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PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 5 October 2021
Time: 6.30pm,
Location: Council Chamber
Contact: Ramin Shams 01438 242308
committees@stevenage.gov.uk

Members: Councillors: S Speller (Chair), M McKay (Vice-Chair), D Bainbridge, M Arceno, A Brown, T Callaghan, M Creasey, M Downing, J Hanafin, G Lawrence, Mrs J Lloyd, A Mitchell CC, G Snell and T Wren

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES

To approve as a correct record the Minutes of the previous meeting held on Tuesday 7 September 2021.

Pages 3 – 16

3. 21/00071/FPM - LAND TO THE SOUTH OF NORTON ROAD

To consider erection of industrial unit comprising a workshop and offices with external parking area

Pages 17 – 34

4. 20/00483/FPM - SYMONDS GREEN NEIGHBOURHOOD CENTRE, FILEY CLOSE

To consider Variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM

Pages 35 – 66

5. 21/00357/FP - 37 FELLOWES WAY, STEVENAGE

To consider part change of use of ground floor of the main house to use as a dance studio

Pages 67 – 78

6. 21/01025/ENF - 7 BOXFIELD GREEN, STEVENAGE

To consider development not in accordance with approved plans 17/00734/FPH

Pages 79 – 82

7. 21/00724/ENF - 113 OAKS CROSS, STEVENAGE

To consider unauthorised construction of vehicle parking area

Pages 83 – 86

8. PROPOSED LISTING CONSULTATION FROM HISTORIC ENGLAND

To consider whether the two sites of interest detailed in the “Proposal” have architectural or historic interest.

Pages 87 – 90

9. STREET NAMING AND NUMBERING APPROVED LIST

To consider the attached list of street names for Stevenage following both existing being used and new names being suggested.

Pages 91 – 94

10. 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 95 – 108

11. 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 109 – 110

12. URGENT PART I BUSINESS

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

13. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

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

14. URGENT PART II BUSINESS

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

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 7 September 2021

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Councillors: Simon Speller (Chair), Maureen McKay (Vice Chair), Doug Bainbridge, Myla Arceno, Adrian Brown, Michael Downing, Jody Hanafin, Graham Lawrence, Adam Mitchell CC and Graham Snell

Start / End Time: Start Time: 6:30 pm
End Time: 8:14 pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were received from Councillors Teresa Callaghan, Tom Wren, Matt Creasey and Mrs Joan Lloyd.

There were no declarations of interest.

2 MINUTES - 18 AUGUST 2021

It was **RESOLVED** that the minutes of the Planning and Development Committee meeting held on Wednesday 18 August 2021 be approved as a correct record and signed by the Chair subject to the following amendment.

- Councillor Graham Lawrence gave apologies for absence.

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

Application	18/00416/FPM
Location	Bank House, Primett Road, Stevenage
Proposal	Reconfiguration of existing offices (basement, ground and first floor level) and six storey extension.
Applicant	Good for Food Limited
Recommendation	Grant planning permission.

The Development Manager presented the application seeking permission for the reconfiguration of existing offices and six storey extension. The application under the reference 18/00416/FPM was originally determined by this Committee on 5 February 2021. It was resolved to Grant Planning Permission subject to the completion of a

Section 106 legal agreement. This agreement to date had not been completed and the applicant was now seeking to secure planning permission for this development. The Development Manager advised that the application was assessed under the new NPPF (National Planning and Policy Framework) adopted in July 2021 and under the Stevenage Local Plan adopted in May 2019. Both policies were material changes for the application. He advised Members could take both policies in to consideration for making a decision on the application. During the presentation, the Development Manager displayed maps, plans and photographs to demonstrate the location and character of the site.

The Development Manager explained that the application site was located on the southern side of the Primett Road opposite George House. The Old Town and the Howard Court, both a Conservation Area located to the east of the application site. To the south adjacent to the George House was Townsend Mews which was a private residential development. To the west, the site was bordered by Lytton way and to the north was the vehicle and pedestrian underpass which connected Lytton Way with Primett Road.

The Development Manager advised that the application was designed to reduce overlooking in to George House, and would support the natural daylight into the building. The applicant had also taken an Average Daylight Factor assessment which demonstrated that upon completion of the site Howard Court would still have sufficient daylight. The site was deemed to be a sustainable location with the provision of secured cycling facilities for staff.

The application site had a modern contemporary design, and was outside the Conservation Area, but it had some impact upon the setting of the Old Town Conservation Area and the Marquis of Lorne which is a listed building, however, the social and economic benefits of the proposed application would outweigh any potential adverse impact.

The Hertfordshire County Council as a Highway Authority had no objection to the application subject to the recommended conditions outlined in the officer report and a section 106 agreement to address sustainable transport. The Herts and Middlesex Wildlife Trust were also satisfied with the application.

The key issues in the determination of the application were outlined in the officer report.

Members debated the application, taking into account the presentation from the Development Manager, and the officer report. The key issues for Members consideration included the impact of the application site on the Conservation Area.

The Assistant Director for Planning and Regulatory advised Members that the social and economic benefits would outweigh the impact on the Conservation Area, and the proposed design would also protect the privacy issues. Condition 26 of the officer report would restrict the developer to convert the offices in to flats.

Vote:

6 vote For

4 Against

0 abstentions

It was **RESOLVED** that planning permission be granted, subject to the conditions as per the recommendations below:

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

- A financial contribution towards improvements to the local cycle network;
- The cost of assessing, evaluating and monitoring the Travel Plan;
- To secure local employment and apprenticeships associated with the construction of the development;
- To secure the provision of a Local Employment Strategy;
- To secure the minimum of 39 Parking Permits to be secured from SBC;
- A monitoring fee of 2.5% of the total financial contributions (capped at £25,000).

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor. In addition, this permission be subject to the conditions outlined below, with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation:-

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

BH17-PL-A201 D1; BH17-PL-A202 C; BH17-PL-A203 A; BH17-PL-A204 A; BH17-PL-A204 A; BH-PL-A206 A; BH17-PL-A207 A; BH17-PL-A208 A; BH17-PL-A209 A; BH17-PL-A220 A; BH17-PL-A221; BH17-PL-A222 A; BH17-PL-A223; BH17-PL-A230 A; BH17-PL-A231; BH17-PL-A232; BH-PL-A233; BH17-PL-A302; BH17-PL-A301; BH17-PL-A401; BH17-PL-A404; Cycle Storage Plan; Short Term and Visitor Parking Plan.

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

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

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

- 3 The development hereby permitted shall be constructed in accordance with the materials and finishes as set out in the application submission.

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

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

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

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

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

- 6 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

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

- 7 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.

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

- 8 No development shall commence (including demolition and site clearance) until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the

construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:-

- (i) Construction vehicle numbers, type and routing;
- (ii) Access arrangements to the site;
- (iii) Traffic management requirements;
- (iv) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- (v) Siting and details of wheel washing facilities;
- (vi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (vii) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- (viii) Provision of sufficient on-site parking prior to commencement of construction activities;
- (ix) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- (x) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

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

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

- 10 Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 6.0 m wide and thereafter retained at the position shown on the approved drawing number BH17-PL-A201 revision D, the existing vehicle access along Primett Road to the former Bank House shall be reconstructed to include an informal pedestrian crossing to gain access to the opposite side of the road, a further tactile crossing point shall be provided at

the junction with Primett Road and the slip road, the remaining vehicle access shall be reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

- 11 Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be to open inwards, set back, and thereafter retained a minimum of 6.0 metres from the edge of the highway.

REASON:- To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed.

- 12 No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to the site as part of the development has been submitted to and approved in writing by the Local Planning Authority.

REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.

- 13 Prior to the first occupation of the development hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the approved details submitted with this planning application and shall be permanently retained in that form thereafter.

REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings and the development as a whole on site in perpetuity.

- 14 Prior to the first occupation of the development hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.

REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.

- 15 Prior to the first occupation of the development hereby permitted the basement car parking area shall have been fully constructed, surfaced and permanently marked out. The car parking areas so provided shall be maintained and retained permanently and shall be used for no other purpose

at any time.

REASON:- To ensure that adequate parking is provided at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway.

- 16 No development shall take place (excluding demolition and site clearance) until details of the [siting, type, specifications of EVCPs, the energy sources 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 prior to the first use of the development hereby permitted and permanently retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.

- 17 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy, prepared by Create Consulting Engineers Ltd, Ref. JJ/CS/P17-1397/02, dated 4 June 2018 and the following mitigation measures detailed within the drainage strategy:

1. Limiting the surface water run off generated by the 1 in 100 year + 40% for climate change critical storm to a maximum rate of 12.0 l/s.

2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer, including SuDS features as indicated on drawing title Proposed Ground flood plan (Permeable paving area), Project number BH17-PL-A202, date 16/03/18; Proposed Roof plan (Blue roof), project number BH17-PL-A210 date 16/03/18 and Proposed basement plan (Geocellular storage), project number BH17PL-A201, date 16/03/18.

3. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

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

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

- 18 No development shall take place until a final design of the drainage scheme for the site based on the principles set out in Condition 17, has been submitted to and approved in writing by the Local Planning Authority. The

scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:

1. Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event, including the whole site area.
2. Clarification as to where the drain at the entrance of the basement will be connecting and supporting calculations
3. Updated full detailed surface water drainage plan showing the proposed discharge point to Thames Water sewer, the location of the proposed SuDS features, the pipe runs, size and node numbers.
4. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers along with all corresponding detailed calculations/modelling.
5. In case of informal flooding within the site this should be shown on a plan including extent and depth.
6. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.

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

- 19 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network (including the underground surface water attenuation features) must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

- 20 At the detailed design stage of the drainage works, the applicant shall submit to the Local Planning Authority for its approval in writing a groundwater levels assessment to ensure that the permeable paving will not be compromised. In addition, as part of the overall assessment, the existing Thames Water surface water sewer line should be assessed, highlighted and clarified at detailed design stage as to how the new system will interact. In the event the

drainage strategy needs to be re-designed based on the assessment findings, a revised drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The revised drainage strategy shall thereafter be implemented in accordance with the approved details.

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

21 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site clearance and/or construction phase of the development, undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

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

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

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

22 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 21, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition.

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

23 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.

24 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

25 No development (excluding any demolition or site clearance works) shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

26 The use of the enlarged building hereby approved shall be limited to Schedule 2, Part A, Class E (g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 as offices and shall be used for no other purposes.

REASON:- To prevent the unrestricted change of use to retail (Class E (a)) without paying the required CIL charge under the Council's adopted Community Infrastructure Levy Charging Schedule.

20/00491/ENF - LAND TO THE SIDE AND REAR OF 330-336 RIPON ROAD, STEVENAGE

Application	20/00491/ENF
Location	Land to the side and rear of 330-336 Ripon Road, Stevenage
Proposal	Shipping container and untidy land to the rear of the properties
Recommendation	Serve an enforcement notice

The Senior Planning Officer presented the application seeking permission to serve an enforcement notice to the owners of the land to the side and rear of 330-336 Ripon Road. During the presentation, she displayed a map, plans and photographs to demonstrate the location and character of the site. She explained that the land had an untidy appearance with overgrown landscaping; contained plant and machinery and was used for the storage of what appeared to be a car trailer. There was also a shipping container stored on the open car park. The site was highly visible to members of the public, and had a detrimental impact on the visual amenities of the street scene.

The Local Ward Councillors brought the issue to the Council's attention in September 2020. The Council had written letters to the owners in September 2020 and also in June 2021 with no replies received. Upon further investigations, the Council also wrote to the owners' business addresses with no response to date.

The key issues in the determination of the application were outlined in the officer report.

Members debated the application taking in to account the Senior Planning Officer presentation and the officer report. Members supported the officer recommendation to serve an enforcement notice to owners. Members questioned the six months notice period, and suggested a three months notice period, given that the Council had already allowed enough time to the owners.

Officers explained that the owners had breached their planning application conditions, the actual space was for the car parking. Officers agreed to amend the condition relating to the notice period from six months to three months as follow:

- Within three months of the date of enforcement notice served, the shipping container be removed and the land at the rear of the properties be enclosed with suitable timber fencing.

It was **RESOLVED** that enforcement notice be issued and served, subject to the conditions as per the recommendations below:

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 shipping container and to provide the 11 car parking spaces as shown on plan 5837(P)008-A under 16/00367/FP. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

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. 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.

5 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

7 **URGENT PART I BUSINESS**

The Chair invited Members to take part in the informal sub-group discussions on the following key issues:

- Design
- Conservation
- Climate Change

The following Members shown interest and listed their names for the sub-groups:

- The Chair Cllr Speller, Cllr Hanafin and Cllr Bainbridge were interested to take part in the Design sub-group.
- Cllr Lawrence and Cllr Downing to take part in the Conservation sub-group.
- The Chair Cllr Speller and Cllr Downing to take part in the Climate Change sub-group.

8 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

9 **URGENT PART II BUSINESS**

None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	5 October 2021	
Author:	Ailsa Davis	01438 242747
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	01438 242747

Application No:	21/00071/FPM
Location:	Land South of Norton Road, Stevenage
Proposal:	Erection of industrial unit comprising a workshop and offices with external parking area
Drawing Nos.:	A101; A103 rev A; A104; A201; A202 rev A; 47162-DR-D-101A
Applicant:	Generator Power Ltd
Date Valid:	5 February 2021
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises a 0.48 hectare vacant site, formerly in use as a gas depot which has been demolished and the gas holder removed. The site has been cleared, pending further development subject to planning permission. The site is located at the end

of Norton Road and is surrounded on all sides by industrial warehouse units and Stevenage Bus Depot to the north.

- 1.2 There are no significant planning constraints associated with the site. The site is wholly within Flood Zone 1 meaning there is a very low probability of fluvial flooding. The site is not within an Area of Outstanding Natural Beauty nor is it within a Conservation Area, Site of Special Scientific Interest, Air Quality Management Area, Special Landscape Area, Local Green Space or any other national/local environmental or ecological designations.
- 1.3 The site is designated as falling within the Gunnels Wood Employment Area within the adopted Local Plan (2019).

2. RELEVANT PLANNING HISTORY

- 2.1 18/00180/PADEMO – Prior approval for the demolition of gasholders on site. Prior approval not required.
- 2.2 00/00567/PATELE – Erection of a 15 metre lattice mast supporting six sector antennae and two 600mm dishes an equipment cabin and ancillary development within a fenced compound. Prior approval not required.
- 2.3 99/00436/FP – Demolition of existing buildings and erection of two industrial/storage buildings Classes B1, B2 and B8 with ancillary offices and car parking. Granted planning permission.
- 2.4 The site was previously used as a gas works depot operated by Transco until a planning application was submitted to the LPA for the decommissioning and removal of the large gas cylinder and associated buildings in 2018. The gas cylinder and buildings were consequently demolished to leave a vacant site, with just the remains of the floor slabs now showing. The site was purchased by Generator Power Ltd (the applicant) in December 2020.

3. THE CURRENT APPLICATION

- 3.1 This application is seeking planning permission for the erection of a 1348sq.m industrial warehouse unit in Class B2 (General Industry) use comprising a workshop and offices with external parking area providing 20no. parking spaces and 6no. HGV spaces. The unit would be run by Generator Power Ltd and be used as a workshop for generators and associated equipment and storage of generators, plant and equipment.
- 3.2 The building itself would comprise a new steel framed portal building with a dual pitched roof comprising steel sheet cladding, powder coated aluminium windows and a mixture of brickwork and steel sheet cladding on the external elevations. The building would follow a colour palette to suit the applicant's corporate identity, which is utilised on their other sites around the country. The Design and Access Statement contains some computer generated images showing what the building would look like in context.
- 3.3 The building would be sited at the southern end of the site, with the yard area in front and the car parking located along the eastern boundary and adjacent to the western elevation of the building. The proposed HGV parking would be located in the north western corner of the site. The existing vehicular access in the north eastern corner of the site would continue to be used.
- 3.4 The application comes before Committee for consideration as it is a major commercial application.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining properties and a site notice. In addition, the application has also been advertised in the Local Press. No representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highway Authority

- 5.1.1 Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2 Thames Water

- 5.2.1 No objection, subject to a condition requiring a Piling Method Statement to be submitted and approved due to the proposed works being in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Thames Water has also asked for the applicant to apply for a Groundwater Risk Management Permit for discharging groundwater into a public sewer.

5.4 Hertfordshire County Council as Lead Local Flood Authority

- 5.4.1 We understand this application seeks full planning permission for a major development, and we have assessed the additional information submitted to support to this application. We understand that the existing drainage network on site had no other connections and was found to only serve the site. It is noted that the drain is to be abandoned as part of the development proposal. We acknowledge the applicant has now proposed and included a perforated pipe filter drain to run along the eastern boundary to help intercept existing low risk surface water flooding.
- 5.4.2 We note that two separator systems are proposed to provide the appropriate treatment train before the discharge point for the site. We understand that an assessment was undertaken to demonstrate that in principles a proprietary oil separator and hydrodynamic vortex separator would meet the requirements for the removal of total suspended solids, hydrocarbons, copper, and zinc. We note that following a review of the additional submitted information we are in a position to recommend conditions should the LPA decide to grant planning permission.

5.5 Environment Agency

- 5.5.1 The previous land use at this site as a Gas Depot suggests the potential presence of contamination. Since the site is situated in a vulnerable groundwater area on principal and secondary aquifers these proposals need to be dealt with in a way which protects the underlying groundwater. Where land contamination may be an issue for a prospective development we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.
- 5.5.2 We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model

procedures for the management of land contamination (CLR11), which was archived in 2016.

5.5.3 In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

5.6 Council's Planning Policy Section

5.6.1 The proposal seeks to provide new B2 floorspace in a designated employment area. The proposal has taken the opportunity to provide cycle parking in a central location. Opportunities should be explored with regard to SuDS on site. The proposed development accords with a number of policies in the Stevenage Borough Local Plan.

5.7 Council's Environmental Health Section

5.7.1 No comment.

5.8.1 Herts Fire and Rescue (Water Officer)

5.8.1 Require a fire hydrant. The closest hydrant is 110m away from the proposed building.

5.9 UK Power Networks

5.9.1 No comment.

5.10 Affinity Water

5.9.1 No comment.

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 July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date

for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
 Policy SP2: Sustainable development in Stevenage;
 Policy SP8: Good design;
 Policy SP11: Climate change, flooding and pollution
 Policy IT4: Transport Assessment and Travel Plans
 Policy IT5: Parking and access;
 Policy EC4: Remainder of Gunnels Wood;
 Policy GD1: High quality design;
 Policy FP1: Climate change;
 Policy FP2: Flood risk in Flood Zone 1;
 Policy FP5: Contaminated land;
 Policy FP7: Pollution;
 Policy NH5: Trees and Woodland

6.4 Supplementary Planning Documents

Parking Provision and Sustainable Transport SPD (2020);
 Stevenage Design Guide SPD (2009)
 Developer Contributions SPD (2021)
 The Impact of Development on Biodiversity SPD (2021)

6.5 Community Infrastructure Levy Charging Schedule

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

Community Infrastructure Levy

6.5.2 The development is liable for Community Infrastructure Levy under the Council's adopted Charging Schedule (2020) at £0/m². The CIL Charging Schedule specifies a payment for new floor space in line with the following rates (plus appropriate indexation):

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

- 6.5.3 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 6.5.4 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

7. APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, design/appearance/layout, flood risk and drainage, climate change mitigation, landscaping and biodiversity, neighbouring amenities, pollution and hazardous substances, means of access/parking, local employment and apprenticeships and construction impacts.

