



## PLANNING AND DEVELOPMENT COMMITTEE

**Date: Tuesday, 4 April 2023**  
**Time: 6.30pm,**  
**Location: Council Chamber**  
**Contact: Abbie Hamilton (01438) 242587**  
**committees@stevenage.gov.uk**

Members: Councillors: M Downing (Chair), A Brown (Vice-Chair), J Ashley-Wren, S Barr, T Callaghan, N Chowdhury, C Howells, G Lawrence CC, Mrs J Lloyd, M McKay, A Mitchell CC, C Parris, G Snell and A Wells

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### AGENDA

#### **PART 1**

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

**2. MINUTES - 14 MARCH 2023**

To approve as a correct record the Minutes of the previous meeting held on 14 March 2023.

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**3. 23/00169/PATELE - LAND ADJACENT FISHERS GREEN ROAD AND CORTON CLOSE**

Proposed telecommunications installation for the erection of an 18.0m Phase 8 Monopole and associated ancillary works.

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**4. 8 WINDSOR CLOSE - 22/00984/FP**

Proposed single storey rear and side extension

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**5. MDBA - 22/00931/FPM**

Demolition of an existing single storey building and ancillary buildings to allow for the erection of a new three-storey light industrial building with offices, and an associated landscaping

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**6. GARAGE BLOCK 31-49, SPRING DRIVE - 22/00487/OP**

Outline planning permission (all matters reserved) for the demolition of garage compound and erection of 2no. three bed dwellings and 1no. two bed dwelling

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**7. INFORMATION REPORT - DELEGATED DECISIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

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**8. 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.

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**9. URGENT PART I BUSINESS**

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

**10. 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.

**11. URGENT PART II BUSINESS**

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

## STEVENAGE BOROUGH COUNCIL

### PLANNING AND DEVELOPMENT COMMITTEE

**DATE: 14 March 2023**

**TIME: 6:30pm**

**LOCATION: Council Chamber**

### MINUTES

**Present:** *Councillors: Michael Downing (Chair), Adrian Brown (Vice-Chair), Julie Ashley-Wren, Sandra Barr, Teresa Callaghan, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Maureen McKay, Adam Mitchell CC, Claire Parris, Graham Snell, and Anne Wells.*

**Start/End Time:** *Start: 6:30pm  
End: 8:07 pm*

#### **1 APOLOGIES FOR ABSENCE**

There were no apologies received.

Councillors Teresa Callaghan and Graham Lawrence CC declared interests in Item 3 relating to the Land North of Stevenage, off North Road and Weston Road, Stevenage, as they were both Members of the Friends of Forster Country. Councillor Lawrence also stated that, along with other Woodfield Ward Members, he had attended a meeting with Friends of Forster Country at which the application had been discussed, but had not participated in any debate and had only listened to what had been said. Both Members remained in the meeting and took part in the deliberation and vote on the item.

#### **2 MINUTES – 9 FEBRUARY 2023 AND 15 FEBRUARY 2023**

It was **RESOLVED:** That the Minutes of the Meeting of the Committee held on 9 February 2023 and 15 February 2023 be approved as true records of the proceedings and be signed by the Chair.

#### **3 22/00781/RMM – LAND TO THE NORTH OF STEVENAGE, OFF NORTH ROAD AND WESTON ROAD, STEVENAGE**

The Committee considered an application for the Reserved Matters application for the construction of a Country Park including access, layout, and landscaping pursuant to Outline permission 17/00862/OPM, at land north of Stevenage, off North Road and Weston Road, Stevenage.

The Principal Planning Officer gave a presentation to the Committee including approved parameter plans detailing the spine road and link roads, the local community centre, the residential sites, the primary school site and the Country Park, green spaces, and drainage as well as density levels for the site.

