development rights for change of use from Use Class C3 to Use Class C4 under Class L(b) of Part 3 of Schedule 2 to The Town and Country

Planning (General Permitted Development) (England) Order 2015 as amended (the 2015 GPDO).

5. The appeal property is in use as a dwellinghouse occupied by up to six residents. The appellant says that it has been used in this way since December 2012 – that is, as a Use Class C4 HMO. He has submitted rental agreements and bank statements showing continuous use since then. The Council agree that this is the case, and that the change of use occurred before confirmation of the Article 4 Direction.
6. At the time the change of use occurred the GPDO that was then in force¹ included an amendment that had introduced provisions under Class I of Part 3 to Schedule 2 which granted permission for development consisting of the change of use of a building to a use falling within Class C4 of the Schedule to the Use Classes Order from a use falling within Class C3, and *vice versa*. It follows that at the time the change of use occurred the development was lawful. The Article 4 Direction cannot be retrospective, the lawful use must still exist and there has not been a breach of planning control.
7. The Council have applied the time limits set out in s.171B(3) as the test for whether the existing use is lawful. However, the s.171B provisions are applicable where there has been a breach of planning control and set time limits for when such a breach becomes immune from enforcement action. In this case the change of use was lawful under the provisions of the GPDO in force at the time. There has been no breach of planning control in this case, and the s.171B provisions are irrelevant.
8. I therefore find on the balance of probabilities that use of the appeal property as a Use Class C4 HMO was lawful at the date of the application, and that the Council's decision to refuse the grant of an LDC was not well-founded.

Reasons

9. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of use of the appeal property as a Use Class C4 House in Multiple Occupation (HMO) under permitted development rights for changes from Class C3 (residential) to Class C4 (HMO) was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Stephen Brown

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 1995 as amended by The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2010.



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on the 30 September 2018 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The change of use was permitted development under the provisions of Class I(b) of The Town and Country Planning (General Permitted Development)(England) Order 1995 as amended by The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2010.

Signed

Stephen Brown

INSPECTOR

Date: 13th February 2020

Reference: APP/K1935/X/18/3218192

First Schedule

Use of the property as a Use Class C4 House in Multiple Occupation (HMO) under permitted development rights for changes from Class C3 (residential) to Class C4 (HMO) since 21 December 2012 and prior to the Article 4 Direction that came into force on 20 September 2017.

Second Schedule

Land at no. 80 Kymswell Road, Stevenage SG12 9JS.

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

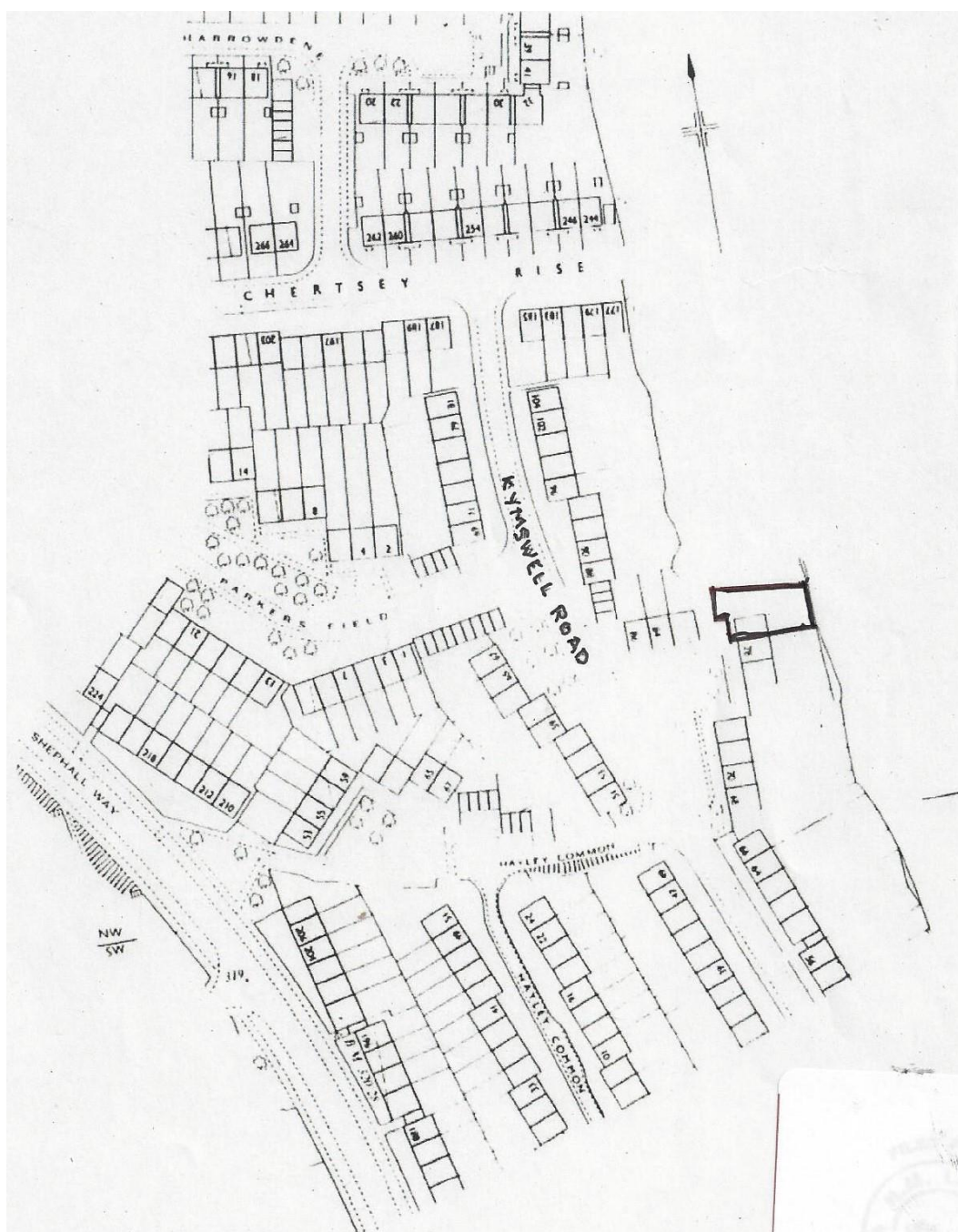
This is the plan referred to in the Lawful Development Certificate dated: 13th February 2020