7.2 Land Use Policy Considerations

- 7.2.1 As identified by the Local Plan proposals map, the application site falls within the Gunnels Wood Employment Area, however it falls outside of the Gunnels Wood Edge of Centre Zone and Industrial Zone. Policy EC4 'Remainder of Gunnels Wood' is therefore the relevant land use policy to consider. The policy states planning permission will be granted within the Gunnels Wood Employment Area where:

- a. Development (including changes of use) is for use classes B1(b) research and development, B1(c) light industry, B2 general industry and / or B8 storage and distribution;
- b. (Re-)Development of the site would not prejudice the provision of an appropriate number and range of jobs across the Employment Area as a whole; and
- c. On sites over two hectares in size, any proposals for B8 development are either part of a mixed-use scheme providing a range of acceptable uses or essential to the continued operation of an existing use.

- 7.2.2 The proposed unit would be used as a workshop for generators and associated equipment and storage of generators, plant and equipment run by the applicant, Generator Power Ltd. This would fall within planning use class B2 'General Industry'. The proposal would therefore comply with criterion (a) of policy EC4. The development of the site would create new jobs and would not prejudice the provision of an appropriate number and range of jobs across the Employment Area as a whole. The proposal is also in accordance with criterion (b). Criterion (c) is not relevant as the application site is less than 2 hectares in size.

- 7.2.3 The principle of the proposed industrial unit in this location is therefore, considered acceptable in land use policy terms, subject to satisfying design, transport and environmental policies.

7.3 Design and Appearance

- 7.3.1 Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". It goes on to state that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

- 7.3.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
 - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
 - is sympathetic to local character and history;
 - establishes or maintains a strong sense of place;
 - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.3.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change”.
- 7.3.4 Paragraph 134 of the NPPF states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”. Local Plan Policies SP8 ‘Good Design’ and GD1 ‘High Quality Design’ also seek to ensure new development achieves the highest standards of design. Policy GD1 sets out generic design requirements that will be applied to all development.
- 7.3.5 The proposed scheme has been designed so as to align with the adjacent employment units and provide direct vehicular and pedestrian access from Norton Road. The layout would preserve the openness in front of the other units at the end of Norton Road and provide a suitable yard for parking and storage to suit the applicant’s requirements. The scale of the proposed building has been designed to appear in keeping with the adjacent units is typical of this type of small scale industrial development with a 6m eaves height.
- 7.3.6 In terms of design, the proposed building would comprise a new steel framed portal building with a dual pitched roof made of steel sheet cladding, powder coated aluminium windows and a mixture of brickwork and steel sheet cladding on the external elevations. The building would follow a colour palette to suit the applicant’s corporate identity, comprising Goosewing grey and Patina green cladding trim which is utilised on their other sites around the country. The Design and Access Statement contains some computer generated images showing what the building would look like in context.
- 7.3.7 Landscaping is to be provided to the Eastern boundary, through the use of grass and shrub planting. The boundary to the West of the site currently consists of self-seeding shrubs and bushes. These would be trimmed back and retained, if found to be in reasonable condition. Low energy lighting would be provided adjacent to each entrance/exit door, with a bulkhead LED low energy light fitting. The parking area would be illuminated by low energy LED perimeter lights and building mounted lighting to cover the yard area.
- 7.3.8 It is considered the proposed design of the building is appropriate for its intended purpose as an industrial unit within an existing employment area. The design, external materials and colour palette would appear in keeping with the adjoining units within the wider area and the scale of the building would not appear out of proportion or overbearing when viewed from Norton Road. On the basis this is an existing employment site, it is considered the proposed design is acceptable.
- 7.3.9 The proposal would be in accordance with paragraphs 126, 130,131,132 and 134 of the NPPF in respect of design, Policies SP8 and GD1 – High Quality Design of the Local Plan (2019) and Stevenage Design Guide (2009).

7.4 Access, Highways and Parking

Vehicle Access and Highway Safety

- 7.4.1 The proposed development would be served from the extension of the local access road of Norton Road; the particular section of road served by the development is a private street that is not maintainable at the public's expense. The service road has sufficient capacity to accommodate large vehicles likely to use the development. Hertfordshire County Council (HCC) as Highways Authority research indicates that in the last 5 years there have been no vehicle collisions along Six Hills Way in the vicinity of the access to Norton Road. HCC as Highway Authority have raised no objection to the application proposal, which is considered acceptable in terms of vehicle access and highway safety.

Parking

- 7.4.2 In terms of proposed parking, 20 car parking spaces are provided (10 standard and 10 overflow). Two of the spaces would provide electric vehicle charge points and there is provision for 1 disabled parking space adjacent to the building entrance. A total of 6 HGV spaces are also proposed. Covered cycle parking is provided. Vehicle tracking is shown on the proposed site plan, which confirms vehicles would be able to access the carpark, turn and exit in a forward gear. The Highway Authority has confirmed there is sufficient room within the service yard for the manoeuvring of articulated and other large vehicles to enable them to turn around and egress the access in forward gear.
- 7.4.3 In terms of the parking requirements for the proposed use of the building as use class B2 'General Industry', the Council's Parking Provision SPD (2020) requires 1 space per 50sqm gross floor area. The gross floor area of the proposed building is stated within the application form to be 1348sq.m, which creates a requirement for 27 parking spaces. In some areas of the town, the ease of access by passenger transport and access to daytime public parking allows for lower levels of parking to be provided for private non-residential uses. Adoption of the above standard without further reduction would over-provide in locations where non-car accessibility is good or, just as importantly, can be improved. The site falls within Non-residential Accessibility Zone 1, where 0-25% of the maximum car parking provision would be allowed. This equates to 0 - 6.75 (rounded up to 7 spaces). The provision of 20 parking spaces and 6 HGV spaces would therefore exceed this requirement. Notwithstanding this, the proposed development is considered to provide sufficient off-street parking to accommodate the operational demand of the development.
- 7.4.4 In terms of electric vehicle (EV) charging, the Parking Provision SPD (2020) requires a minimum of 20% of new parking on the site to have access to an active EV charging point. A total of 2 EV charging spaces would be provided, which does not meet the policy requirement. A minimum of 4 EV charging spaces are required. This can be secured via a planning condition.
- 7.4.5 With regards to parking for disabled motorists, the Parking Provision SPD requires one space for each employee who is a disabled motorist and 5% of total provision to be provided as disabled parking for visiting disabled motorists, plus 5% of total provision for conversion to future disabled spaces. At this stage, the number of employees who are disabled motorists is not known. The applicant is therefore providing 1 disabled parking space from the outset, adjacent to the building entrance. There is space to convert other parking spaces in the future. It is considered this approach is acceptable.
- 7.4.6 In terms of cycle parking, the minimum requirement set out within the Parking Provision SPD is 1 long term (staff) space per 500sqm and 1 short term (visitor) space per 1,000sqm. Hence the scheme would be required to provide a minimum of 3 long term spaces, and 1 short term space. It is proposed to provide a secure covered cycle store to the north of the

parking spaces along the eastern site boundary. However it is not stated within the application submission how many spaces would be provided. The location of the cycle store is considered acceptable. The provision of a minimum of 4 lockable 'Sheffield' style parking loops can be sought via a planning condition.

- 7.4.7 It is considered the proposed parking arrangements, and, subject to a condition on the cycle parking, would comply with Local Plan Policy IT5 'Parking and Access' and the proposal is considered acceptable in this regard.

Trip generation, Distribution, Impact

- 7.4.8 In terms of the traffic impact that the development has on the local highway network, the Highway Authority considers the traffic generation would not increase significantly the original trip rates to the development. The traffic generated by the new development is unlikely to affect the overall performance of the existing junction onto Six Hills Way. It has been considered that in comparison to the original traffic generation to the development, the development would not alter the overall impact on the adjacent highways.

- 7.4.9 HCC as Highway Authority has considered that the proposal would not increase the traffic generation or the vehicle movement to the development and would not have a severe effect on the safety and operation of the adjoining highways.

Loading and Servicing, Waste Collection

- 7.4.10 All loading, servicing and waste collections would take place within the application site yard using the existing entrance. A refuse store is located next to the cycle store adjacent to the site entrance to be accessible to the waste collection vehicle.

7.5 Biodiversity and Trees

- 7.5.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:

- i. Permitted development;
- ii. Householder development, including extensions;
- iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
- v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building

- 7.5.2 As the application site was previously used as a gas works depot and is now vacant with just the remains of the floor slabs showing, it is considered it would meet exception criteria iv and v above as 100% of the site was previously developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site.

- 7.5.3 Landscaping would be provided to the eastern boundary, through the use of grass and shrub planting. The boundary to the west of the site currently consists of self-seeding shrubs and bushes. These would be trimmed back and retained, if found to be in reasonable condition. The proposed site plan also shows three trees, two in the south west corner of the site and one adjacent to the site entrance. The two trees in the south west corner are existing, to be retained and the one adjacent to the site entrance is proposed.
- 7.5.4 The above landscaping arrangements are considered to enhance the biodiversity and visual amenity of this industrial site and would accord with Section 15 of the NPPF and policies SP12 and NH5 of the Local Plan (2019).

7.6 Flood Risk and Drainage

- 7.6.1 A Flood Risk Assessment and Drainage Strategy dated April 2020 has been submitted alongside this application. The report reviews the drainage and flood risk issues associated with the proposed development and sets out the drainage strategy. The report states that the application site is located within Flood Zone 1 and that flood risk from all other sources is low. The development of the site for an industrial building (use class B2) is therefore appropriate as set out by the 'flood risk vulnerability classification' contained within the Planning Practice Guidance. The Report sets out details in respect of surface water and foul water drainage.
- 7.6.2 The proposed drainage scheme makes use of an attenuation tank with a final discharge into an existing private surface water manhole on site, before a discharge into the Thames Water Surface Water Sewer at a rate of 5l/s. Thames Water has confirmed the sewer has capacity for the proposed discharge rate. Greenfield runoff rates for the site have been calculated. Due to site constraints, the Lead Local Flood Authority have accepted that meeting the greenfield runoff rates would be impractical and have agreed the proposed 5l/s discharge rate.
- 7.6.3 Following the submission of additional information at the request of the LLFA to overcome their previous objections, the LLFA are now satisfied that the proposed development would not increase the risk of flooding within or surrounding the site, subject to conditions. It is considered the proposal accords with Section 14 of the NPPF and policies SP11 and FP2 of the Local Plan (2019).

7.7 Climate Change Mitigation

- 7.7.1 The proposed building has been designed with consideration of the effects of climate change and the ways in which the proposal can be made more sustainable for the future. Simplified Building Energy Model (SBEM) is used in England for non-domestic buildings in support of the National Calculation Methodology (NCM), the Energy Performance of Buildings Directive (EPBD) and the Green Deal. This is used as the basic target for compliance. In addition to this basic level of compliance and subject to detailed design, the applicant is considering the use of the following energy saving technologies and renewable sources of energy:
- Photo voltaic solar power - Array of 30kw to rear roof pitch
 - Air source heat pumps for the offices central heating
 - Water saving sanitary ware, taps and showers
 - SUD's compliant surface water drainage - as submitted
 - Timber sourced from FSC renewable sources
- 7.7.2 It is considered the information provided within the application demonstrates that the proposed development would accord with the requirements of policies SP2 and FP1 of the

Local Plan (2019) in relation to sustainable construction and climate change mitigation and is acceptable.

7.8 Pollution and Hazardous Substances

7.8.1 Whilst this is a proposal for a building in class B2 general industry use, the proposed workshop for generators and associated equipment and storage of generators, plant and equipment would not involve the use or storage of any hazardous substances. The proposal would not therefore raise any issues to be considered under Policy FP6 'Hazardous Installations' or FP7 'Pollution'.

7.8.2 The site is located within an existing employment area and therefore the proposal would meet the tests of Policy FP7 'Pollution', as it would not have unacceptable impacts on (i) the natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution; (ii) health and safety of the public and (iii) the compliance with statutory environmental quality standards.

7.9 Impact on Residential Amenity

7.9.1 The application site is located within the Gunnels Wood Employment Area and is surrounded by similar industrial / employment uses. The proposal would not raise any issues in terms of impact on neighbouring residential amenity, as there are no residential buildings in close proximity to the site.

7.10 Local Employment and Apprenticeships

7.10.1 The recently adopted Developer Contributions SPD (2021) introduces a requirement that developers of major development will enter into a legal agreement with the Council to:

- i. attempt to fill 5% to 10% of construction jobs on-site associated with their development with Stevenage residents,
- ii. attempt to fill one apprenticeship position per 10 construction jobs on-site with a Stevenage resident or student (with a cap for requirement of 10 apprenticeships),
- iii. report whether or not they met these requirements, and provide a financial contribution in lieu of not achieving either or both targets.

7.10.2 The above SPD was adopted during the course of the determination of this application. As such, the applicant has not submitted a Local Employment Strategy to demonstrate how the above targets would be met. It is considered the submission of a Local Employment Strategy could be secured via a planning condition, where the local employment targets could be agreed with the applicant prior to commencement of development above slab level. The condition could be worded to ensure the development is carried out in accordance with the agreed targets.

7.11 Construction Impacts

7.11.1 Construction would take place within the confines of the application site, accessed from Norton Road. There are no residential properties on Norton Road that would be affected by the construction impacts of the development.

7.12 Other Matters

Human Rights and Equalities

7.12.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

- 7.12.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.12.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.12.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.12.5 In terms of inclusive access, the Building Regulations Approved Documents and the Equality Act have been referred to during the scheme design. The site is generally level, which would provide easy access for wheelchair users. There is suitable off street private parking within the application site giving safe space for parking for all people. A footpath is generally provided around the perimeter of the building, with a ramped/level access to the principal entrance door. The front parking area links directly onto Norton Road, giving pedestrians and vehicles good access to the site. Access for emergency services is via Norton Road, into the private parking area.

8. CONCLUSIONS

- 8.1 The planning application proposes to construct a new industrial unit comprising a workshop and offices with external parking area (use class B2 general industry). The application site is located within the Gunnels Wood Employment Area and therefore the principle of the proposal is considered acceptable in land use policy terms. An assessment of the proposal has also been carried out against national and local design, transport and environmental policies and found to be acceptable.
- 8.4 The proposal is in conformity with the NPPF, the Development Plan and the Council's adopted Supplementary Planning Documents. There are no other material planning considerations which indicate that policies in the plan should be outweighed and that planning permission should not be given.
- 8.5 Given the above, it is recommended that planning permission is granted subject to the conditions set out in section 9 of this report.

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:

A101; A103 rev A; A104; A201; A202 rev A; 47162-DR-D-101A

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

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

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

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

0730 to 1800 Mondays to Fridays

0800 to 1300 Saturdays

And not at all on Sundays and Bank Holidays.

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

REASON:- To satisfactorily protect the operation of adjoining businesses.

- 4 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON:- The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 5 The development hereby permitted shall be completed in accordance with the external materials specified within the Design and Access Statement revision B by Richard Jagger Architectural Design dated 16 September 2021 submitted to and approved by the Local Planning Authority.

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

- 6 All hard and soft landscaping shall be carried out in accordance with the approved details as set out in drawing number A103 rev A to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.

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

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development.

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

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

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

- 9 All car parking spaces shown on drawing number A103 rev A shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter.

REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways.

- 10 Prior to the first occupation of the building hereby permitted, the development shall include provision for 4 active electric vehicle charging points.
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).
- 11 Prior to the first occupation of the building hereby permitted, 1 disabled parking space shall be included in the overall vehicle parking provision with the bays extending beyond the standard minimum with a 1.2m strip of additional width to be provided along each side creating a total minimum bay size of 3.6m x 6m, complete with the International Symbol for Access with the safety zone/aisle between the bays marked with hatchings.
REASON:- To ensure that adequate parking facilities are available within the site for all users.
- 12 A minimum of 4 lockable 'Sheffield' style cycle parking loops shall be provided within the covered cycle parking shown on drawing number A103 rev A prior to first occupation of the building and shall be retained in that form and kept available for those purposes thereafter.
REASON:- To ensure that adequate cycle parking is available within the site.
- 13 The measures to address adaptation to climate change as set out within the Design and Access Statement revision B by Richard Jagger Architectural Design dated 16 September 2021 shall be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 14 The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Flood Risk & Drainage Assessment produced by RJ Design, dated April 2020 and the following mitigation measures:
1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed 5l/s for all rainfall events up to and including the 1 in 100 year plus 40% climate change event.
2. Providing storage in an underground attenuation tank to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
3. The surface water from the site will discharge from a private network into a Thames Water surface water sewer.
The drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
REASON:- To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.
- 15 No drainage works shall take place until a detailed surface water drainage scheme for the site based on the principles as set out in condition 1 and the Flood Risk & Drainage Assessment produced by RJ Design, dated April 2020, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:
1. Final detailed 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.
2. Final detailed drainage plan including the location and provided volumes of all SuDS features, pipe runs, invert levels and discharge points. The areas of informal flooding should also be included on the detailed plan.

3. Full Assessment of proposed SuDS treatment and management stages for all surface water runoff from the entire development site.

4. Final 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.

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

16 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.

2. Maintenance and operational activities for the lifetime of the development.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

17 If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

REASON:- To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

18 No above ground works shall take place until a Local Employment Strategy prepared with reference to section 10 of the Council's Developer Contributions SPD (2021) is submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the agreed local employment targets.

REASON:- To ensure that the benefits of the development contribute to the economic growth of the town and subsequently benefit the town's residents and workforce.