Members were reminded that an application for outline planning permission had come before the Committee in 2020, and that this was the third of four applications relating to the reserved matters application for the site, with the first two being approved:

- Phase 1A-C residential 243 units
- Infrastructure
- Country Park
- Phase 1D Conservation Area residential 115 units

The Principal Planning Officer advised that the current application sought reserved matters approval for the provision of a 38-hectare Country Park on land located to the east of the site. The provision of this accessible open space would include the provision of –

- A single storey, green flat roof toilet block
- A 50-space car park (including disabled parking and EV spaces)
- Various foot and cycleways creating perimeter paths and desire line paths around and through the site varying in width up to a maximum of 3.5m and consisting of bound gravel or mown grass.
- Two dry, grass lined flood attenuation basins (SuDS basin, swales and deep borehole soakaways located in Country Park but approved under the Infrastructure application)
- Land remodelling to include a 'mound' in the northern field of the proposed Country Park
- Introduction of new field barriers through additional tree and landscaping planting to recreate historic field de-lineation
- Creation of hay and wildflower meadows across the fields, with possible animal grazing in the north eastern field
- Creation of a community orchard
- Street furniture, including benches, cycle stands, bins and directional signage posts.

The Chair then invited Jo Unsworth from Savills on behalf of the Developers Bellway Homes and Miller Homes to address the Committee. She informed the Committee that

the principal use of the land as a country park was established by policy NH8 of the Stevenage Borough Council (SBC) Local Plan and the approved outline consent. She highlighted that this application detailed the aspects of the Country Park, the facilities to support it, as well as how it would be managed in the long term.

Ms Unsworth advised that the primary objective of the Country Park was to open up currently private farmland and provide an accessible space for Stevenage residents. This would include new accessible gravel pathways on the current public rights of way, suitable for wheelchairs, pushchairs, and cyclists, as well as bridleways, and would be wide enough to prevent conflict between users. The facilities including the toilet block, car park, and picnic area would ensure the Country Park could be enjoyed by all.

Ms Unsworth also advised that another key objective was to return the land to what it was in E. M. Forster's time. The park would be planted as a wildflower meadow and hedges that reinstated the historic field pattern and benefitted the conservation area. The car park and toilet block within the Country Park boundaries were to be owned and managed by SBC and so were located in the least sensitive area to minimise the impact. The northern part of the park would utilise topsoil from elsewhere in the development to prevent the greater environmental cost of transporting it offsite.

Ms Unsworth acknowledged that there would be some harm to heritage assets, however this was assessed to be less than substantial, and the public benefit outweighed this. She informed Members that Country Park ownership would be passed to SBC once completed and there was a nearly £2m contribution to SBC to maintain the park.

The Chair then invited Chris Naylor from the Friends of Forster Country, an objector, to address the Committee. Mr Naylor advised that the Committee should defer the application in order to work together to deliver a truly inclusive asset, as no local groups had been involved in the consultation process. He suggested that the Country Park plan was different to the St Nicholas Meadows, as set out in the original outline approval. This Country Park would cause harm to the conservation area and settings and the park was intended to reduce the overall harm of the residential development.

Mr Naylor advised that the Council held no data on car park utilisation in country parks and this car park was 2.5x bigger than the one in Great Ashby park. There was also a 40-car car park on Weston Road. He advised this country park was 10x smaller than the average country park and therefore believed it did not need toilet blocks. He felt that the dumped material would ruin the topography of a heritage landscape and the waste should be disposed of appropriately. In terms of the path width, he suggested that 1.5m-2m was wide enough for wheelchairs according to a disability group Paths for All.

The Chair thanked both speakers for their contribution to the meeting.

The Principal Planning Officer then presented landscaping plans which included additional hedgerow, field barrier planting, footpaths and bridleways, flood alleviation, toilet block, car park, and the additional landscaping of the orchard and grazing field. She advised there would be pedestrian access connection between the Country Park and the North Hertfordshire District Council development.

The Committee were advised the positioning of the new car park and toilet block would be close to the the residential development of Phase 2. This would also be near the new grounding tower that would be constructed and provided by UKPN. The Principal Planning Officer highlighted the Phase 1D site, which had not yet been considered by the Committee, where there would be dense planting for screening. She advised that there would be bench provisions and wayfinding markers showing bridlepath areas. The community orchard would have a new access pathway onto Weston Road. In relation to the toilet block, the Members were presented with plans detailing the proposed design including a flat grass seed roof, as well as a storage area for SBC maintenance.

The Committee were presented with visuals of what the Country Park would look like, both initially and when fully grown. This included visuals of the footpaths, field barriers, car park, and toilet block, as well as the residential area in the background.