by **Stephen Brown MA(Cantab) DipArch RIBA**

Land at: **80 Kymswell Road, Stevenage SG12 9JS**

Reference: **APP/K1935/X/18/3218192**

Scale: DO NOT SCALE



Appeal Decision

Site visit made on 6 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/K1935/W/19/3239269
36 Fellowes Way, Stevenage, SG2 8BW

- 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 Mr and Mrs Reynolds against the decision of Stevenage Borough Council.
 - The application Ref 19/00383/FP, dated 25 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is a one bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located within a predominantly residential area comprising a variety of two-storey and single-storey dwellings of different designs and sizes. Dwellings are typically set back from the road with open frontages, which makes a positive contribution to the openness of the area.
4. The appeal site currently forms part of the rear garden of 36 Fellowes Way, which tapers towards the rear. The proposed dwelling would be located to the rear of the garden at the narrowest point, utilising an existing vehicular access off Fellowes Way.
5. Although dwellings on Fellowes Way do not follow a clearly defined, uniform building line they are nevertheless set back from the road with sufficient space at the front to provide a spacious frontage. The proposed dwelling would be sited further forward of the other dwellings within proximity of it, most notably 34, 34a and 36 Fellowes Way, with the point closest to its front boundary with the footway being approximately 900mm distance. Due to the tapering of the site, the eastern part of the dwelling would be set slightly further back than the western part. However, overall the dwelling would nevertheless appear significantly closer to the highway than neighbouring properties and consequently would fail to reflect the established pattern and grain of development, reduce the openness of the area and appear as an incongruous and unduly prominent feature within the streetscene.

6. The appellant refers to a dwelling to the west of the appeal site, to the rear of 55 Woodland Way (34a Fellowes Way), as well as a substation. They also refer to a number of blocks of garages in the locality. I concur with the appellant's view that these buildings do not compromise the openness of the area. These buildings are set back from the road, retaining a spacious, open street frontage. In marked contrast, the proposed dwelling would be significantly further forward of these buildings, therefore diminishing the openness of the area.
7. I acknowledge that the dwelling would be only be approximately 3.2m in height. However, as a result of its proximity to the highway, it would remain clearly visible above the boundary fence. I have also had regard to the trees within proximity of the site. Whilst they would afford some screening to the site, the dwelling would nevertheless remain clearly prominent within the streetscene.
8. I have also had regard to the dwelling being perceived as a building used ancillary or incidental to 36 Fellowes Way, which would not require planning permission. However, as a result of its vehicular access, which would allow clear views of the dwelling from the road and the general comings and goings and domestic activities associated with the dwelling, which would be separate to No 36, I do not agree that it would be viewed as an ancillary or incidental building. Therefore, I find no relevant comparison between the proposed dwelling and other ancillary buildings in the locality, including garages. Moreover, the Council makes a compelling case that as the building would be within 2m of the boundary, even if it was used ancillary or incidental to No 36, and not a separate dwelling, it would not be permitted development.
9. The proposed dwelling has been reduced significantly in height following the Council's refusal of a previous scheme¹ and therefore would have less of an impact on the character and appearance of the area. However, I do not consider that this reduction in height would reduce the impact to such an extent that it would not be unacceptably harmful.
10. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to Policies GD1 and HO5 of the Stevenage Borough Local Plan 2019, which, amongst other things, seek to ensure that development respects and makes a positive contribution to its location and surrounds; and, that windfall sites have no detrimental impact on the environment. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).
11. In their reason for refusal, the Council also cite their Design Guide Supplementary Planning Document 2009. However, I have not been presented with any particular elements of the guidance that the proposal would conflict with. Accordingly, I find no conflict with it.

Other Matters

12. The Council confirms that as of November 2019 they have a demonstrable 5 year housing land supply. The appellant does not dispute this. In the absence of any evidence to the contrary, I find no reason to conclude otherwise. As there is no argument before me that the most important policies for the

¹ LPA Ref: 19/00135/FP

determination of the appeal are out of date and that there is a 5 year housing land supply, I attribute full weight to the policies of the development plan. The 'tilted balance' set out in paragraph 11d of the Framework is not engaged.

Balance and Conclusion

13. The Council raise no objection with regards to the effect on neighbouring residential living conditions, highway safety, parking provision or heritage assets. However, the lack of harm in respect of these matters is not a benefit but rather a neutral effect, which affords no weight in favour of the proposal.
14. Nevertheless, the dwelling would have good access to services, facilities and job opportunities and would make a positive, albeit very limited, contribution to the housing supply. However, individually or cumulatively, these do not outweigh the harm to the character and appearance of the area.
15. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR

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