19 No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

INFORMATIVES

1. Community Infrastructure Levy

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

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that

CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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

2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
6. To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

Excavation for foundations
Damp proof course
Concrete oversite
Insulation
Drains (when laid or tested)
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

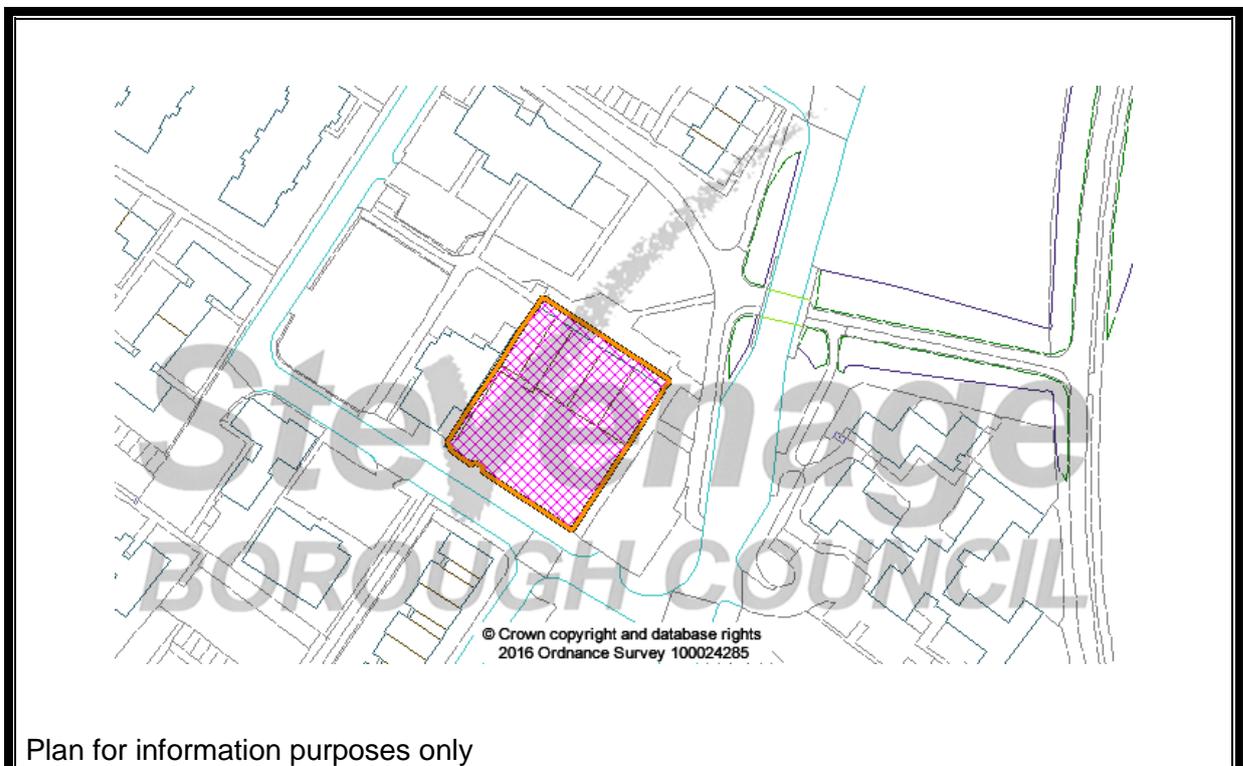
10. BACKGROUND DOCUMENTS

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 and Sustainable Transport (2020), Stevenage Design Guide SPD (2009), Developer Contributions SPD (2021) and The Impact of Development on Biodiversity SPD (2021)
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 July 2021 and Planning Policy Guidance March 2014.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	5 October 2021	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	20/00483/FPM
Location:	Symonds Green Neighbourhood Centre, Filey Close, Stevenage.
Proposal:	Variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM.
Drawing Nos.:	2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
Applicant:	Mr Nash Karbani
Date Valid:	1 September 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located off Filey Close which is a spur road off of Scarborough Avenue and is currently occupied by the Symonds Green Neighbourhood Centre. The Neighbourhood Centre, in which planning permission 16/00395/FPM is currently being implemented, comprises an extension on the upper floors comprising of 26 apartments. The external elevation of the extension is finished in grey rain screen cladding. The fenestration detailing comprises the creation of new windows and doors with grey polyester powder coated (ppc) aluminium frames. At ground floor level, parts of the building (which are still under construction) have been altered to create new retail units with associated shop frontages being installed. The building at this level has also been reclad in clay stock facing bricks. The first floor part of the building has been rendered with new stone detail banding.
- 1.2 However, on the principal (northern/front) elevation, works have not yet commenced and it is this part of the building which is the main subject of this planning application. The premises which currently occupy the ground floor level consists the following:-
- MD Chemist;
 - The Co-operative food;
 - Mandarin House; and
 - King Pizza and Kebab.
- 1.3 The shop fronts associated with the premises consist of aluminium frame glazed windows and doors with low level stall risers and simplistic signage. To the north of the application site is the Symonds Green Community Centre and to the south is the public highway (File Close) beyond which is a three-storey block of flats and the Symonds Green Doctors Surgery. To the west, attached to the building, is the Tom Tiddlers public house which lies adjacent to a surface car park. Beyond this area is a three-storey block of flats. To the east of the site is a surface car park which currently serves the neighbourhood centre and community centre. Beyond this surface car park is Scarborough Avenue and an underpass which connects to the cycle track on Gunnels Wood Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0087/69 was an outline application for residential development on land to the east side of Symonds Green Lane. Permission was refused in July 1969.
- 2.2 Planning application 2/0230/70 sought permission for the creation of a residential development in Symonds Green for Stevenage Development Corporation. Permission was granted in July 1971.
- 2.3 Planning application 2/0189/78 sought permission for the change of use from shop to shop for the sale of hot food. Permission was granted in April 1979.
- 2.4 Planning application 2/0332/84 sought permission for the conversion of the ground floor shop into three separate retail shops (within Class I of the Town and Country Planning (Use Classes) Order 1972). Permission was granted in December 1984.
- 2.5 Planning application 2/0125/86 sought permission for a new shop front on the north-east corner of the building. Permission was granted in May 1986.
- 2.6 Planning application 2/0020/87 sought permission for the conversion of part of the building to provide a housing estate office with a meeting room and two small commercial units for light industrial or storage purposes. Permission was granted in February 1987.
- 2.7 Planning application 2/0209/95 sought permission for a shop front alteration. Permission was granted in August 1995.

- 2.8 Planning application 00/00472/FP sought permission for the change of use from shop (Class A1) to use for takeaway and delivery pizza sales (Class A3) and extraction and ventilation ducting on side elevation. Permission was granted in March 2001.
- 2.9 Planning application 03/00483/FP sought permission for a variation of condition 00/00472/FP to allow for the sale of kebabs, burgers and chips. Permission was granted in December 2003.
- 2.10 Planning application 04/00186/FP sought permission for the retention of a roller shutter to the main entrance of the neighbourhood centre. Permission was granted in July 2004.
- 2.11 Planning application 04/00336/FP sought permission for the installation of auto sliding doors to aid disabled and elderly access into the Co-op store. Permission was granted in September 2004.
- 2.12 Planning application 16/00146/FP sought permission for the change of use from Use Class B1, B8 (Light industrial and storage) to A1 (Hairdressers). Permission was granted in April 2016.
- 2.13 Planning application 16/00395/FPM sought permission for the demolition of 4 no. residential units and refurbishment and external alterations of neighbourhood centre, change of use of existing A1 (shop), B1/B8 (Former Council Estate Office, Business and Storage), D1 (Community Centre) and ancillary Community Cafe to create 3 no. units comprising 2no. Class A1 (shop) and 1no. Class B1 (business) at ground floor level, construction of one additional floor to create 12 no. one bedroom apartments and 10 no. two bedroom flats. Permission was granted in May 2018. This is the application which is being varied under this planning application.
- 2.14 Discharge of condition application 19/00314/COND sought to discharge conditions 3 (materials), 4 (Dust Control), 5 (Construction Method Statement), 6 (Screening of Plant), 7 (Asbestos) and 11 (Strategic Waste Management Plan) attached to planning permission 16/00395/FPM. The conditions were discharged in September 2019.
- 2.15 Discharge of condition application 19/00441/COND sought to discharge condition 8 (Drainage Scheme) attached to planning permission reference 16/00395/FPM. This condition was discharged in August 2019.
- 2.16 Discharge of condition application 19/00533/COND sought to discharge condition 9 (Thames Water) attached to planning permission reference 16/00395/FPM. This condition was discharged in October 2019.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention) as well as conditions 18 and 19 (Restriction on Retail). For reference, these conditions state the following:-

Condition 1 (Approved Plans)

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

DP100A; DP302F; DP303B; DP300H; DP301G; DP310C; DP311C; DP320A; DP321A.

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

Condition 12 (Car Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

Condition 13 (Cycle Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking area shall be constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

Condition 17 (Business Retention)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number DP 300 H shall only be used as Use Class B1 (Business) and for no other purpose (including any purpose in Class B on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately reprovided within the neighbourhood centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #2 as shown on drawing number DP 300 H shall only be used as Class A1 (Convenience) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #3 as shown on drawing number DP 300 H shall only be used as Class A1 (shop) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing class A1 (shop) use is adequately re-provided within the neighbourhood centre.

- 3.2 Following the commencement of works on the development site, the existing tenants have raised concerns that the approved shop frontages, external building treatment and replacement of the canopies when they were to be installed, would have had a detrimental impact on their ability to continue to operate. Therefore, the applicant has agreed to amend the approved scheme to allow the existing retail tenants to install their own 'individual fit-out proposals'. For reference, these would be subject to separate planning permission and

therefore, do not form part of this planning application. In addition, they will seek to retain the existing canopy above the existing shopping parade. However, the applicant would look to undertake sympathetic refurbishment works to the existing canopy.

3.3 Further to the above, in order to limit the impact on the existing businesses and to allow them the floorspace they require, the internal arrangements of the approved development at ground floor level would be amended as follows:-

- The approved 3 no. retail units on the western elevation would be subdivided into 5 no. smaller retail units;
- The internal parking area serving the development would be positioned more centrally and comprise 10 parking spaces (Increase of 2 parking spaces over the original planning permission);
- The office unit and approved cycle parking has been repositioned internally;
- The disabled parking bay has been relocated externally and positioned in close proximity to a new ramp up to the residential and retail units.

3.4 Given the above changes, the access door serving the internal parking area has been relocated centrally on the southern elevation of the building. The office unit located on the rear of the building would require the installation of windows into the southern elevation of the building. Turning to the re-configuration of the retail floorspace, this would result in changes to the approved shop frontages on the eastern elevation of the building as well. This elevation would now comprise 5 no. full height glazed store entrances

3.5 This application was originally referred to the Planning and Development Committee for its decision on 4 November 2020 (Copy of the original report attached in Appendix One). The Committee resolved to grant planning permission subject to the completion of the Deed of Variation (DoV) to the Section 106 (S.106) Legal Agreement attached to the original permission i.e. 16/00395/FPM. The DoV is designed to legally bind the applicant to the original obligations which are set out in the Section 106 Agreement. These include the following financial obligations:-

- Affordable housing;
- Open outdoor sport;
- Children's Playspace; and
- Libraries.

3.6 However, to date, there has been a lack of progress to complete the DoV to the S.106 Agreement. Furthermore, the development is approaching completion and the applicant is looking to sell their assets. Further to this, since the application was previously determined by the Council there have been a number of material changes in National Planning Policy and Guidance. At the National level, Central Government published a revised version of the National Planning Policy Framework (NPPF) which was adopted 20th July 2021. This replaced the February 2019 version of the NPPF. The main changes to the NPPF which affect this application are the new requirements to achieving well-designed places. Chapter 12 which covers design has undergone significant amount of editing with a much bigger focus on making 'beautiful' and 'sustainable' places.

3.7 In addition to the above, the Council formally adopted a Community Infrastructure Levy which came into force on 1st April 2020. The Council also adopted a number of supplementary planning documents (SPD's) which run alongside the adopted Stevenage Borough Local Plan (2019). These SPD's are as follows:-

- The impact of development on Biodiversity SPD (adopted 18 March 2021); and
- Developer Contributions SPD (adopted 18 March 2021).

- 3.8 With regards to Biodiversity, the aforementioned SPD along with the revisions in the NPPF requires major and minor developments to demonstrate a net gain in biodiversity. Given the aforementioned, this application comes back before the Planning Committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1.1 It was not considered necessary to re-consult nearby properties, publish new site notices or issue a press notice. This is because there have been no changes to this application since the local community was originally consulted on the application.

5. CONSULTATIONS

- 5.1.1 It was not considered necessary to re-consult Hertfordshire County Council as Highways Authority or the Council's Environmental Health Department. This is because no amendments have been undertaken by the applicant to the application which was previously determined by the Planning and Development Committee on 4th November 2021.

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 July 2021, i.e. since the Planning and Development Committee's previous decision. This largely reordered the policy substance of the earlier 2012 and 2019 versions of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

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

Policy SP1: Presumption in favour of sustainable development
Policy SP2: Sustainable Development in Stevenage
Policy SP8: Good Design
Policy EC7: Employment development on unallocated sites
Policy HO5: Windfall Sites
Policy HC1: District, local and neighbourhood centres
Policy HC2: Local shops
Policy IT5: Parking and Access
Policy IT8: Public parking provision
Policy GD1: High Quality Design
Policy FP7: Pollution
Policy FP8: Pollution sensitive uses
Policy NH6: General protection for open space
Policy TC11: New convenience retail provision

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020;
Stevenage Design Guide Supplementary Planning Document 2009;
The impact of development on Biodiversity SPD 2021;
Developer Contributions SPD 2021.

6.6 Community Infrastructure Levy Charging Schedule

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

7. APPRAISAL

- 7.1 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted.
- 7.2 In addition to the above, when the Planning and Development Committee makes its decision, it must take into account that on the 4 November 2020, the Planning and Development Committee resolved to grant planning permission subject to the completion of a DoV. This requirement has been established through Planning Case Law and failure to do so runs the risk of the Council being legally challenged through Judicial Review.
- 7.3 The main issues for consideration based on the revisions to the NPPF and the recent adoption of Supplementary Planning Documents since the application was previously determined by the Council are in respect of, affordable housing and Section 106 obligations, impact on the appearance of the area, and, impact on Biodiversity.

7.2 Affordable housing and developer contributions

7.2.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission will be granted for residential developments that maximise affordable housing provision. For developments on previously developed sites, 25% of the dwelling units should be affordable. In regards to the proposed development, this would equate to 5.5 units (rounded up to 6). 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.”

7.2.2 Taking the aforementioned into consideration, the applicant under planning permission 16/00395/FPM, through negotiations with the Council’s Housing Department, agreed a financial contribution of £310,000 towards the provision of affordable housing. This was deemed to be acceptable by the Council as Local Planning Authority when the previous planning application was determined.

7.2.3 In addition to affordable housing, financial contributions were also required under planning permission 16/00395/FPM in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments towards the improvement of nearby outdoor sports facilities and children’s play space. These financial contributions are set out in the table below:-

Stevenage Borough Council	Financial Obligation
Open outdoor sport	£866.88
Children’s play space	£782.64
Total	£1,649.52
Hertfordshire County Council	
Library	£1,906.00
Overall total	£3,555.52

7.2.4 The aforementioned obligations were secured under a S.106 legal agreement as part of planning permission 16/00395/FPM. Under Schedule 3 of the original S.106 Agreement, the Affordable Housing contribution was to be paid in the following instalments:-

1. £10,000 plus indexation – due on 25 May 2018
2. £50,000 plus indexation – due on or before 25 March 2019
3. £150,000 plus indexation – due at the latest by 25 September 2019
4. £100,000 plus indexation – due at the latest by 25 March 2020.

7.2.5 Following recent monitoring of the S.106 legal agreement and at the time of writing this committee report, it has been identified that a number of these financial obligations remain unpaid by the applicant.

7.2.6 Details of the outstanding obligations (including late payment interest and indexation) are detailed below:-

Contribution	Initial Amount	Indexation	Interest	Total
Children's Playspace	£782.64	£109.29	£29.26	£921.19
Open Outdoor Sport/ Open Space	£866.88	£121.06	£32.40	£1,020.34
Library	£1,906	£266.17	£71.25	£2,243.42
Affordable Housing tranche 3	£150,000	£20,947.21	£12,836.26	£183,783.47
Affordable Housing tranche 4	£100,000	£13,964.81	£5,056.60	£119,021.41
Total				£306,989.83

7.2.7 In order to resolve outstanding payments of the S.106, the Council issued a Demand Notice on the 26th April 2021. In addition, the Council's appointed solicitor from Hertfordshire County Council wrote to the applicants on the 24th August 2021. This letter also set out that the applicants had to pay the Council the outstanding financial obligations (including indexation and late payment interest).

7.2.8 In addition to the above, as referenced in paragraph 3.5, there has been no real progress in finalising the DoV with the development nearing completion and the applicant looking to sell their assets.

7.2.9 As such, if members were minded to grant planning permission, it is advised that the DoV does not amend the current contribution deadlines as specified in the original S.106 agreement. Furthermore, to set out a timeframe that if the DoV is not completed within 3 months from the date of planning committee, the application is refused planning permission. This is set out in more detail in Section 9 of this report.

7.3 Impact on the appearance of the area

7.3.1 Paragraph 126 of the NPPF (2021) states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". It goes on to state that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

7.3.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:

- will function well and add to the overall quality of an area;
- is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
- is sympathetic to local character and history;
- establishes or maintains a strong sense of place;

- optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 7.3.3 Paragraph 134 of the NPPF states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”. Local Plan Policies SP8 ‘Good Design’ and GD1 ‘High Quality Design’ also seek to ensure new development achieves the highest standards of design. Policy GD1 sets out generic design requirements that will be applied to all development.
- 7.3.4 The application before the Council details retrospective external alterations to the approved development as detailed under paragraphs 3.2 to 3.4 of the report. Dealing firstly with the proposed retention of the existing shop frontages and canopy, by retaining these features this deviates from the approved details set out under the original planning permission. These changes included the creation of modern full height glazed frontages with new modern canopies over the main entrances. The approved scheme also sought to reclad the ground floor frontage in brick and stone detailing.
- 7.3.5 However, and as detailed in the November Committee Report, the existing business operators raised substantive concerns as to the impact these works could have on their ongoing operation. In addition, the Co-Operative are undertaking refurbishment works to their own premises through a separate application (Planning Permission 19/00726/FP) which sought permission for external alterations to the shop front. Therefore, the applicant had agreed that, in order to limit any further impacts on the operators, they will retain the frontage as it is and allow the operators to install their own new frontages. Furthermore, they have undertaken sympathetic repairs and minor cosmetic repairs to improve the remainder of the frontage.
- 7.3.6 Turning to the minor external changes to the rear and eastern elevations to the building, these would tie in with the overall modernised appearance of the building. Therefore, these changes do not cause any undue harm to the architectural integrity of the approved scheme.
- 7.3.7 Given the aforementioned assessment, it is considered that the proposed alterations to the approved scheme do not have a detrimental impact on the character and appearance of the development. Moreover, they do not cause harm to the visual amenities of the wider street scene. Consequently, it can be deduced that the design changes to the development would accord with the revisions set out in the revised National Planning Policy Framework (2021) along with the relevant policies in the adopted Local Plan (2021).

7.4 Biodiversity

- 7.4.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council’s recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:
- Permitted development;
 - Householder development, including extensions;

- iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
- v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building

7.4.2 As the application site comprises buildings and hardsurfacing areas, it is considered it would meet exception criteria iv and v above as 100% of the site is previously developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site.

7.4.3 Further to this, the site does not lie in close proximity to for example a wildlife site or a Site of Special Scientific Interest (SSSI). Consequently, the development as it currently stands does not cause any undue harm to any protected sites.