The Principal Planning Officer gave the Committee a few updates on the application. The Hertfordshire and Middlesex Wildlife Trust had agreed that the amended changes were acceptable, and the Council drainage consultant had confirmed the provided details were acceptable to allow approval, but further details were required through the discharge of conditions 35 and 36 appended to the outline permission. A list of recommended revised conditions was also circulated.

A Member highlighted the doubt raised regarding the quality of the consultation and what groups were consulted. The Assistant Director (Planning & Regulation) advised that there was an extensive consultation across the Borough during the Local Plan and a wide range of statutory parties were consulted.

Members agreed that the Country Park should be made accessible, and this was the opportunity to create a successful country park. A number of Members expressed concerns over some elements of the application. Some Members felt that the car park was bigger than needed and questions were raised as to whether it was necessary to have one, in view of the existing car park in Weston Road Cemetery. However, another Member suggested a car park was necessary for accessibility. Members asked whether there was a need for a toilet block, and another had a concern regarding its design. Another concern was raised around the mound being used to dispose of other materials than the topsoil stated in the application. There was also concern with the access to Weston Road, as Members agreed that this was a small road without any pathways and would be dangerous to have pedestrian and cyclist accessing directly onto the road.

In response to the concerns raised by Members, Officers advised:

- The car park was a requirement from the SBC Green Spaces Team who would take over maintenance of the Country Park. Another use of the car park was to ensure the park was accessible for everyone. It was also to prevent country park users parking in the residential streets of the approved development.
- The need for a toilet block was raised and there was a commitment to provide a toilet block to enable greater accessibility to the park.
- In relation to the mound, it was not a cheaper way of removing topsoil but was a planning balance to reduce the environmental impact.
- The connection of the Country Park to Weston Road was located at the end of the lane, which was a dead end, and was not onto the Canterbury Way connection. There were no footpaths proposed as it was put forward to Hertfordshire Country Council to advise on this connection, but they had confirmed that although it did not have footpaths and was a narrow area, it led to a dead end and therefore was accommodating of the provision.

Another Member asked a question regarding the biodiversity uplift detailed in the report and what the calculations were of the baseline figure, the initial figures and the figures after the Herts and Middlesex Wildlife Trust (HMWT) made changes. The Principal Planning Officer advised that the biodiversity uplift had been taken into account as part of the outline application, and it had found that the country park took most of the uplift from the residential area. This data was required so that Members were aware of the current standing with national government levels and the Councils Biodiversity SPD.

In response to a question from a Member regarding the safety and access to the car park Officers advised that there was a provision for a height restriction barrier on the access road which had conditions asking for further details. The car park would be managed by SBC Direct Services and had lockable gates that would be closed out of hours.

In response to a question from a Member regarding the costs of maintenance of the park, Officers advised that SBC would maintain the park and as part of the outline application and Section 106 agreement, there was a financial contribution to be paid by the developers for the ongoing management of the park and that this maintenance package was for 20 years.

A Member asked a question regarding the field management and whether SBC had the skills to fulfil this. Additionally, he asked what animals would graze on the field. The Principal Planning Officer advised that a management plan had been laid out for the field maintenance which the Green Spaces Team were content with, and to which

the Herts and Middlesex Wildlife Trust had agreed. In terms of the grazing field, this was a potential future use and SBC were still looking into the details.

It was proposed and seconded that the application be deferred for the reasons set out below.

Following a vote, it was **RESOLVED**: That the application 22/00871/RMM be **DEFERRED** for the following reasons:

- The provision of a comparison between the baseline assessment for biodiversity net gain for the Country Park and the re-assessment of the baseline assessment by the Herts and Middlesex Wildlife Trust
- The carrying out of further consultation on the Country Park proposals with other groups/organisations, such as disability groups, schools and local community groups/residents, and consideration be given to obtaining advice from the National Trust
- Further discussions with the applicant regarding the 'mound' to be created in the Country Park using materials displaced as part of the approved residential development under Reserved Matters applications 22/00808/RM and 22/00810/RMM
- Further discussions with the applicant regarding a more imaginative design of the car park toilet block
- Further discussions with the applicant regarding the highway safety along Weston Road/Great Ashby
- Further discussions with the applicant/HCC Highway regarding the width of the footways to be provided across the site
- Further justification for the size of the car park.