7.5 Other matters

Local employment and apprenticeships

7.5.1 The Developer Contribution SPD (2021) sets out a requirement secure local employment and apprenticeship associated with the development. The aforementioned SPD sets out the following requirements:-

- Attempt to fill 5% to 10% of construction jobs on-site associated with their development with Stevenage residents;
- Attempt to fill one apprenticeship position per 10 construction jobs on-site with a Stevenage resident or student (with a cap requirement of 10 apprenticeships);
- Report whether or not they met these requirements, and
- Provide a financial contribution in lieu of not achieving either or both targets.

7.5.2 In order to achieve the above, the developer must provide a Local Employment Strategy which shows the following:-

- An estimate of how many construction jobs the scheme will create;
- How many jobs should therefore, be filled with Stevenage residents;
- How many apprenticeships positions should therefore be filled within Stevenage residents or students;
- How they will target local residents/students for these positions;
- How they will record the employment, and
- The potential in-lieu payments required to be paid to the Council for non-compliance with the targets.

7.5.3 Whilst it is noted that this is a new policy of the Council, the development is nearing completion. Therefore, it would not be reasonable to require the applicant to submit a Local Employment Strategy. Moreover, the Council cannot impose any additional obligations on the developer other than those which are already specified within the original legal agreement. This is due to this application merely seeking a variation to conditions attached to the original planning permission.

Human Rights and Equalities

- 7.5.4 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.5.5 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.5.6 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.5.7 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.5.8 As there are no material changes to this application since it was previously determined by the Planning and Development Committee, there will be no additional impacts to consider on persons who fall within the protected characteristics.

8. CONCLUSIONS

- 8.1 In summary, and subject to conditions, the principle of the proposed amendments sought under this Section 73 application are acceptable. In addition, these changes would not have a detrimental impact on the character and appearance of the development or the visual amenities of the wider street scene. Furthermore, they would not impact on the amenities of neighbouring properties and there would be sufficient off-street parking, cycle parking and electric vehicle parking facilities as well.
- 8.2 Given the aforementioned, the proposed development under this Section 73 application is considered to be acceptable in line with the Council adopted Local Plan, Planning and Design Guide SPD (2009), the Council's Car Parking Standards SPD (2020), the NPPF (2021) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That Planning permission be GRANTED subject to the applicant having first entered into and completed – within three months of the date of the decision granting permission - a deed of variation to the original S106 agreement which was secured under planning permission 16/00395/FPM. This is in order to bind this planning permission to the obligations set out in the original S.106 agreement. The detail of the deed of variation of the S106 agreement to be delegated to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed solicitor and subject to the following conditions/reasons:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans:
2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.

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

- 2 The external surface of the development hereby permitted shall be completed in accordance with the approved materials specified under discharge of condition application 19/00314/COND.

REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

- 3 The dust control measures as detailed as submitted in the Construction Method Statement and Management Plan combined with the Air Quality Dust Risk Assessment as detailed in the discharge of condition application 19/00314/COND shall continue to be in operation during the construction phases of development. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust.

REASON:- To protect the amenities of adjoining land users.

- 4 The methods specified in the submitted Construction Method Statement and Management Plan as approved under discharge of condition application 19/00314/COND to minimise construction noise and vibration shall be strictly adhered to throughout the construction period of the development.

REASON:- To protect the amenities of adjoining land users.

- 5 The method for screening and enclosure of plant and machinery to be used during the construction period as detailed in discharge of condition application 19/00314/COND shall remain in place accordingly. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between work.

REASON:- To protect the amenities of adjoining land users.

- 6 The final design details of the SuDS elements and the drainage network as specified in the layout plan (drawing number 9530/500 Rev 01) and Drainage Strategy Report (Prepared by Vale Consultancy, report reference 9530 dated July 2019) which was submitted under discharge of condition application 19/00411/COND shall be implemented in accordance with the approved details.

REASON:- To ensure that the site can effectively be drained and maintained during the lifetime of the development.

- 7 The development permitted by this planning permission shall be carried out in accordance with The SuDS statement dated July 2016 prepared by Shear Design and the following mitigation measures as detailed within the SuDS statement.

1) The surface water run-off generated by the development discharged into the ordinary watercourse must not exceed of 19 l/s during the 1 in 100 year + climate change event.

2) Attenuation volume must be provided for by permeable pavements to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year event plus an allowance for climate change. An area of 150 m² will be covered by permeable pavements; as shown in the proposed drainage sketch plan 16137-SK100 included in Appendix iii of the SuDS statement.

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 (LPA).

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LPA.

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

- 8 The Site Waste Management Plan (SWMP) as detailed in the Construction Method Statement and Management Plan which was submitted under discharge of condition application 19/00314/COND which details how waste materials generated as a result of the proposed construction methods shall be disposed of, and detail the level and type of soil to be imported (if required) to site as part of the development shall be strictly adhered too throughout the construction period.
REASON:- In order to reduce the level of waste generated during the construction of the development and to recycle all waste where possible.
- 9 Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing 2252 BR 300 S and shall be permanently retained in that form thereafter.
REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 10 Prior to the first occupation of the dwellings hereby permitted, the approved secured cycle parking area as identified on drawing 2252 BR 300 S shall be constructed in accordance with the approved details and thereafter, permanently retained in that form.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 11 No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.
- 12 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to the first occupation of the development. Any external lighting shall be provided in accordance with the details so approved.
REASON:- In order to protect the amenities of nearby residential properties.
- 13 No waste materials generated as a result of the proposed demolition and /or construction operations shall be burned on site. All such refuse shall be disposed of by alternative methods.
REASON:- To protect the amenities of adjoining land users.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (office or research and development) and for no other purpose (including any purpose in Class E on Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (As

amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately re-provided within the neighbourhood centre.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Units #1 to Unit #5 as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (for the display or retail sale of goods, other than hot food) and for no other purpose (including any purpose in Class E on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

- 16 Prior to the first occupation of the residential development hereby permitted details of electric vehicle charging facilities [siting, type and specification of EVCPs, the energy sources 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 prior to occupation of each of the units and permanently maintained and retained, unless otherwise agreed in writing with the Local Planning Authority

REASON:- To ensure the development provides sufficient electric vehicle charging facilities.

Pro-active Statement (If Planning Permission was to be granted)

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.

INFORMATIVES

Police Crime Prevention

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 and can be contacted by telephone on 01707 355227 or email mark.montgomery@herts.pnn.police.uk

Lead Local Flood Authority

The LPA will need to satisfy itself that the proposed surface water attenuation features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant.

- 9.2 Should the DoV to the S.106 agreement not be completed within 3 month from the date of this Planning Committee, it is recommended that the Assistant Director of Planning and Regulation be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:-

Suitable provision for affordable housing, children's playspace, open outdoor sport and libraries which arise from this development have not been secured through a Deed of Variation to the original Section 106 agreement attached to planning permission

16/00395/FPM contrary to Policy SP5, HO7 and NH7 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) together with the Stevenage Borough Council Developer Contributions SPD (2021), the NPPF (2021) and NPPG.

Pro-active Statement (If Planning Permission was to be refused)

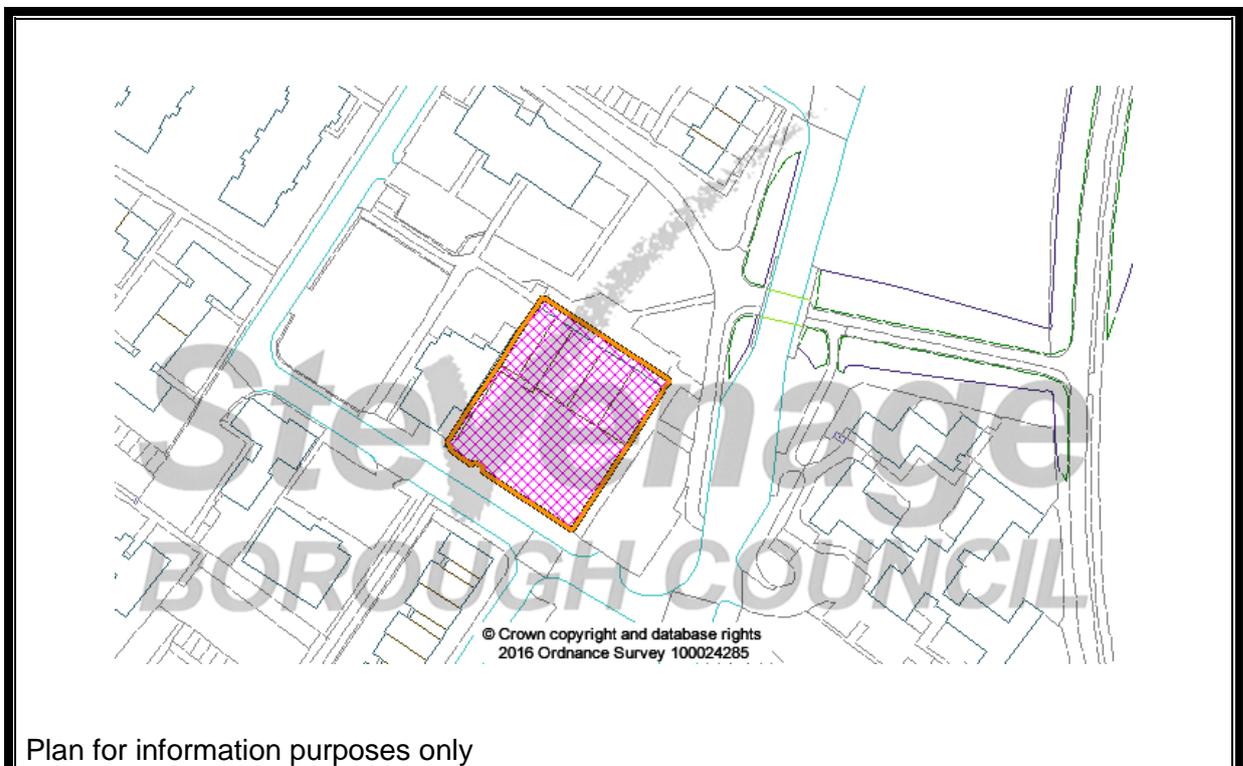
Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council 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 2020.
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 July 2021 and Planning Policy Guidance March 2014.
7. Copy of the original Planning and Development Committee Report attached in Appendix One.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	4 November 2020	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	20/00483/FPM
Location:	Symonds Green Neighbourhood Centre, Filey Close, Stevenage.
Proposal:	Variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM.
Drawing Nos.:	2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
Applicant:	Mr Nash Karbani
Date Valid:	1 September 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located off Filey Close which is a spur road off of Scarborough Avenue and is currently occupied by the Symonds Green Neighbourhood Centre. The Neighbourhood Centre, in which planning permission 16/00395/FPM is currently being implemented, comprises an extension on the upper floors comprising of 26 apartments. The external elevation of the extension is finished in grey rain screen cladding. The fenestration detailing comprises the creation of new windows and doors with grey polyester powder coated (ppc) aluminium frames. At ground floor level, parts of the building (which are still under construction) have been altered to create new retail units with associated shop frontages being installed. The building at this level has also been reclad in clay stock facing bricks. The first floor part of the building has been rendered with new stone detail banding.
- 1.2 However, on the principal (northern/front) elevation, works have not yet commenced and it is this part of the building which is the main subject of this planning application. The premises which currently occupy the ground floor level consists the following:-
- MD Chemist;
 - The Co-operative food;
 - Mandarin House; and
 - King Pizza and Kebab.
- 1.3 The shop fronts associated with the premises consist of aluminium frame glazed windows and doors with low level stall risers and simplistic signage. To the north of the application site is the Symonds Green Community Centre and to the south is the public highway (File Close) beyond which is a three-storey block of flats and the Symonds Green Doctors Surgery. To the west, attached to the building, is the Tom Tiddlers public house which lies adjacent to a surface car park. Beyond this area is a three-storey block of flats. To the east of the site is a surface car park which currently serves the neighbourhood centre and community centre. Beyond this surface car park is Scarborough Avenue and an underpass which connects to the cycle track on Gunnels Wood Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0087/69 was an outline application for residential development on land to the east side of Symonds Green Lane. Permission was refused in July 1969.
- 2.2 Planning application 2/0230/70 sought permission for the creation of a residential development in Symonds Green for Stevenage Development Corporation. Permission was granted in July 1971.
- 2.3 Planning application 2/0189/78 sought permission for the change of use from shop to shop for the sale of hot food. Permission was granted in April 1979.
- 2.4 Planning application 2/0332/84 sought permission for the conversion of the ground floor shop into three separate retail shops (within Class I of the Town and Country Planning (Use Classes) Order 1972). Permission was granted in December 1984.
- 2.5 Planning application 2/0125/86 sought permission for a new shop front on the north-east corner of the building. Permission was granted in May 1986.
- 2.6 Planning application 2/0020/87 sought permission for the conversion of part of the building to provide a housing estate office with a meeting room and two small commercial units for light industrial or storage purposes. Permission was granted in February 1987.
- 2.7 Planning application 2/0209/95 sought permission for a shop front alteration. Permission was granted in August 1995.

- 2.8 Planning application 00/00472/FP sought permission for the change of use from shop (Class A1) to use for takeaway and delivery pizza sales (Class A3) and extraction and ventilation ducting on side elevation. Permission was granted in March 2001.
- 2.9 Planning application 03/00483/FP sought permission for a variation of condition 00/00472/FP to allow for the sale of kebabs, burgers and chips. Permission was granted in December 2003.
- 2.10 Planning application 04/00186/FP sought permission for the retention of a roller shutter to the main entrance of the neighbourhood centre. Permission was granted in July 2004.
- 2.11 Planning application 04/00336/FP sought permission for the installation of auto sliding doors to aid disabled and elderly access into the Co-op store. Permission was granted in September 2004.
- 2.12 Planning application 16/00146/FP sought permission for the change of use from Use Class B1, B8 (Light industrial and storage) to A1 (Hairdressers). Permission was granted in April 2016.
- 2.13 Planning application 16/00395/FPM sought permission for the demolition of 4 no. residential units and refurbishment and external alterations of neighbourhood centre, change of use of existing A1 (shop), B1/B8 (Former Council Estate Office, Business and Storage), D1 (Community Centre) and ancillary Community Cafe to create 3 no. units comprising 2no. Class A1 (shop) and 1no. Class B1 (business) at ground floor level, construction of one additional floor to create 12 no. one bedroom apartments and 10 no. two bedroom flats. Permission was granted in May 2018. This is the application which is being varied under this planning application.
- 2.14 Discharge of condition application 19/00314/COND sought to discharge conditions 3 (materials), 4 (Dust Control), 5 (Construction Method Statement), 6 (Screening of Plant), 7 (Asbestos) and 11 (Strategic Waste Management Plan) attached to planning permission 16/00395/FPM. The conditions were discharged in September 2019.
- 2.15 Discharge of condition application 19/00441/COND sought to discharge condition 8 (Drainage Scheme) attached to planning permission reference 16/00395/FPM. This condition was discharged in August 2019.
- 2.16 Discharge of condition application 19/00533/COND sought to discharge condition 9 (Thames Water) attached to planning permission reference 16/00395/FPM. This condition was discharged in October 2019.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention) as well as conditions 18 and 19 (Restriction on Retail). For reference, these conditions state the following:-

Condition 1 (Approved Plans)

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

DP100A; DP302F; DP303B; DP300H; DP301G; DP310C; DP311C; DP320A; DP321A.

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

Condition 12 (Car Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

Condition 13 (Cycle Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking area shall be constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

Condition 17 (Business Retention)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number DP 300 H shall only be used as Use Class B1 (Business) and for no other purpose (including any purpose in Class B on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately reprovided within the neighbourhood centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #2 as shown on drawing number DP 300 H shall only be used as Class A1 (Convenience) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #3 as shown on drawing number DP 300 H shall only be used as Class A1 (shop) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing class A1 (shop) use is adequately re-provided within the neighbourhood centre.

- 3.2 Following the commencement of works on the development site, the existing tenants have raised concerns that the approved shop frontages, external building treatment and replacement of the canopies when they were to be installed, would have had a detrimental impact on their ability to continue to operate. Therefore, the applicant has agreed to amend the approved scheme to allow the existing retail tenants to install their own 'individual fit-out proposals'. For reference, these would be subject to separate planning permission and

therefore, do not form part of this planning application. In addition, they will seek to retain the existing canopy above the existing shopping parade. However, the applicant would look to undertake sympathetic refurbishment works to the existing canopy.

3.3 Further to the above, in order to limit the impact on the existing businesses and to allow them the floorspace they require, the internal arrangements of the approved development at ground floor level would be amended as follows:-

- The approved 3 no. retail units on the western elevation would be subdivided into 5 no. smaller retail units;
- The internal parking area serving the development would be positioned more centrally and comprise 10 parking spaces (Increase of 2 parking spaces over the original planning permission);
- The office unit and approved cycle parking has been repositioned internally;
- The disabled parking bay has been relocated externally and positioned in close proximity to a new ramp up to the residential and retail units.

3.4 Given the above changes, the access door serving the internal parking area has been relocated centrally on the southern elevation of the building. The office unit located on the rear of the building would require the installation of windows into the southern elevation of the building. Turning to the re-configuration of the retail floorspace, this would result in changes to the approved shop frontages on the eastern elevation of the building as well. This elevation would now comprise 5 no. full height glazed store entrances

3.5 This application has been referred to the Planning and Development Committee for its decision. This is because the external appearance of the approved development under planning permission 16/00395/FPM is to be amended from that which was previously determined by the Committee.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of a site notices and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. No comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

5.1.1 The variation of conditions are acceptable in highway terms.

5.2 The Council's Environmental Health Department

5.4.1 There are no objections to the planning application.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

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

- The Stevenage Borough Council Local Plan 2011-2031

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

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

6.3 Planning Practice Guidance

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

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

Policy SP1: Presumption in favour of sustainable development
 Policy SP2: Sustainable Development in Stevenage
 Policy SP8: Good Design
 Policy EC7: Employment development on unallocated sites
 Policy HO5: Windfall Sites
 Policy HC1: District, local and neighbourhood centres
 Policy HC2: Local shops
 Policy IT5: Parking and Access
 Policy IT8: Public parking provision
 Policy GD1: High Quality Design
 Policy FP7: Pollution
 Policy FP8: Pollution sensitive uses
 Policy NH6: General protection for open space
 Policy TC11: New convenience retail provision

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020.
 Stevenage Design Guide Supplementary Planning Document 2009.

6.6 Community Infrastructure Levy Charging Schedule

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

7. APPRAISAL

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

7.2 The main issues for consideration of this application are, therefore, the acceptability of the changes to the scheme in respect of land use policy considerations, affordable housing and Section 106 obligations, impact on the appearance of the area, impact upon residential amenities and parking.

7.2 Land Use Policy Considerations

Redevelopment of the Neighbourhood Centre

7.2.1 The site is designated as a neighbourhood centre under Policy HC1 of the Stevenage Borough Local Plan 2011 to 2031 (2019). In regards to the original planning permission itself, it sought to re-develop the Filey Close (also known as Symonds Green) Neighbourhood Centre in order to provide a mixed use development of retail, business and the creation of 22 apartments. Consequently, the requirements of Policy HC1 had to be taken into consideration. This policy stipulates that development proposals would be granted where:-

- The proposal is in keeping with the size and role of the centre;
- Neighbourhood centres should continue to provide a range of small-scale retail, health, social, leisure, cultural and/or residential uses and maintain at least one unit in Class A1 (shops);
- The proposed development does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- An impact assessment has been provided, were required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

Planning permission would be granted as an exception to the above where satisfactory on or off-site provision is made to replace a loss of uses(s) relevant to the status of the scheme.

7.2.2 The approved development under planning permission 16/00395/FPM involved the refurbishment of the existing neighbourhood centre and would retain the existing premises which includes the Co-Operative store, pharmacy and hot food take-away premises. Furthermore, the approved development also sought to provide additional retail units and a business use class unit which would help to complement the overall shopping facilities available at the neighbourhood centre. This application which is currently before the Council does not seek to alter the existing operator's premises which reside within the development. In terms of the retail and business units which are proposed, these are considered in more detail in the following sections of the report below.

Loss of employment use outside of an employment area

- 7.2.3 Policy EC7 of the adopted Local Plan (2019) states that planning permission for the loss of employment land or sites not allocated for any specific purposes would only 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.
- 7.2.4 In regards to the first point, the adopted Local Plan identifies that future opportunities in the Borough regarding employment land are insufficient to meet identified needs. These requirements already incorporate some allowance for the loss of existing premises. Therefore, the applicant would need to demonstrate how the proposed change of use does not unnecessarily exacerbate the current issue. Moreover, the loss of the existing premises will be permitted where this issue has been taken into consideration.
- 7.2.5 Under the original planning permission, the development involved the loss of the vacant Stevenage Borough Council Offices as well as the existing Use Class B1/B8 unit which is currently operating from the neighbourhood centre. Therefore, the applicant at the time was required to demonstrate that the existing uses are no longer viable or seeks to provide replacement employment uses within the development.
- 7.2.6 As part of the approved development, the applicant sought to provide 1 no. Use Class B1 (business) premises which would accommodate some of the employment floorspace which would be lost. However, despite the lack of like-for-like replacement floorspace for the existing B-class uses located within the neighbourhood centre, the Stevenage Borough Council Estates Office has been vacant for a number of years with no alternative use ever operating from these premises since it closed. Consequently, the level of replacement B-class floorspace was considered to be acceptable at that time.
- 7.2.7 Given the above, this current application before the Council, whilst it does involve the reconfiguration of the ground floor, does still seek provide an area of business floorspace to the rear of the building. Therefore, the amended scheme would be in accordance with Policy EC7 of the adopted Local Plan (2019).

Compliance with the Council's retail policies

- 7.2.8 Under Policy SP4 of the Local Plan (2019), the Council would support the provision of up to 7,600m² of net additional convenience floorspace within the borough boundary to meet the needs of the expanding town. This would include extensions to existing centres in the retail hierarchy, then other stores in accordance with the sequential test. Policy TC11 of the same document identifies that at least 1,500m² is allocated for extensions to existing stores within the retail hierarchy outside of the town centre. However, any other stores within A1 would have to accord with the sequential test.
- 7.2.9 The previously approved development sought to provide 2 large retail units on the eastern side of the building. One of these approved units would have also been a convenience store which was considered to be acceptable by the Council at the time. However, this scheme no longer seeks to provide a convenience store and due to the reconfiguration internally, these approved retail units have been subdivided into 5 no. smaller retail units. This would allow for a greater variety of retail provision at the neighbourhood and being smaller units they would be much more attractive spaces to let out. Notwithstanding, it is

important to note this scheme does seek to retain the existing operators which are already operating from the neighbourhood centre. Therefore, these businesses would still be able to provide a service to the local community.

7.2.10 Given the above, the overall level of retail provision is considered to be acceptable in line with the Council's adopted Local Plan (2019).

7.3 Affordable housing and developer contributions

7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission will be granted for residential developments that maximise affordable housing provision. For developments on previously developed sites, 25% of the dwelling units should be affordable. In regards to the proposed development, this would equate to 5.5 units (rounded up to 6). 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."

7.3.2 Taking the aforementioned into consideration, the applicant under planning permission 16/00395/FPM, through negotiations with the Council's Housing Department, agreed a financial contribution of £310,000 towards the provision of affordable housing. This was deemed to be acceptable by the Council as Local Planning Authority when the previous planning application was determined.

7.3.3 In addition to affordable housing, financial contributions were also required under planning permission 16/00395/FPM in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments towards the improvement of nearby outdoor sports facilities and children's play space. These financial contributions are set out in the table below:-

Stevenage Borough Council	Financial Obligation
Open outdoor sport	£866.88
Children's play space	£782.64
Total	£1,649.52
Hertfordshire County Council	
Library	£1,906.00
Overall total	£3,555.52

7.3.4 Taking the above financial obligations into consideration, if Members were minded to grant this planning application, then there would be a requirement for the applicant to enter into a Deed of Variation (DoV) to the original S.106 agreement. This DoV to the original S.106 would bind the applicant to the above obligations which were originally secured by the Council. It can be confirmed that the applicant has agreed to enter into a DoV with the Council on the S.106 agreement.

7.3.5 It is important to note that we cannot re-consider any S.106 obligations (including Affordable Housing) under this planning application which is before the Council. This is because this application does not seek to alter the number of approved dwellings or change the overall approved housing mix either.

7.4 Impact on the appearance of the area

- 7.4.1 The application proposes external alterations as detailed under paragraphs 3.2 to 3.4 of the report. Dealing firstly with the proposed retention of the existing shop frontages and canopy, by retaining these features this deviates from the approved details set out under the original planning permission. These changes included the creation of modern full height glazed frontages with new modern canopies over the main entrances. The approved scheme also sought to re-clad the ground floor frontage in brick and stone detailing.
- 7.4.2 However, following discussions with the applicant, the existing business operators raised substantive concerns as to the impact these works could have on their ongoing operation. In addition, the Co-Operative are currently undertaking refurbishment works to their own premises with a separate application (19/00726/FP) which seeks planning permission for external alterations to the shop front. Therefore, the applicant has agreed that, in order to limit any further impacts on the operators, they will retain the frontage as it is and allow the operator to install their own new frontages. Furthermore, they will seek to undertake sympathetic repairs and minor cosmetic repairs to improve the remainder of the frontage.
- 7.4.3 Turning to the minor external changes to the rear and eastern elevations to the building, these would tie in with the overall modernised appearance of the building. Therefore, they would not harm the architectural integrity of the approved scheme.
- 7.4.4 Given the aforementioned assessment, it is considered that the proposed alterations to the approved scheme would not have a detrimental impact on the character and appearance of the development. Moreover, they would not harm the visual amenities of the wider street scene.

7.5 Impact upon residential amenities

- 7.5.1 With regard to the impact on neighbouring amenity, it is not considered the proposed variations to the approved scheme would have a detrimental impact on the amenities of neighbouring properties. Furthermore, the hours of construction conditions would be re-imposed to any planning permission issued. This would ensure that any nearby residents are not unduly affected by construction noise. Consequently, the Council's Environmental Health Section does not raise any concerns with the proposed amendments to the approved scheme.

7.6 Parking

- 7.6.1 Policy IT5 of the adopted Local Plan (2020) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Standards SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. However, it is important to note that the original application was determined on the recently superseded Parking Standards SPD (2012).
- 7.6.2 The proposed development, in line with the superseded Council's Car Parking Standards, would have required 27 off-street parking spaces. However, the approved development sought to provide 22 off-street parking spaces which is a ratio of 1:1. Whilst it was agreed there was a shortfall of 5 off-street parking, it was identified that the application site is located in a sustainable location. This is because there is direct access to local facilities such as the doctor's surgery, community centre and church along with the co-operative food store, pharmacy and fast food establishments. The proposal would also comprise of additional retail and business floorspace which supports the sustainability of the development.

- 7.6.3 Further to the above, the site is well served by public footpath connections and is in close proximity to the well-established cycle network. In this regard the provision of a secure cycle facility on site for 25 spaces, which exceeded the Council's Parking Standards at the time, and was considered it would encourage a modal shift towards more sustainable forms of transport. The site is also in close proximity to a bus stop which serves bus route SB8/SB9. Therefore, the site has the accessibility characteristics of the Council's Residential Accessibility Zone 3 which are characterised as being within 400m of a local shop with good passenger transport links. The site is also a short distance from the local primary school which can be accessed by the cycle network. In this regard, the Parking Provision SPD seeks to reduce car use in areas of high accessibility by applying reductions to the standards which in zone 3, the SPD states that car parking should be between 75% to 100% of the maximum standards.
- 7.6.4 Given the above, the provision of 22 spaces which equated to 81% of the maximum then parking standard of 27 spaces, was considered to be acceptable given the development is highly sustainable with good access to public transport the cycle network and local facilities. Furthermore, there is a surface car park located to the east of west of the site which can also act as an overflow for any visitors to the residential apartments.
- 7.6.5 Turning to the existing retail and fast food units which are to be retained, the surface car park to the east and west of the site would continue to serve these units. In regards to the proposed retail units and business unit, these would also be able to utilise the existing surface car parking areas which previously served the former Council Estate Office and still serve the A1 (shop) and B1/B8 units located to the rear of the building. Therefore, it was considered at the time that sufficient off-street parking would be available to serve the non-residential element of the development.
- 7.6.6 Under the recently adopted Parking Standards SPD (2020), for the residential part of the development, the overall parking requirement for this development has not changed. Therefore, this amended scheme seeks to provide the 22 parking spaces as per the previously approved scheme. As it has already been established this level of parking is acceptable, it would not be reasonable to refuse planning permission on the number of parking spaces provided. With respect to the non-retail units, as per the previously approved scheme, these would continue to use the public parking areas.
- 7.6.7 With respect to cycle parking, under the recently adopted Car Parking SPD (2020), there would be a requirement to provide 32 cycle parking spaces. Through negotiations with the applicant, they have identified a racking system which can be installed within the development which can accommodate 32 cycle parking spaces. As such, the applicant has amended the originally submitted plans to demonstrate the necessary level of cycle parking in accordance with the Council's adopted Parking Standards. However, to ensure that there would be sufficient cycle parking to serve residents in the future, it is recommended a condition should be imposed to any permission issued. This condition will require the cycle parking to be provided in line with the details provided prior to first occupation of the dwellings.
- 7.6.8 Turning to electric vehicle parking, the Car Parking SPD (2020) now introduces a minimum requirement for electric vehicle parking. The requirements for new developments would need to abide to the following:-
- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard (providing the necessary underlying infrastructure);
 - The blend of access to charging points provided within new developments;
 - A minimum of 20% of new parking on a site to have access to an active EV charging point;
 - A flexible approach to the requirement of charging facilities as technology changes.

This is a very new policy which has been formally adopted by the Council so the scheme which is under construction does not include details of electric vehicle charging. However, the applicant has agreed to provide the necessary electric vehicle charging facilities as per the recently adopted standards. In order to secure this, it is recommended a condition is imposed requiring full details of the proposed electric vehicle charging facilities are submitted to the Council for its approval. It would then be a requirement to install the necessary facilities accordingly.

- 7.6.9 In summary, subject to conditions, it is considered that on balance, the overall level of parking provided is acceptable in this sustainable location. In addition, there would be the provision of acceptable cycle parking and electric vehicle parking facilities in accordance with the Council's Parking Standards SPD (2020). Consequently, the proposed development would accord with the requirements of Policy IT5 of the adopted Local Plan (2019).

7.7 Other matters

Community Infrastructure Levy

- 7.7.1 The proposed amendments to the approved development does not seek to increase the approve level of floorspace. Therefore, this development would not be subject to any CIL liability.

Highways impact

- 7.7.2 This application does not seek to extend or alter any existing vehicular or pedestrian access points or routes beyond what has already been approved by the Council. In addition, the amendments sought under this application will not impact on the level of traffic generation which has been established to be acceptable under the 16/00395/FPM permission. Therefore, Hertfordshire County Council as Highways Authority considers the proposed changes to the aforementioned scheme under this application to be acceptable.

8. CONCLUSIONS

- 8.1 In summary, and subject to conditions, the principle of the proposed amendments sought under this Section 73 application are acceptable. In addition, these changes would not have a detrimental impact on the character and appearance of the development or the visual amenities of the wider street scene. Furthermore, they would not impact on the amenities of neighbouring properties and there would be sufficient off-street parking, cycle parking and electric vehicle parking facilities as well.
- 8.2 Given the aforementioned, the proposed development under this Section 73 application is considered to be acceptable in line with the Council adopted Local Plan, Planning and Design Guide SPD (2009), the Council's Car Parking Standards SPD (2020), the NPPF (2012) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That Planning permission be GRANTED subject to the applicant having first entered into and completed a deed of variation to the original S106 agreement which was secured under planning permission 16/00395/FPM. This is in order to bind this planning permission to the obligations set out in the original S.106 agreement. The detail of the deed of variation of the S106 agreement to be delegated to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed solicitor and subject to the following conditions/reasons:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans:
2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
REASON:- For the avoidance of doubt and in the interests of proper planning.
- 2 The external surface of the development hereby permitted shall be completed in accordance with the approved materials specified under discharge of condition application 19/00314/COND.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
- 3 The dust control measures as detailed as submitted in the Construction Method Statement and Management Plan combined with the Air Quality Dust Risk Assessment as detailed in the discharge of condition application 19/00314/COND shall continue to be in operation during the construction phases of development. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust.
REASON:- To protect the amenities of adjoining land users.
- 4 The methods specified in the submitted Construction Method Statement and Management Plan as approved under discharge of condition application 19/00314/COND to minimise construction noise and vibration shall be strictly adhered to throughout the construction period of the development.
REASON:- To protect the amenities of adjoining land users.
- 5 The method for screening and enclosure of plant and machinery to be used during the construction period as detailed in discharge of condition application 19/00314/COND shall remain in place accordingly. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between work.
REASON:- To protect the amenities of adjoining land users.
- 6 The final design details of the SuDS elements and the drainage network as specified in the layout plan (drawing number 9530/500 Rev 01) and Drainage Strategy Report (Prepared by Vale Consultancy, report reference 9530 dated July 2019) which was submitted under discharge of condition application 19/00411/COND shall be implemented in accordance with the approved details.
REASON:- To ensure that the site can effectively be drained and maintained during the lifetime of the development.
- 7 The development permitted by this planning permission shall be carried out in accordance with The SuDS statement dated July 2016 prepared by Shear Design and the following mitigation measures as detailed within the SuDS statement.
- 1) The surface water run-off generated by the development discharged into the ordinary watercourse must not exceed of 19 l/s during the 1 in 100 year + climate change event.
 - 2) Attenuation volume must be provided for by permeable pavements to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year event plus an allowance for climate change. An area of 150 m² will be covered by permeable pavements; as shown in the proposed drainage sketch plan 16137-SK100 included in Appendix iii of the SuDS statement.

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 (LPA).

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LPA.

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

- 8 The Site Waste Management Plan (SWMP) as detailed in the Construction Method Statement and Management Plan which was submitted under discharge of condition application 19/00314/COND which details how waste materials generated as a result of the proposed construction methods shall be disposed of, and detail the level and type of soil to be imported (if required) to site as part of the development shall be strictly adhered too throughout the construction period.
REASON:- In order to reduce the level of waste generated during the construction of the development and to recycle all waste where possible.
- 9 Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing 2252 BR 300 S and shall be permanently retained in that form thereafter.
REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 10 Prior to the first occupation of the dwellings hereby permitted, the approved secured cycle parking area as identified on drawing 2252 BR 300 S shall be constructed in accordance with the approved details and thereafter, permanently retained in that form.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 11 No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.
- 12 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to the first occupation of the development. Any external lighting shall be provided in accordance with the details so approved.
REASON:- In order to protect the amenities of nearby residential properties.
- 13 No waste materials generated as a result of the proposed demolition and /or construction operations shall be burned on site. All such refuse shall be disposed of by alternative methods.
REASON:- To protect the amenities of adjoining land users.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (office or research and development) and for no other purpose (including any purpose in Class E on Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (As amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately re-provided within the neighbourhood centre.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Units #1 to Unit #5 as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (for the display or retail sale of goods, other than hot food) and for no other purpose (including any purpose in Class E on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

- 16 Prior to the first occupation of the residential development hereby permitted details of electric vehicle charging facilities [siting, type and specification of EVCPs, the energy sources 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 prior to occupation of each of the units and permanently maintained and retained, unless otherwise agreed in writing with the Local Planning Authority

REASON:- To ensure the development provides sufficient electric vehicle charging facilities.

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.

INFORMATIVES

Police Crime Prevention

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 and can be contacted by telephone on 01707 355227 or email mark.montgomery@herts.pnn.police.uk

Lead Local Flood Authority

The LPA will need to satisfy itself that the proposed surface water attenuation features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant.