#### **4 INFORMATION REPORT – DELEGATED DECISIONS**

Noted.

#### **5 INFORMATION REPORT – APPEALS/CALLED IN APPLICATIONS**

Noted.

#### **6 URGENT PART I BUSINESS**

Planning applications 22/00808/RMM and 22/00810/RMM – Land to the North of Stevenage, off North Road and Weston Road, Stevenage

In relation to the above applications, which had been granted permission by the Committee at its meeting held on 9 February 2023, the Assistant Director (Planning & Regulation) advised that a number of conditions had been amended by officers to reflect the accurate Plan numbers and to incorporate extra information that had since been provided.

## **7 EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

## **8 URGENT PART II BUSINESS**

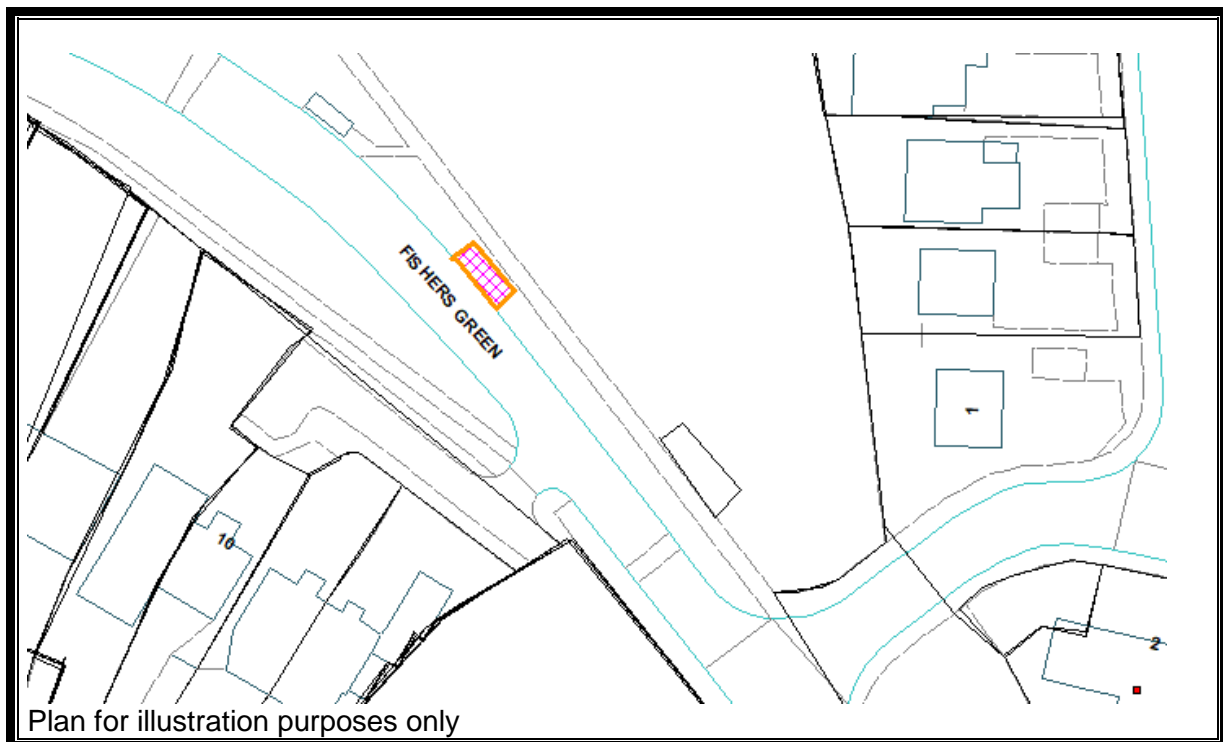
There was none.

Chair

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 April 2023</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	01438 242837
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	01438 242837

Application No :	23/00169/PATELE
Location :	Land Adjacent To Fisher Green And Corton Close Stevenage
Proposal :	Proposed telecommunications installation for the erection of an 18.0m Phase 8 Monopole and associated ancillary works.
Drawing Nos.:	SVG16477_M002-B-002; SVG16477_M002-B-100; SVG16477_M002-B-150; SVG16477_M002-B-210; SVG16477_M002-B-260; SVG16477_M002-B-303;
Applicant :	Signal Infrastructure UK Limited
Date Valid:	28 February 2023
Recommendation :	PRIOR APPROVAL REQUIRED AND GIVEN



## 1. SITE DESCRIPTION

- 1.1 The application site is located on a highway verge on the northern side of Fishers Green, near its junction with Corton Close/Sheringham Avenue. To the south, west and east of the site are residential properties, while to the north is a large area of public open space which is designated as "Common Land".