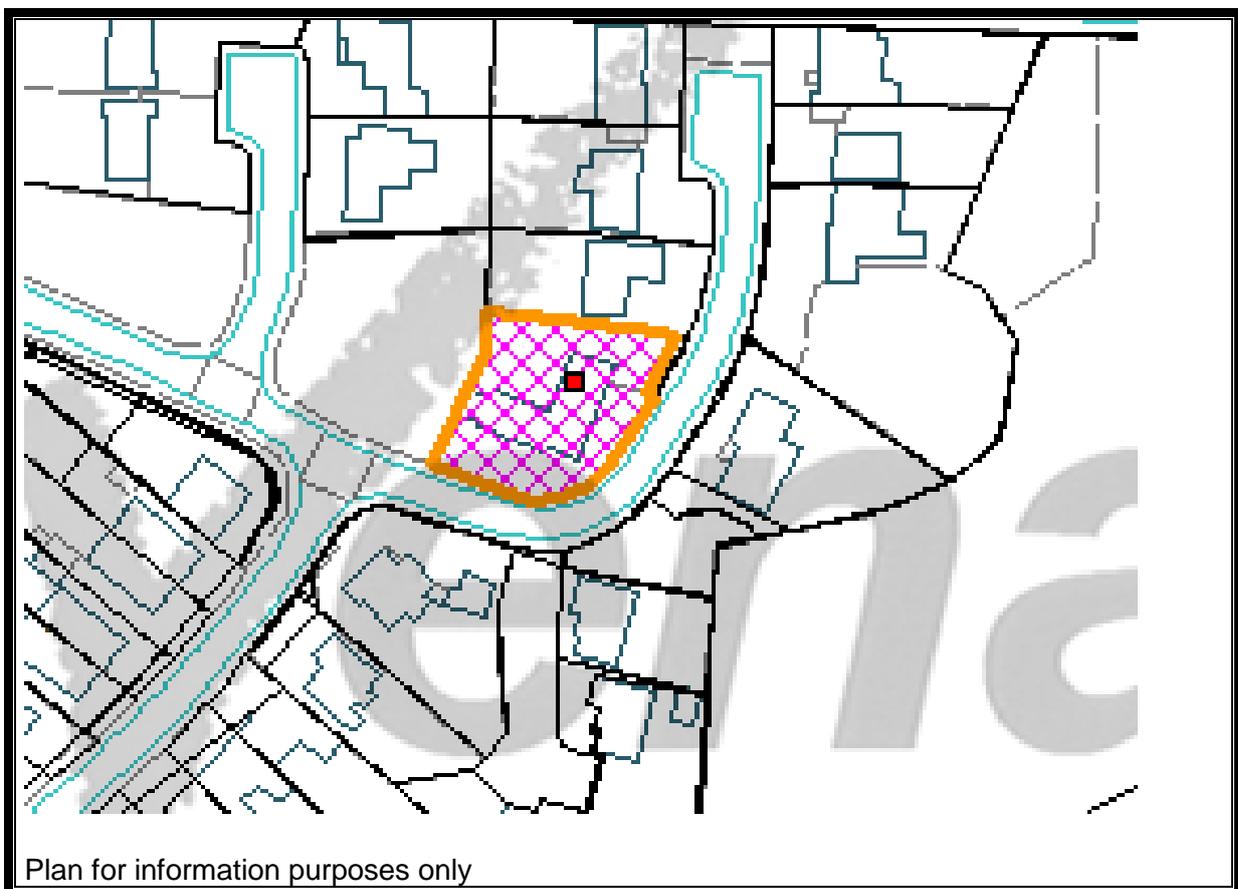
10. BACKGROUND DOCUMENTS

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 2020.
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.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	5 October 2021	
Author:	Rebecca Elliott	01438 242836
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Rebecca Elliott	01438 242836

Application No:	21/00357/FP
Location:	37 Fellowes Way, Stevenage.
Proposal:	Part change of use of ground floor of the main house to use as a dance studio.
Drawing Nos.:	2121 P0001; 2121 P004.
Applicant:	Mrs Kimberly Creak
Date Valid:	7 April 2021
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The site is a detached dwelling with attached garage and annexe. The property occupies a large corner plot at the eastern end of Fellowes Way a residential road in the Broadwater area of the town. The road leads to a small cul-de-sac to which the application site is visible on entry. The two storey brick and tile constructed dwelling faces south with the annexe and garage located to the north east of the dwelling and facing the road as it bends in to the cul-de-sac layout.
- 1.2 The area is characterised by large detached dwellings at the far eastern end of the road, with terraced dwellings and green open spaces to the frontages on entry to Fellowes Way from Broadwater Crescent. The area is also characterised by large numbers of mature trees, in particular towards the eastern end where neighbouring roads such as Woodland Way intersects with Fellowes Way.

2. RELEVANT PLANNING HISTORY

- 2.1 The property is part of an open enforcement investigation ref: 20/00454/ENF for the unauthorised use of the property for the running of a dance school. The current application follows this investigation to try and establish an authorised use.
- 2.2 03/00405/FP - Two storey side extension, construction of pitched roof over and single storey extension to side of existing double garage and conversion of garage to living accommodation. This application was approved in 2003.

3. THE CURRENT APPLICATION

- 3.1 The application seeks planning permission for the use of the former annexe as a dance studio associated with the running of the owners dance school Premiere School of Dance. The proposal is not seeking to authorise the use in accordance with the operations as identified as part of the enforcement investigations.
- 3.2 The application being considered proposes a reduced number of classes and pupil numbers than the numbers documented during COVID, when the dance school used the facilities at 37 Fellowes Way for dance classes at such an intensity it was considered a material change of use to part of the property had occurred.
- 3.3 The application is being considered at Planning and Development Committee following a call-in from Councillor John Gardner and Councillor Nicholas Leech in respect of concerns over impact on the highway and parking, and neighbour amenity.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letter. There have been 7 letters objecting to and 9 letters supporting the proposal.
- 4.2 Objections –
- Parking issues – location on a corner and at the junction with Woodland Way leaves little or no convenient parking spaces. Inevitable that parking, dropping off and collection will spill over in to Woodland Way. Levels of parking and dangerous parking last year during operation of the dance school.
 - Narrow roads – Fellowes Way and Woodland Way are narrow roads and much of Fellowes Way is inhabited by parked cars on the road belonging to residents who have no garage space.
 - Unacceptable location for use – this type of use should not be within a residential area.

- Noise nuisance and disruption – comings and goings of pupils, with parents and children congregating whilst waiting to enter the studio and music being played.
- Dance school limitations – concern the referenced limitations will not be adhered to given the operations of the studio during COVID restrictions.
- Conflict between classes during changeover – likelihood that cars will be trying to leave from one class whilst the next class arrives.

4.3 Support –

- The use of 37 Fellowes Way has provided much needed small scale space for children with special educational needs and disabilities to participate in dance lessons.
- Professionalism and help of the owner with students studying dance degrees and other dance exams.
- Fully support this small business who offer reasonable and practicable solutions to operating from their property.
- The level of parking should not cause problems given pupil numbers and hours proposed.
- Provide an important educational service for children reducing the social and educational impact of the pandemic.

4.4 Please note the above is not a verbatim copy of the representations which have been received. A full copy of all representations which have been received regarding this application 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 the Highways Authority consider the proposals to use part of the ground floor of the dwelling as a dance studio have no immediate safety concerns in terms of highway issues. There is parking for 2-3 vehicles and available off-street parking nearby. Therefore, subject to the informatives, this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity therefore, the highway authority does not wish to restrict the granting of permission.

5.2 Council's Environmental Health Section

5.2.1 I have concerns regarding likely noise nuisance caused to neighbouring residents from the activities at the dance studio. The hard surfaces within a dance studio offer little sound attenuation. Given the requirements under Covid for workplaces to be well ventilated, opening the doors and windows will allow breakout of sound from amplified music, the voice of the dance tutor giving instructions to be heard above the sound of the amplified music as well as any noise generated by the dancers.

5.2.2 There were complaints from a former commercial premises used as a dance studio from the 'people' noise outside, pupils entering and leaving and parents chatting outside. There were also complaints about the amplified noise and this dance studio relocated.

5.2.3 I am happy to look at any proposals by the applicant to mitigate the noise generated from these activities at the dance studio. I confirm that to date, no noise complaints have been received by environmental health regarding the activities of the dance studio at this property.

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 July 2021. This largely reordered the policy substance of the earlier 2012 and 2019 versions of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP6: Sustainable Transport;
Policy SP9: Healthy Communities;
Policy IT5: Parking and Access;
Policy GD1: High Quality Design.
Policy FP7: Pollution
Policy TC13: Retail impact assessments

6.5 Supplementary Planning Documents

Council's Design Guide SPD (2009);
Parking Provision and Sustainable Transport SPD (2020)

6.6 Community infrastructure levy

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. As the proposal would fall within planning use class E – commercial, business and service use, which is the same use class as retail,

this proposal would be CIL liable at £60/m². However, it is recognised that the building would not be in a retail use and therefore would be liable for CIL at £0m² as 'other development' under the CIL charging schedule. In order to exempt the applicant from paying the higher rate of CIL, the use of the building would need to be restricted to a Dance Studio used under class E (d) of the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020. This can be done by way of a planning condition, should planning permission be granted. The applicant has agreed to such a condition being imposed.

7. APPRAISAL

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the amenity of neighbouring properties and impact on the highway network and parking.

7.2 Land Use Policy Considerations

7.2.1 The detached two storey dwelling is occupied as a Class C3 dwellinghouse, with the annexe fitted out as a dance studio. The former use of the site for dance lessons has ceased and it is proposed to use the former annexe for dance lessons of a reduced capacity and pupil numbers. The dance studio use is deemed to fall under the new Use Class E (formerly Use Class D1 for recreation and leisure purposes). The proposal would account to 12% of the total use of the site, with the remaining 88% being a family home use. Furthermore, the proposed use is to assist in the operation of Premiere Dance School which also uses local community facilities such as the Leisure Centre.

7.2.2 Paragraph 81 of the NPPF states that 'planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

7.2.3 Paragraphs 88 and 89 of the NPPF state that where a town centre use is being proposed neither in a town centre or edge of centre site then a sequential test should be applied to demonstrate there are not sequentially preferable sites for the use proposed.

7.2.4 Furthermore in accordance with paragraph 90 of the NPPF, policy TC13 of the Local Plan seek the operation of main town centre uses be located in the town centre, then in edge of centre locations areas, including district and neighbourhood centres. Where the proposal is for an out-of-centre site a retail impact assessment (RIA) is necessary where the site meets a certain size. For sites outside the town centre and district/neighbourhood centres the threshold for a RIA is 300 square metres. The proposed floor area for the dance studio is approximately 57 square metres and therefore an RIA is not required in this case.

7.2.5 The applicant has submitted a brief statement in terms of sequentially viable sites. This highlights the fact the partial use of 37 Fellowes Way as a dance studio is a small side arm of the existing operation of Premiere School of Dance from the Stevenage Leisure Centre. The majority of the classes run by the school are operated from two different rooms at the leisure centre. The statement details the schools desire to use facilities that have a sprung floor to best protect students against injuries, and explains that other community centre locations do not have this type of flooring and thus are not viable for the school to operate out of. Furthermore, the school prides itself on being inclusive and works with many disabled or special needs children. This is supported by the third party letters received as part of the application from parents of such children.

7.2.6 The dance studio at 37 Fellowes Way provides adequate access for disable students and also provides a smaller and quieter area for persons who have conditions that make larger,

louder settings difficult to manage. Given the more specific requirements of the school and the fact the proposed studio use is a small area of the larger business, the information provided is considered acceptable, on balance, for this application and the merits of the case.

7.2.7 During COVID lockdowns in 2020 the dance school operated from 37 Fellowes Way as all public buildings were closed. At this time the site operated within the COVID restrictions as follows –

- Mondays: 5 x 30 minute private lessons after school
- Tuesdays: Seniors Ballet & Modern, a total of 9 students over a couple of hours after school
- Wednesdays: Acro, Seniors Ballet & Modern, a total of 18 students spread across the classes after school
- Thursdays: Senior Ballet, a total of 11 students over a couple of hours after school
- Fridays: Senior Tap and Street, a total of 24 students spread across the classes after school, inclusive classes for students with disabilities
- Saturdays: Senior Ballet & Modern, a total of 18 students during the day, inclusive classes for students with disabilities

7.2.8 This level of operation having regard to available case law and appeal decisions was considered to form a material change of use of the annexe area and that planning permission would be required. The operations ceased at the premises, and following professional advice the applicant has submitted the current application to approve the use of the annexe at 37 Fellowes way for the following operations –

- Monday – Thursday: 4pm-8pm (with a maximum of 8 students per day/4 hour window)
- Friday – no lessons
- Saturday – 12pm – 4pm (with a maximum of 8 students per day/4 hour window)
- Sunday/Bank Holiday – no lessons

7.2.9 The Local Plan has no set policies on businesses operating from a residential property, and as such it is at the discretion of the Local Planning Authority as to whether the proposal is acceptable. In this regard, and taking account of the town centre policies for uses in out of centre areas, the principle of a dance studio operating at 37 Fellowes Way is acceptable for land use purposes. The acceptability of the proposed dance studio use in this location also needs to be determined on its own merits based on intensification and the impact on neighbour amenity and highways/parking.

7.3 Impact upon Neighbouring Amenity

7.3.1 The application has received numerous objections to the proposal, largely based on the impact of additional traffic and car parking. This is considered in section 7.4. In respect of the impact on the amenity of neighbouring properties, the main issue here relates to noise disturbance. This would be from the comings and goings of students and parents, and also amplified music.

7.3.2 The Environmental Health officer has raised concerns about potential nuisance, but also notes that at no time during the unauthorised use being undertaken were any noise complaints raised. The supporting information submitted does advise that amplified music from a home music system would be played during lessons. With approximately 2 pupils per lesson (maximum of 8 per day) it would be a sensible assumption that the music would not need to be played loudly, nor would the teacher need to raise their voice in comparison with a class where higher numbers were being taught.

7.3.3 In determining whether a material change of use has occurred and at which point a use may be harmful to the amenities of neighbours officers need to consider how the use differs from the intensity and use of the property as a family home. This relates to both noise and vehicle

movements. Furthermore, officers must consider whether any matters that arise can be suitably controlled through the imposition of planning conditions.

- 7.3.4 An appeal decision for a similar use where dance classes were operating from an extension at a residential property were enforced against, was allowed after the Inspector concluded that disturbance had occurred and at times this was beyond the degree to which home working was supported. However, it was felt that conditions could regulate the activity to the extent that it would be acceptable (Appeal ref APP/E5330/C/09/2119325).
- 7.3.5 In considering the extent of the use being proposed (notably, not how it was previously operating), with the imposition of conditions, the use could operate from the site at an intensity not much different from a family home. Whilst noise may be audible and at a more regular interval than one might expect from a domestic setting, again the imposition of conditions to allow for a temporary period and to allow for monitoring of the use are considered acceptable and would meet the relevant tests.
- 7.3.6 It is notable that no complaints were made in respect of noise to Environmental Health during lockdown when the classes were running in accordance with lockdown parameters at 37 Fellowes Way. This was of course whilst more intense classes and pupil numbers were noted. It is considered reasonable therefore to assume that a reduced class number and attendance would create less noise. Furthermore, the proposal would be acceptable and would not adversely impact on the amenities of neighbouring properties with appropriate conditions put in place. These would relate to class times, class sizes including a class register to be maintained and be available for inspection at any time by the LPA, along with a temporary period of operation and the possibility for noise insulation if deemed necessary once the use starts.

7.4 Impact on the Highway Network and Parking

- 7.4.1 The impact of the proposal on the highway network and parking has been the main cause for concern with objectors who commented on the application. Evidence has been provided by neighbours showing the extent of problems from the unauthorised use, mainly in respect of cars parking on the highway and at junctions in the immediate vicinity of the site which caused brief periods of congestion. The main issue to emphasise here is that this application is a proposed position with much reduced ass times and pupil numbers. The current application is not being determined based on the unauthorised use and its impacts.
- 7.4.2 Hertfordshire County Council as the local highway authority has assessed the application and given the proposed use intensity has raised no objections to the proposal stating that 'this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity'.
- 7.4.3 The supporting information submitted with the application asserts that there will be some level of crossover as one class finishes and the next class begins but that with approximately two pupils per class and the availability of two parking spaces on site this should not lead to an unreasonable level of traffic. Furthermore, pupils and their parents are being encouraged to use non-private car modes of transport such as cycling or walking. It is considered reasonable to seek this information as part of an attendance register to understand how pupils travel to the class.
- 7.4.4 The existing property has provision for four cars to be parked on the driveway. The supporting statement suggests two spaces will be made available throughout the four hour time slots for classes on each of the respective days. The remaining two spaces would be for use by the occupiers of the house, with all four spaces available by the homeowners outside of class hours.

7.4.5 The Council's adopted Parking Provision and Sustainable Transport SPD (2020) advises that for mixed-use development the higher ratio provision be considered in terms of car parking spaces. In this case a floor area of approximately 57 square metres for the dance studio would equate a need for four spaces. This is on the understanding a dance studio is considered a Class E use. The dwelling would require a maximum of three parking spaces. Therefore, whilst two spaces have been allocated the property could allow for additional provision on this understanding of the parking standards. However, given the low numbers of pupils advised for each class and throughout each day/4 hour period of operation, the need for more than two spaces is unlikely. Notwithstanding, an emphasis on non-car travel will be placed on all pupils and parents, and it may be appropriate to seek a small delay between each class to avoid a changeover situation between classes. This was a condition on the appeal decision discussed in paragraph 7.3.4.

7.4.6 Furthermore, in considering the day to day 'running' of a family home, it is not considered the likely number of trips generated would be significantly higher such that harm would be caused. The added security of the permission being temporary and therefore allowing the LPA to further consider the impacts after a certain period of time will allow for the studio to operate and for greater management to be held by the LPA in terms of monitoring any impact.

7.5 Human Rights and Equalities

7.5.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

7.5.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers

7.5.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.5.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal does not comprise the removal of disabled parking spaces and there would be sufficient space on the public footpath for person(s) who are disabled to safely pass the outdoor seating area without hindrance.

8. CONCLUSIONS

8.1 In conclusion, it is considered that on balance, the proposed use of the annexe at 37 Fellowes Way for use as a dance studio for operation Monday – Thursday 4pm – 8pm and Saturday 12pm – 4pm is acceptable. Matters pertaining to noise nuisance and highway safety/parking can be adequately controlled through the imposition of conditions. The level of harm is unlikely to be significant in this residential area given the limitations in which the application has been submitted on.

9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the following conditions with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation:-

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

2121 P001; 2121 P004.

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

2 The use hereby approved shall be for a limited period of one year only from the date of implementation, expiring on or before that date after which time the use hereby permitted shall be discontinued, unless otherwise agreed in writing by the Local Planning Authority, in the form of an application.

REASON:- To enable the Local Planning Authority to monitor and reconsider the impact and appropriateness of the dance studio use in the residential area of Fellowes Way.

3 The use hereby permitted shall operate only between the hours of 16:00-20:00 Monday to Thursday and 12:00-16:00 on Saturday.

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

4 Between the permitted hours of use set out in condition 3, no more than 8 students in total shall attend the dance studio daily, with no more than 3 students in total per class. A record shall be kept of all students referred to in this condition by listing the student's name and their arrival/departure times and mode of arrival/departure. The record shall be kept and made available for inspection on request.

REASON:- To allow the Local Planning Authority to monitor the use and to safeguard the amenities of the occupiers of neighbouring properties and in the interests of highway safety from increased vehicle trips.

5 During the permitted hours of use set out in condition 3, the two parking spaces indicated on drawing 2121 P004 shall be kept permanently available for the parking of cars in association with the use of the dance studio.

REASON:- To prevent cars from parking on the highway during drop off and pick up of pupils from the dance studio in the interests of highway safety.

6 There shall be an interval of at least fifteen minutes between the end of one class and the start of another class.

REASON:- To prevent foot and vehicular traffic to and from the dance studio from overlapping in the interests of safeguarding the amenities of neighbouring properties and controlling parking at the site.

7 The converted annexe shall only be used for dance classes or as part of the Property's living accommodation and for no other purpose.

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

8 There shall be no more than 1 dance teacher operating from the dance studio per day.

REASON:- To ensure the number of staff is limited to protect parking arrangements.

9 Noise and music from the dance studio shall not be audible from the boundaries of the site at any time during the hours of use as set out in condition 3.

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

INFORMATIVE

Hertfordshire County Council as Highways Authority.

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

Further information is available via the website

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

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

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

Community Infrastructure Levy

Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020. This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted. Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990. To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990. Hertfordshire Building Control can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX. Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations;
- Damp proof course;
- Concrete oversite Insulation;
- Drains (when laid or tested);

- Floor and Roof construction;
- Work relating to fire safety;
- Work affecting access and facilities for disabled people;
- Completion.

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 to 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Developer Contributions adopted March 2021.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.

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Meeting: Planning and Development Agenda Item:
Committee

Date:

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	21/01025/ENF Related ref's 17/00734/FPH & 17/00638/CLPD
Location:	7 Boxfield Green, Stevenage
Proposal:	Authorisation to serve an enforcement notice.
Drawing Nos.:	
Applicant:	
Date Valid:	
Recommendation:	SERVE AN ENFORCEMENT NOTICE



Plan for information purposes only

1. BACKGROUND

- 1.1 7 Boxfield Green is a detached dwelling located in the 'White Way' residential estate within Chells Manor. The property lies perpendicular to The White Way and the neighbouring property 8 Boxfield Green which fronts Boxfield Green to the east. Vehicular access is off Boxfield Green via a small private driveway to the southern side of No.8, shared with 6 Boxfield Green. The area is characterised by detached dwellings with modest sized gardens and plot sizes. The property is constructed from red brick under a brown bold roll roof tile.
- 1.2 Site history –
- 1.2.1 The property has several historic application references. 03/00394/FP for a single storey rear extension was approved on 02.10.2003 and has been built.
- 1.2.2 14/00159/FP for a first floor extension to the side of the dwelling, over the existing single storey garage was refused on 17.10.2014. The reason for refusal stated 'The proposed first floor side extension due to its height, location on the boundary with and subsequent proximity to the rear elevation of No.8 Boxfield Green would adversely affect the outlook and amenity of the occupiers of this neighbouring property. The proposal would, therefore, be contrary to saved policies TW8 and TW9 of the Stevenage District Plan Second Review 1991-2011 and the advice in the adopted supplementary planning document 'Stevenage Design Guide' 2009.'
- 1.2.3 16/00681/FPH for a first floor rear extension and a loft conversion was refused on 01.12.2016 for the following reasons –
- 1) The proposed loft conversion utilising the mansard roof feature would result in a bulky and incongruous feature that would have an adverse impact on the street scene given that the property is prominent in views from the White Way. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is contrary to Policy TW9 of the Stevenage District Plan Second Review 1991-2011, Policy GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and the advice in Chapter 7 of the National Planning Policy Framework March 2012.
 - 2) The proposed mansard roof element would result in an unacceptable loss and perceived loss of privacy to no. 9 Boxfield Green to the rear due to the height of the windows in the roof, their size and number and their projection significantly further forward of the existing roof slope. This impact would be to the detriment of the residential amenity of its occupants, contrary to Policy TW8 of the Stevenage District Plan Second Review 1991-2011.
- 1.2.4 17/00511/FPH for a first floor rear extension and loft conversion was refused on 15.09.2017 for the following reasons –
- 1) The proposed loft conversion utilising the mansard roof feature would result in a bulky and incongruous feature that would have an adverse impact on the street scene given that the property is prominent in views from the White Way. Additionally, the proposal does not follow the guidance for roof extensions as set out in the Stevenage Design Guide 2009 and is contrary to Policy TW9 of the Stevenage District Plan Second Review 1991-2011, Policy GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 and the advice in Chapter 7 of the National Planning Policy Framework March 2012.
 - 2) The proposed mansard roof element would result in an unacceptable loss and perceived loss of privacy to no. 9 Boxfield Green to the rear due to the height of the windows in the roof, their size and number and their projection significantly further forward of the existing roof slope. This impact would be to the detriment of the residential amenity of its occupants, contrary to Policy TW8 of the Stevenage District Plan Second Review 1991-2011.

- 1.2.5 17/00638/CLPD for a loft conversion was agreed and a certificate issued on 27.10.2017.
- 1.2.6 17/00734/FPH for a first floor rear extension and loft conversion was approved on 13.02.2018.
- 1.3 The works deemed permitted development (PD) under ref:17/00638/CLPD and those approved under ref:17/00734/FPH have both been completed at the same time and include additions such as roof lights on the side roof slopes of the new roof that do not form part of the approved plans.

2. DISCUSSION

- 2.1 By implementing both the works deemed PD and those approved by full planning permission, the completed works are not in accordance with the respective approved plans.
- 2.2 The dormer window was deemed PD as it met the criteria as contained in Class B, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) such that it does not create more than 50 cubic metres of volume (measured externally), it sits at least 20cm from the edge of the roof slope where it meets the wall, it does not sit higher than the highest part of the roof (excluding any chimneys) and that the dormer walls be finished in a material of a similar appearance to the existing house. The approved plan specifies the dormer walls to be tile hung.
- 2.3 Application ref: 17/00734/FPH for the first floor rear extension incorporates a half-hipped roof at the rear, with a dual pitch attaching to the existing dual pitch roof, perpendicular to it. These plans do show utilisation of the loft space but do not include the dormer window element. On the grounds of design and visual impact this application would not have been granted permission had it been submitted to include the dormer window.
- 2.4 There is some disagreement between the property owner and the LPA in respect of the whether it was ever made clear that the intention was to always implement both schemes. Officers believe that at no time was the applicant (home owner) told that both schemes could be implemented. Officers informed that a dormer window did not require permission and that a Certificate could be applied for, for this specific element. The dormer window did not therefore, nor could it form part of the planning permission.
- 2.5 The completed works include the construction of the dormer window, completed in white UPVC cladding, with the first floor extension and its pitched roof extending off of the dormer and the insertion of unauthorised roof light windows in the new side roof slopes. As a result, the completed development is considered to be bulky in both scale and form and seen as an incongruous form of development as viewed towards the rear elevation of this prominent site, which sits parallel to The Whiteway. As a consequence, the works which have been constructed at 7 Boxfield Green have a significant and detrimental impact on the character and appearance of this property as well as the visual amenities of the wider street scene.
- 2.6 Further to the above, the new roof lights which have been installed cause a substantive loss of privacy to No.8 Boxfield Green which abuts the side boundary of the site, as they directly overlook the rear garden and elevation of the neighbouring property.

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 dormer window construction, namely the white clad dormer walls and associated internal structure supporting this, re-instating the original roof slope profile with tiles of a matching material, and the removal of the unauthorised roof light on the eastern side roof slope facing No.8 Boxfield Green. 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

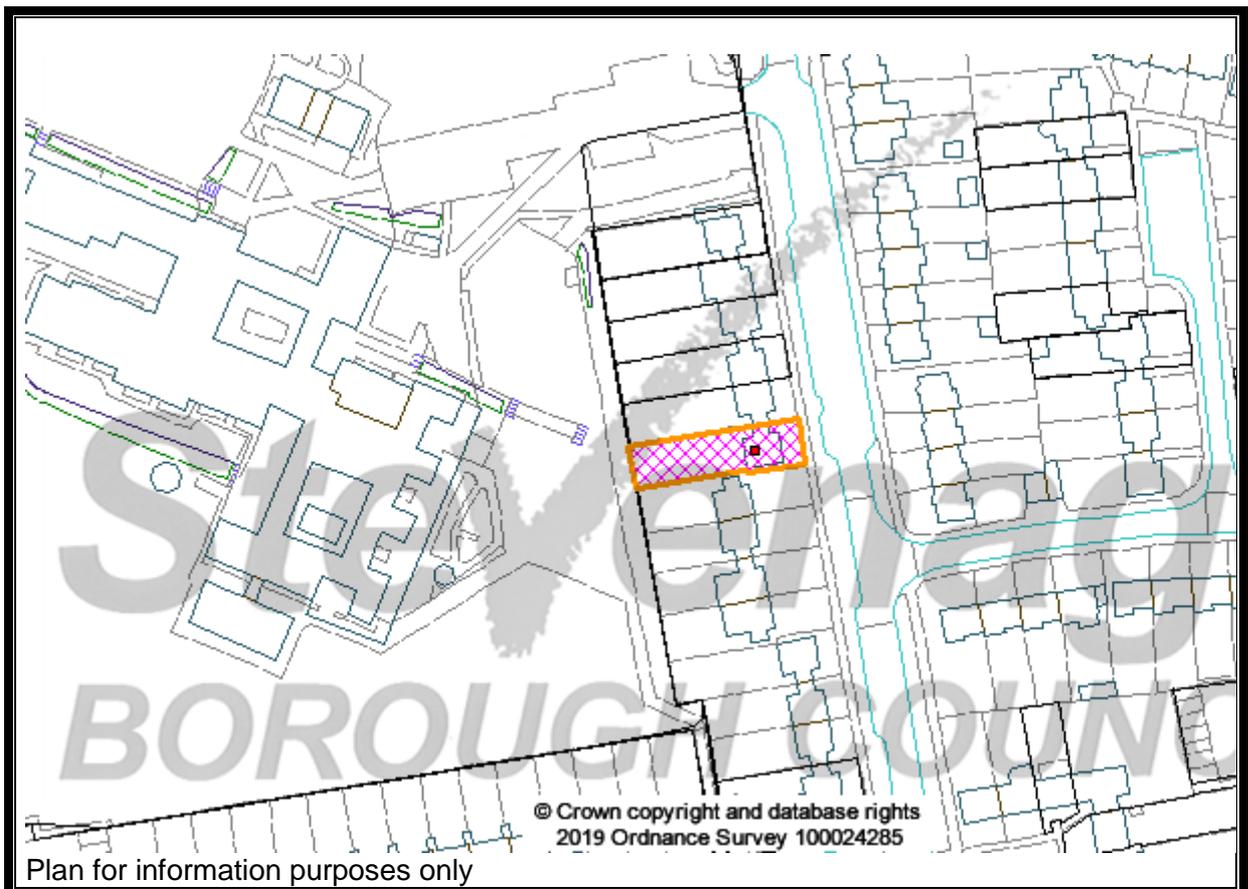
- 4.1 Within six months of the date of any Enforcement Notice served, the entirety of the dormer window be removed and the original roof reinstated to its original form in terms of profile and finish, and the eastern facing roof light in the first floor extension be removed and the roof slope completed in accordance with the approved plans of 17/00734/FPH or as otherwise agreed by the Local Planning Authority.

5. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents associated with reference 17/00638/CLPD and 17/00734/FPH.
2. Stevenage Borough Local Plan 2011-2031 (2020)
3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.
4. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	5 October 2021	
Author:	Ailsa Davis	01438 242747
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	01438 242747

Application No:	21/00724/ENF
Location:	113 Oaks Cross, Stevenage
Proposal:	Authorisation to serve an Enforcement Notice
Drawing Nos.:	
Applicant:	
Date Valid:	
Recommendation:	SERVE AN ENFORCEMENT NOTICE



1. BACKGROUND

- 1.1 An area of hardstanding has been constructed at the front of the property between the principal elevation and the highway, which is being used as a parking space with reports that the occupier is driving over the pavement to access the space. The front part of the land occupied by the parking space closest to the highway is public amenity land owned by Stevenage Borough Council (see ownership plan below).



- 1.2 Following enquiries with the owner of the property, it has been confirmed that the paving is porous. Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse. Development is permitted by Class F subject to the condition that where (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
- 1.3 The area of hard surfacing is greater than 5sq.m, however the paving is porous and therefore benefits from permitted development rights under Class F above. However, due to the fact the front section of the parking space has been constructed on land owned by the Council, planning permission is required for a change of use from public amenity land to residential in respect of that section.



- 1.4 Agreement is also required from Hertfordshire County Council as Highway Authority for the creation of a vehicle crossover to access the space from the highway. The above photograph shows there is a public parking layby immediately in front of the property, part of which would be lost to create the necessary access. It is understood that the owner is currently accessing the space by driving over the pavement, which is illegal.

2. DISCUSSION

- 2.1 Following consultation with the Council's Land Sales officer, it has been established that the Council would not authorise the sale of the strip of land to the owner on the basis that (i) the parking area is not sufficient to park a car on and would not meet parking requirements, due to insufficient depth and (ii) they would have to drive through a communal parking bay. Please note that the minimum size requirements for a parking space are 6m depth x 3m width. The depth of the area of hardstanding is 3.1m. On the basis that the parking space does not meet the minimum size requirement and any vehicle crossover would involve the partial loss of a public parking layby, it is considered the Highway Authority would not agree to a vehicle crossover in this location.
- 2.2 For the above reasons, the Local Planning Authority would be unlikely therefore to grant planning permission for the change of use of the public amenity land to residential on which part of the parking space is built. The current use of the parking space whereby the owner is driving over the pavement to access it raises

pedestrian safety issues. Accordingly, it is in the public interest for the Local Planning Authority to instigate formal enforcement action to seek the removal of the section of hardstanding that encroaches onto Council owned land and for the use of the remaining hardstanding as a parking space to cease.

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 unauthorised hardstanding and its use as a parking space. 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.

4. REMEDY REQUIRED

- 4.1 Within three months of the date of any Enforcement Notice served, the area of hardstanding on land owned by Stevenage Borough Council shall be removed and the land made good and the use of the remaining area of hardstanding as a parking space shall cease.

10. BACKGROUND DOCUMENTS

1. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport (2020)
2. Stevenage Borough Local Plan 2011-2031 adopted 2019.
3. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
4. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.

Planning Committee

Meeting date	5 th October 2021
Officer	James Chettleburgh
Agenda Item	Proposed listing consultation from Historic England
Proposal	Secretary of State for Digital, Culture, Media and Sport, Historic England is currently considering whether the following has special architectural or historic interest:- 1) Scenes of Everyday Life by William Mitchell, Park Place underpass; and 2) Former Co-operative house (now Primark) including mural by Gyula Bajo of CWS Architects' Department.
Reference	N/a
ADDENDUM INFORMATION	

The Council has recently received a 21 day consultation from Historic England on behalf of Secretary of State for Digital, Culture, Media and Sport, Historic England as to whether the two sites of interest detailed in the "Proposal" have architectural or historic interest. Therefore, officers considered that this would be an important item of interest for the Planning and Development Committee to be made aware of.

The following sections of this report will provide a background to the two items of potential architectural or historic. In addition, it will also set out what the Council's next steps will be in response to these consultations.

Mural by Gyula Bajo – Primark, 6-8 Town Square, Stevenage

Background

During the construction of the Town Square, a number of key companies, such as the Co-Operative House which fronts the Town Square, designed their buildings through in-house staff or consultants; these designs were then modified by Leonard Vincent and his team.

As detailed in the Stevenage Corporation journal in 1955, all multiple stores were built under a common contract in order to 'secure uniformity in design and construction'. An advertisement of 1959 noted that the Co-op – visited by Prime Minister Harold Macmillan in August that year – was 'remarkable for its architectural style embodying the spirit of the New Stevenage', adding that it was 'regarded as one of the outstanding stores in the co-operative movement and has been the subject of praise from all parts of the country'.

The north elevation, facing Town Square, features a colourful tiled mural which measures 27ft by 20ft. The mural was designed by Hungarian-born Mr Gyula Bajo of the C.W.C Architects Department. (See figure 1). The mural symbolises the 'spirit and activities of the Co-operative Movement', showing figures at work. As Lynn Pearson has noted, the mural incorporates 'Stevenage-related images of buildings into a composition based on romanticised figures representing industry, commerce, transport and agriculture'. It is the earliest of the four major co-op murals of the 1950s and '60s, the others being in Ipswich, Hull and Scunthorpe (all of 1963).



Figure 1:- Image of the Co-op mural from an article in 1958 (SBC Planning Department Archive Files).

The mural itself has some very interesting features, in the upper part are contemporary buildings and structures and are typical of the "spring-like" architectural atmosphere of Stevenage as a new town. The mural also represents the four cornerstones of a balanced economy as seen at the time, industry, commerce, transport and agriculture and these are all symbolically represented by the figures. The spinning-wheel and finished products represent textiles and consumer goods, whilst the steel worker of heavy industry is beside a teaching figure which stands for science and technology. The lower part of the mural shows agriculture, which was seen as the primary branch of production and is a background to the fundamental social unit, the family (Co-operative Architecture, 1959).

The Council's Town Square Conservation Area Management Plan SPD (2012) identifies that public art was a prominent feature for post-war design, and includes statues and sculptures, such as the listed Belsky's Joy Ride statue in the Town Centre, which are prominent to the town's cultural heritage. In addition, mural art is also prominent within the town; boosted in popularity by the Festival in Britain in 1951 which encouraged artists to experiment with different materials such as concrete, ceramic metals. This led to over 1000 murals being commissioned during the period of 1945 to 1980 which includes the mural by Gyula Bajo which comprises of painted ceramic tiles (Figure 2). As such, it is identified as a key piece of public art within the Town Square Conservation Area.



Figure 2:- Gyula Bajor Mural (Town Square Conservation Area Management Plan SPD, 2012).

Next Step

Given the history behind the mural and what it represents in the way of cultural heritage and history of the New Town, combined with the fact that it is an original feature and adds real placemaking to the Town Centre, it is a piece of public art which is worth celebrating. In addition, I understand it is potentially only 1 of 4 Co-operative murals left in the country. As such, given the damage which has been caused by the fixing of the Primark vertical sign and slow deterioration, officers consider this mural should be preserved as it of historic interest. Furthermore, it forms part of the architectural fabric of the building which is also seen as a key feature of Town Square and the wider historic character of the Conservation Area.

Due to the significant importance of the mural as detailed above, officers will be liaising with Councillor John Gardner and Councillor Richard Henry (for cultural strategy) to prepare a written response to Historic England to ensure the most appropriate protection can be put in place for the mural.

William Mitchell Relief – underpass under St George’s Way, Stevenage.

Background

William Mitchell (1925-2020), whose first works were the murals he painted on club and canteen buildings during the Second World War, remained largely unrecognised among 20th century British sculptors. However, his work is increasingly appreciated, with English Heritage recently awarding 13 of his public sculptures, with Grade II-listed status.

He is particularly well-known in relation to the new town sculpture. His cast concrete relief (1973) in the underpass beneath St George’s Way to Park Place depicts scenes of contemporary life. The Stevenage Museum, who have been advising officers, have recently included it in their 100 objects project. They have his drawings for the work (See Figure 1).

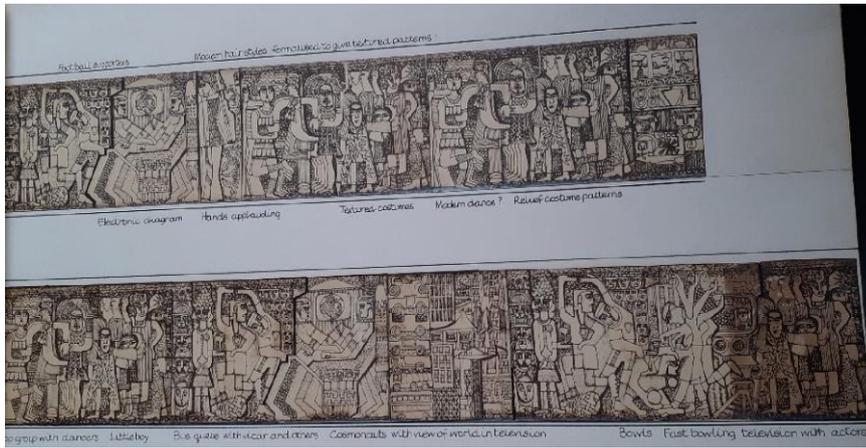


Figure 1:- Copies of William Mitchell drawings at Stevenage Museum.