## **2. RELEVANT PLANNING HISTORY**

- 2.1 21/00638/PATELE, Junction of Corton Close and Fishers Green Road. Prior approval for 1no. 18 metre Phase 8 Monopole with a wraparound cabinet and associated ancillary works. Refused for the following reasons:
1. The proposed development, by virtue of its siting and height would be an incongruous feature in the street scene and would have an unacceptable impact on views through, and across the common which forms part of a designated green link as well as the wider street scene, to the detriment of the visual amenities of the area. The benefits of the development do not outweigh the harm. The application is therefore contrary to Policies GD1, SP8 and NH4 of the Stevenage Local Plan (2019), the NPPF (2019) and Planning Practice Guidance (2014).
  2. The applicant has failed to provide any evidence that the development would not harm any potential archaeological remains on the site, contrary to Policy NH9 of the Stevenage Local Plan (2019), the NPPF (2019) and Planning Practice Guidance (2014).
- 2.2 This application was subsequently approved at appeal under reference number APP/K1935/W/21/3281055. The Inspector concluded:-  
I have found that the proposed development would cause no significant adverse effects on the area's character or appearance, nor on its archaeology. In these respects, the appeal proposal would comply with the relevant policies of the development plan. Having taken account of all the other matters raised, none changes or outweighs these conclusions. The appeal is therefore allowed.

## **3. THE CURRENT APPLICATION**

- 3.1 Prior approval is sought under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) for the installation of a 18m high Phase 8 Monopole with associated equipment cabinets.
- 3.2 The proposed pole would be 18m high while the 3no. associated cabinets would measure 1.9m wide, 650mm deep and 1.7m high; 550mm wide, 500mm deep and 1.5m high and 650mm wide, 600mm deep and 1.2m high. The mast would be approximately 1.3m from the edge of the existing footpath. It would be approximately 40m north-west of the junction with Corton Close/Sheringham Avenue and approximately 18m south-east of the bus shelter on Fishers Green Road.
- 3.3 The application comes before Committee for consideration as it has been called in by Councillor Hollywell.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Following notification of the application via letter, and a site notice, a number of public representations have been received from the following properties:
- Whitesmead Road – 36;
  - Aldeburgh Close – 8;
  - Southsea Road – 13;
  - Stebbing Farm – 1;
  - Brighton Way – 26; 28;
  - Minehead Way – 102;
  - Corton Close – 4;
  - Fishers Green Road – 8;
  - Symons Green Road – 4;

Bawdsey Close – 4;  
Sheringham avenue – 13;

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

- Masts generate heat and is too close to wildlife;
- Will degrade the ambience and environment of Fishers Green;
- Potential health impacts;
- Blight on the landscape;
- They are clearly necessary, but can it be sited elsewhere?
- Leave the Common land alone;
- They are an eyesore;
- Too close to trees;
- House prices will be affected;
- Should be sited on land that is not Common Land closer to the A1(M);
- Unknown health impacts from 5G;
- No parking for maintenance vehicles;
- Residents have broadband/wi-fi and so do not need mobile masts;
- Sited on Common Land which is protected, and structures are not allowed;
- Will impact the visual amenities of the area;
- Will impact views of the open sky;
- Will impact the air ambulance;
- A number of Councils in Birmingham, Warrington, Coventry and Milton Keynes have refused permission for these masts on visual impacts;

4.3 The aforementioned summary is not a verbatim copy of the comments received. Full copies of all representations received can be viewed on the Councils website.

## **5. CONSULTATIONS**

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

5.1.1 Objection. There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety and convenience. We require sight of a Maintenance & Service Plan and a Boundary Plan. The applicant has not provided information on service and maintenance of the proposals. Fishers Green and surrounding areas has limited parking. On Fishers Green there is no parking between 7:30 am and 6:30 pm, Monday to Friday. Furthermore, a boundary plan is required to determine land owned by the Highway Authority and Stevenage Borough Council.