There is also a video on YouTube (Underpass relief by William Mitchell) which provides a really good depiction of the underpass relief by William. Officers have also been provided some history from the Museum about Will Mitchell:

William George Mitchell, born in London in 1925, trained at the Southern College of Art, Portsmouth, and at the Royal College of Art where he won a scholarship which enabled him to study at the British School in Rome. He established the William Mitchell Design Consultants Group, and produced abstract sculptures in concrete, wood, plastics, marble and brick across the world.

Among his other public sculptures are the abstract relief decoration of the porch and belfry of the Metropolitan Cathedral of Christ the King Liverpool, and wall reliefs for Watergardens in Harlow New Town, 1963. The art work as you enter the underpass provides a great sense of arrival as you enter the town centre from the Town Centre gardens and vice versa.

Next Step

The relief is a very good and well preserved example of William Mitchells art work and is a key part of the town's heritage. It is also a highly accessible piece of art work which can be enjoyed and appreciated by the local community and creates a welcoming environment in the underpass between Park Place and the Town Centre Gardens. The relief itself depicts representations of the local football team, popular fashion and 1960's hairstyles. As such, due to the significant importance of this piece of art work, officers will be liaising with Councillor John Gardner and Councillor Richard Henry (for cultural strategy) to prepare a written response to Historic England to ensure the most appropriate protection can be put in place for the relief.

Planning & Development Committee Report Cover:

Report name:

Street Naming and Numbering approved list

Officer(s) presenting:

Zayd Al-Jawad

Reason for it being before Planning & Development Committee:

The attached list of suitable street names for Stevenage has been updated following both existing being used and new names being suggested.

Other briefings:

Street Naming and Numbering Committee approval and all member consultation in summer 2021.

Likely next steps:

Following any approval, the updated list can be used for referencing new street names.

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Ward
Bandley Hill
Broadwater
Chells Manor (Northern Section)
Chells Manor (Development off The White Way / Southern Section)
Chells
Coneycroft (Poplars - Bandly Hill)
Great Ashby - Stevenage - The "Langley" settlement area
Hertford Road - Broadwater
Industrial Area
Martins Wood
Old Town
Pin Green
Sectors 4 & 5 (East of Gresley Way Development)
Shephall
Symonds Green - Sector 9
Symonds Green - Sector 10
St. Nicholas
Woodfield (North of Stevenage Development)
GENERAL
SPECIAL NAMES
West of Steveange
Town Centre
Stevenage South

Street Name Themes	
Birds	
Old field names of Shephall Parish	
Association with Shephalbury Manor House	
Roman Connection	
Roman Gods	
Roman Places	
Farmland / Woodland	
Architects	
Engineers	
Explorers	
Famous Women	
Scientists	
Costal / Weather Station	
Rivers of Great Britain	
Castles	
British winners of Nobel prizes for Science	
Inventors	
Racecourses	
Local Association	
Sports Persons	
Seabirds	
Military & Former Rectors	
Seaside Places	
Seaside Places	
Cathedrals - English	
Cathedrals - Scottish	
Cathedrals - Welsh	
Cathedrals - Irish	
E.M. Forester	
Famous Men	
Composers - English	
Composers - Other	
Special	
Scottish Seaside Towns	
TBC	
TBC	

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 – James Chettleburgh 01438 242266

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 : 19/00695/LB
Date Received : 27.11.19
Location : Favorite Chicken & Ribs 88 High Street Stevenage Herts
Proposal : Relocation of pillar to bring it in line with the property
Date of Decision : 15.09.21
Decision : **Listed Building Consent is GRANTED**

2. Application No : 20/00049/FP
Date Received : 22.01.20
Location : Favorite Chicken & Ribs 88 High Street Stevenage Herts
Proposal : Relocation of pillar to bring it in line with the property
Date of Decision : 15.09.21
Decision : **Planning Permission is GRANTED**

3. Application No : 21/00376/FP
Date Received : 09.04.21
Location : 166A High Street Stevenage Herts SG1 3LL
Proposal : Change of use from class E(G) Business use to Class C3(A) Dwellinghouses
Date of Decision : 13.09.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed development would fail to meet national and the Council's minimum floor space standards for a two bed flat. It would be unable to provide a private garden or amenity space for future occupiers and it would be unable to provide suitable storage space for refuse and bicycles. The site is therefore considered to be too small to be able to satisfactorily accommodate the proposed development and the proposal represents an overdevelopment of the site, contrary to Policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Stevenage Design Guide (2009), the National Planning Policy Framework (2021) and the Planning Policy Guidance (2014).

The proposal would involve the unacceptable loss of office floor space (use class E(g)(i)). In the absence of evidence to demonstrate the site has been unsuccessfully marketed for a minimum of 6 months, the proposal is contrary to Policy EC7 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the National Planning Policy Framework (2021) and the Planning Policy Guidance (2014).

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Planning Document (2020). The proposal would, therefore be likely to result in on-street parking contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Parking Provision SPD (2020), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Due to the close proximity of the adjacent public house / restaurant with a beer garden immediately under the windows of the proposed residential rooms, commercial noise risks including noise of patrons within the beer garden, kitchen mechanical ventilation noise, cooling plant noise, food and drink deliveries and any music noise activities could adversely impact on the living environment of future occupiers. In the absence of a noise assessment to demonstrate otherwise, the proposal would be contrary to policies GD1 and FP8 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Parking Provision SPD (2020), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

4. Application No : 21/00727/TPCA
Date Received : 28.06.21
Location : 14 Church Lane Stevenage Herts SG1 3QR
Proposal : Reduction by 25% of 1no. Sycamore tree
Date of Decision : 27.08.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

5. Application No : 21/00729/FPH
Date Received : 29.06.21
Location : Priory Meadow Rectory Lane Stevenage Herts
Proposal : Two storey rear and side extensions and raising roof of existing dwelling
Date of Decision : 21.09.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The dwellinghouse as enlarged, by virtue of its siting, design and massing, will have an overbearing impact on the street scene thereby failing to preserve or enhance the St Nicholas and Rectory Lane Conservation Area. If approved the enlarged dwellinghouse would substantively harm the significance of the St Nicholas and Rectory Lane Conservation Area. The proposal is therefore contrary to Policies SP8, SP13, GD1 and NH10 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the St Nicholas and Rectory Lane Conservation Area Management Plan SPD (2012), the NPPF (2021) and PPG (2014).

The existing dwellinghouse, due to its strong, distinct, architectural design makes a positive contribution to the St. Nicholas and Rectory Lane Conservation Area and overall enlargement would result in the loss of a locally important building and a non-designated heritage asset, to the detriment of the historic character of the Conservation Area. The proposal is therefore contrary to Policies SP8, SP13, GD1 and NH10 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the St Nicholas and Rectory Lane Conservation Area Management Plan SPD (2012), the NPPF (2021) and PPG (2014).

6. Application No : 21/00734/FPH
Date Received : 01.07.21
Location : 63 Whitney Drive Stevenage Herts SG1 4BH
Proposal : Proposed part single, part two storey side and rear extensions
Date of Decision : 23.09.21
Decision : **Planning Permission is GRANTED**
7. Application No : 21/00762/FPH
Date Received : 09.07.21
Location : 111 Walkern Road Stevenage Herts SG1 3RB
Proposal : Variation of a condition to planning permission reference number 17/00529/FPH to alter proposed roof design to part single storey extension, to have a pitched roof and the raising of the ridge height to part two storey
Date of Decision : 01.09.21
Decision : **Planning Permission is GRANTED**
8. Application No : 21/00768/FPH
Date Received : 10.07.21
Location : 3 Twinwoods Stevenage Herts SG1 1RJ
Proposal : Erection of 1no. one bedroom annexe in rear garden
Date of Decision : 15.09.21
Decision : **Planning Permission is GRANTED**
9. Application No : 21/00769/FPH
Date Received : 11.07.21
Location : 85 Whitney Drive Stevenage Herts SG1 4BL
Proposal : Erection of side dormer window, alterations to windows, doors and external finishes.
Date of Decision : 06.09.21
Decision : **Planning Permission is GRANTED**

10. Application No : 21/00780/FPH
Date Received : 13.07.21
Location : 9 Newlyn Close Stevenage Herts SG1 2JD
Proposal : Loft conversion to a habitable space, including part removal of the existing rear pitched roof to create new rear dormer and 3 no. conservation roof windows to the front and the conversion of garage into a home office
Date of Decision : 06.09.21
Decision : **Planning Permission is GRANTED**
11. Application No : 21/00788/FP
Date Received : 15.07.21
Location : Former Kodak Site (Part Of) Bessemer Drive Stevenage Herts
Proposal : Temporary Change of Use to Bus Parking for 12 months, including temporary floodlighting, temporary building 3600 x 2400 and installation of temporary vehicle barriers
Date of Decision : 27.08.21
Decision : **Planning Permission is GRANTED**
12. Application No : 21/00793/FPH
Date Received : 15.07.21
Location : 28 The Dell Stevenage Herts SG1 1PH
Proposal : Single storey side / rear extension with roof lights
Date of Decision : 10.09.21
Decision : **Planning Permission is GRANTED**
13. Application No : 21/00795/COND
Date Received : 16.07.21
Location : Garages And Forecourt Area To The Rear Of 13 - 19 The Chace Stevenage Herts SG2 8QS
Proposal : Discharge of condition 12 (Climate Adaptation Measures) attached to planning permission number 20/00672/FP
Date of Decision : 06.09.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

14. Application No : 21/00799/PATELE
Date Received : 17.07.21
Location : Land Adjacent To 1-3 Hydean Way On Valley Way Stevenage Herts SG2 9XH
Proposal : Erection of 1no. 18metre telecommunications pole with wraparound cabinet at base, 3no. equipment cabinets and associated ancillary works
Date of Decision : 27.08.21
Decision : **Prior Approval is REQUIRED and GIVEN**
15. Application No : 21/00805/COND
Date Received : 19.07.21
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of condition 7 (Noise impact assessment) attached to planning permission reference number 19/00123/FPM
Date of Decision : 23.09.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
16. Application No : 21/00806/COND
Date Received : 19.07.21
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of condition 4 (boundary treatments) attached to planning permission reference number 19/00123/FPM
Date of Decision : 23.09.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

17. Application No : 21/00811/CLPD
Date Received : 20.07.21
Location : 64 Wychdell Stevenage Herts SG2 8JD
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 07.09.21
Decision : **Certificate of Lawfulness is APPROVED**
18. Application No : 21/00813/FP
Date Received : 21.07.21
Location : Sainsbury's Plc Hitchin Road Stevenage Herts
Proposal : Change of use of 8 parking spaces to hand car wash and valeting operation including the installation of a cabin and erection of a canopy
Date of Decision : 15.09.21
Decision : **Planning Permission is GRANTED**
19. Application No : 21/00814/AD
Date Received : 21.07.21
Location : Sainsbury's Plc Hitchin Road Stevenage Herts
Proposal : Installation of 1no. illuminated fascia sign, 3no. non-illuminated digitally printed vinyl laminate, 6no. non-illuminated banners / hoardings
Date of Decision : 15.09.21
Decision : **Advertisement Consent is GRANTED**

20. Application No : 21/00820/CPA
Date Received : 22.07.21
Location : Bank House Primett Road Stevenage Herts
Proposal : Conversion of existing office building into 21no. one bedroom flats and 3no. two bedroom residential flats
Date of Decision : 13.09.21
Decision : **Prior Approval is REQUIRED and GIVEN**
21. Application No : 21/00822/PATELE
Date Received : 23.07.21
Location : Canterbury Way Street Works Stevenage Herts SG1 4LL
Proposal : Proposed 5G telecoms installation: H3G Phase 8 18m high street pole c/w wrap-around cabinet and; and 3 further additional equipment cabinets
Date of Decision : 27.08.21
Decision : **Prior Approval is REQUIRED and GIVEN**
22. Application No : 21/00827/FPH
Date Received : 25.07.21
Location : 52 St. Albans Drive Stevenage Herts SG1 4RU
Proposal : Single storey rear extension and flue serving wood burning stove
Date of Decision : 09.09.21
Decision : **Planning Permission is GRANTED**
23. Application No : 21/00830/FPH
Date Received : 27.07.21
Location : 9 Shephall Lane Stevenage Herts SG2 8DH
Proposal : Proposed single storey front extension, part single storey and part two storey rear extension
Date of Decision : 10.09.21
Decision : **Planning Permission is GRANTED**

24. Application No : 21/00837/CLPD
Date Received : 29.07.21
Location : 24 Kings Walden Rise Stevenage Herts SG2 0JX
Proposal : Certificate of lawfulness for proposed single storey rear extension
Date of Decision : 30.08.21
Decision : **Certificate of Lawfulness is APPROVED**
25. Application No : 21/00848/COND
Date Received : 02.08.21
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of condition 12 (Landscape and Ecological Management Plan) attached to planning permission number 19/00123/FPM
Date of Decision : 23.09.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
26. Application No : 21/00851/FPH
Date Received : 03.08.21
Location : 185 Chertsey Rise Stevenage Herts SG2 9JG
Proposal : Single storey side extension with mono pitch roof and velux roof light
Date of Decision : 10.09.21
Decision : **Planning Permission is GRANTED**

27. Application No : 21/00852/HPA
Date Received : 03.08.21
Location : 167 Raleigh Crescent Stevenage Herts SG2 0EA
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.50 metres, for which the maximum height will be 3.30 metres and the height of the eaves will be 2.50 metres
Date of Decision : 06.09.21
Decision : **Prior Approval is NOT REQUIRED**
28. Application No : 21/00854/NMA
Date Received : 03.08.21
Location : Sycamore House Leyden Road Stevenage Herts
Proposal : Non material amendment to planning permission reference 19/00720/FP for revised plans to avoid conflict with existing underground services and utilities
Date of Decision : 30.08.21
Decision : **Non Material Amendment AGREED**
29. Application No : 21/00870/CLPD
Date Received : 06.08.21
Location : 15 Minerva Close Stevenage Herts SG2 7RA
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 22.09.21
Decision : **Certificate of Lawfulness is APPROVED**
30. Application No : 21/00873/CLPD
Date Received : 07.08.21
Location : 28 Manchester Close Stevenage Herts SG1 4TQ
Proposal : Certificate of Lawfulness for proposed garage conversion
Date of Decision : 13.09.21
Decision : **Certificate of Lawfulness is APPROVED**

31. Application No : 21/00875/COND
Date Received : 08.08.21
Location : Sycamore House Leyden Road Stevenage Herts
Proposal : Discharge of conditions 5 (Landscaping) attached to planning permission reference number 19/00720/FP
Date of Decision : 30.08.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
32. Application No : 21/00877/TPCA
Date Received : 10.08.21
Location : Thomas Alleyns School High Street Stevenage Herts
Proposal : Crown reduction by up to 4m to previous points. Prune to clear building by approximately 2m and lift to 2.5m 1 no: Field Maple No: 3, Reduce back to edge of tennis courts to viable growth where possible; this will amount to up to 3 metres of growth. Lift crown to 2 m above the top of the building. Remove epicormic growth at base 1No: Sycamore tree No: 52
Date of Decision : 21.09.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
33. Application No : 21/00881/FPH
Date Received : 10.08.21
Location : 20 Aldock Road Stevenage Herts SG1 3SJ
Proposal : Single storey rear extension
Date of Decision : 10.09.21
Decision : **Planning Permission is GRANTED**

34. Application No : 21/00883/NMA
Date Received : 10.08.21
Location : 9 Sefton Road Stevenage Herts SG1 5RH
Proposal : Non material amendment to raise existing roof to converted garage and a new door and window to rear elevation attached to planning permission 20/00757/FPH
Date of Decision : 06.09.21
Decision : **Non Material Amendment AGREED**
35. Application No : 21/00887/TPCA
Date Received : 11.08.21
Location : 5 Dunwich Farm Stevenage Herts SG1 2JX
Proposal : Reduce by 30% and shape 1No: Pussy Willow (T1), Trim to shape 1No: Laurel Hedge (H1), Remove low limb over Laurel Hedge 1No: Willow tree (T3) and Fell 1 No: Elder tree (T4)
Date of Decision : 21.09.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
36. Application No : 21/00888/FPH
Date Received : 11.08.21
Location : 28 Burwell Road Stevenage Herts SG2 9RH
Proposal : Single storey front extension
Date of Decision : 10.09.21
Decision : **Planning Permission is GRANTED**

37. Application No : 21/00889/FPH
Date Received : 11.08.21
Location : 30 Kingfisher Rise Stevenage Herts SG2 9PF
Proposal : Single storey front and side extension, single storey rear extension including alterations to existing front extension
Date of Decision : 10.09.21
Decision : **Planning Permission is GRANTED**
38. Application No : 21/00890/TPCA
Date Received : 11.08.21
Location : 7 Essex Road Stevenage Herts SG1 3EZ
Proposal : Crown reduce by 2 m to viable growth points 1No: Cherry Plum Tree (1) and Crown reduce by 2 m to viable growth points 1No: Cherry Plum Tree (2)
Date of Decision : 22.09.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
39. Application No : 21/00894/CLPD
Date Received : 13.08.21
Location : 17 Berkeley Close Stevenage Herts SG2 8SG
Proposal : Certificate of lawfulness for proposed garage conversion
Date of Decision : 22.09.21
Decision : **Certificate of Lawfulness is APPROVED**
40. Application No : 21/00897/CLPD
Date Received : 13.08.21
Location : 118 Letchmore Road Stevenage Herts SG1 3PT
Proposal : Certificate of lawfulness for proposed Loft conversion with rear and side dormer and roof lights to the front
Date of Decision : 10.09.21
Decision : **Certificate of Lawfulness is APPROVED**

41. Application No : 21/00903/COND
Date Received : 17.08.21
Location : Glaxo Sycamore House Leyden Road Stevenage Herts
Proposal : Discharge of condition 8 (Automatic Barrier) and condition 6 (cycle shelter) attached to planning permission reference number 19/00720/FP
Date of Decision : 23.09.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
42. Application No : 21/00921/FPH
Date Received : 20.08.21
Location : 63 Grenville Way Stevenage Herts SG2 8XZ
Proposal : Single storey front extension
Date of Decision : 23.09.21
Decision : **Planning Permission is GRANTED**

BACKGROUND PAPERS

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 2020.
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.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 5 October 2021

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

1. APPEALS RECEIVED

1.1 None

2. DECISIONS AWAITED

2.1 20/00198/FPH, 55A Whitney Drive. Appeal against refusal of planning permission for a single storey front garage.

3. DECISIONS RECEIVED

3.1 None.

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