5.1.2 Officers advised HCC Highways via email that a maintenance and service plan is not a mandatory requirement for these types of applications and as such, whilst it can be requested of the applicant to provide it, the application cannot be refused on this basis alone if it is not provided. The information was requested from the applicant but they advised that it is not a requirement to provide it, as it will be provided to HCC Highways at permit stage.

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

5.2.1 No objection.

*It should be noted that they requested conditions to be added to any decision notice issued relating to construction hours, contaminated land and dust emissions. However, this type of application does not allow for the imposition of these conditions.*

## **6. RELEVANT PLANNING POLICIES**

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

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

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

### **6.2 Central Government Advice**

6.2.1 Section 10 of the National Planning Policy Framework (NPPF; 2021) states advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

6.2.2 The relevant paragraphs of the NPPF are as follows:

*Paragraph 114* - supports the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

*Paragraph 115* - Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

*Paragraph 118* - Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

6.2.3 The introduction of 5G is a controversial topic throughout the country, with many campaigners claiming the technology is unproven and potentially hazardous to health. The government of the United Kingdom and Public Health England have provided reports and guidance to state that 5G is safe and that there are no public health grounds for 5G installation to be refused.

6.2.4 The installation of a mobile phone mast is classed as development and would normally require a full application for planning permission. However, designated mobile network operators have certain permitted development rights and this allows them to build prescribed infrastructure without having to apply for planning permission from the Local Planning Authority (LPA). "Prior approval" from the LPA regarding the siting and appearance of the development is required in certain circumstances, including for all new ground-based masts.

6.2.5 A mobile network operator may submit an application for prior approval under the General Permitted Development Order (Part 16 of Schedule 2 of the GPDO 2015 (as amended)). The Order grants approval of the principle of the development as permitted development but requires operators to obtain the prior approval from the LPA for the siting and

appearance of the items to be installed, in addition to providing the 'necessary evidence' set out in NPPF chapter 10, paragraph 117, including a statement that self-certifies that, when operational, International Commission guidelines will be met.

#### **Latest Government Advice 22nd July 2020**

- 6.2.6 The government has published the outcome of a consultation exercise in 2020 on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage. The following paragraphs are relevant to this application.
- 6.2.7 The scope of the consultation was on the principle of proposed planning reforms to support the deployment of 5G and extend mobile coverage. However, concerns were raised that did not relate to the specific proposed planning changes that views were sought on. These concerns, expressed by the majority of personal respondents, were in relation to in-principle opposition to the deployment of 5G infrastructure. In particular, on grounds relating to public health concerns, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.
- 6.2.8 Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications. PHE is familiar with the evidence submitted to the consultation about possible risks to public health and considers that its advice, as set out below, remains unchanged. PHE updated its guidance, published in October 2019, in respect of 5G in '5G technologies: radio waves and health'. PHE summarised its guidance as:
- "It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."*
- 6.2.9 Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies where the main change would be less penetration of radio waves through materials. Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines.
- 6.2.10 ICNIRP is an independent organisation which is formally recognised by the World Health Organisation. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally with well over 3,000 studies informing these reviews and the existing scientific exposure guidelines.
- 6.2.11 Ofcom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website. Mobile operators are responsible for ensuring that all sites remain compliant. PHE have also published guidance in respect of 'Mobile phone base stations: radio waves and health'. Ofcom is also proposing new licence conditions for spectrum licensees using equipment that can transmit at power levels above 10 Watts. Under these proposals, licensees would be required to operate within the ICNIRP guidelines as a condition of their Ofcom licence – including keeping data and records of any testing to demonstrate their compliance.
- 6.2.12 PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

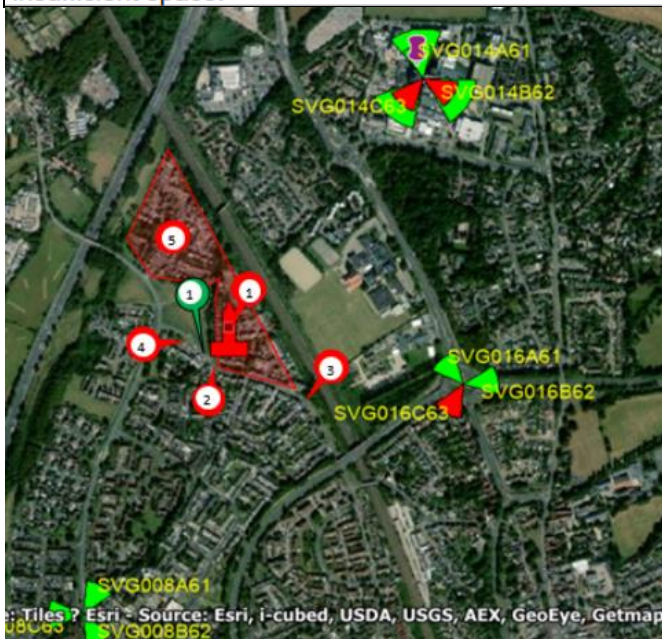
- 6.2.13 EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that human-made EMF radiation at realistic field levels has population level impacts on either animals or plants.

#### **Justification of Need**

- 6.2.14 Central Government expects LPAs to respond positively to proposals for telecommunications development and not question the need for equipment in principle or obstruct the competitiveness of code operators. If a code operator provides justification for needing a telecommunications installation in any given vicinity, the LPA has no choice but to agree to some form and kind of installation.
- 6.2.15 The justification provided to support the development is that the location has been identified as being necessary for CK Hutchison Networks (UK) Ltd business development and meets its specific technical and operational requirements. The application site is required to provide new 5G network coverage for CK Hutchison Networks (UK) Ltd. The cell areas for 5G are very limited with a typical radius of only 50m.
- 6.2.16 Other locations in the vicinity of the site have been considered and dismissed and it is accepted that mobile phone base stations operate on a low power and accordingly, the base stations need to be located in the areas they are required to serve. With increasing numbers of people using mobiles in their homes for business as well as for social purposes, the base stations need to be located in, or close to, residential areas to ensure coverage.
- 6.2.17 The information submitted with the application states that 5 other sites in the area have been considered, but dismissed as not suitable due to insufficient space, overhead cables, or proximity to dwellings:

Option 1 (Green Marker) – Fishers Green – Discounted due to underground services.  
Option 2 (Green Marker) – Fishers Green – Discounted due to underground services.  
Option 3 (Green Marker) – Fishers Green – This is the option selected in this application.

D1 - Sheringham Ave/Bawdsey Close – Discounted due to insufficient space and close proximity to housing  
D2 - Fishers Green/Corton Close – Discounted due to obstructing overhead cables.  
D3 - Fishers Green Road – Discounted due to insufficient space.  
D4 - Fishers Green – Discounted due to proximity to residential properties.  
D5 – Kessingland Avenue – Discounted due to proximity to residential properties and insufficient space.



- 6.2.18 The cell areas for 5G are very limited with a typical radius of only 50m. In the early days of mobile communications, high level topographies and large-scale masts were often identified in order that transmission from a new base station could cover an expansive geographical area. However, whilst this approach was viable for early network generations, the number of mobile handset users has dramatically increased with time, as have the advancements in mobile technology itself. As a result, the cellular network construction and operational criteria have changed too. Because modern networks use higher frequencies with faster data rates whilst serving significantly increased numbers of users, typical network cell areas are now much smaller in geographical area and tend to be directly proportionate to the number of users within it. Therefore, cell areas are smaller in size and greater in number with base stations operating at lower power output than previously.
- 6.2.19 Mobile phone base stations operate on a low power and as such the base stations need to be located in the areas they are required to serve. With increasing numbers of people using mobiles in their homes for business as well as social purposes, the base stations need to be located in, or close to, residential areas to ensure coverage.
- 6.2.20 The newer style 5G masts include a Remote Radio Unit which now needs to be placed at the top of the mast and not at ground level as on previous masts. As such, the masts, and other street works, are not structurally capable of accommodating the equipment needed for more than one operator which is why 5G masts are not shared. Whilst the Planning Advisory Service (PAS) may continue to recommend mast sharing, this is no longer supported for 5G installations. Additionally, with 5G masts operating at lower frequencies, they serve smaller areas and therefore additional masts are required to ensure full coverage of service for the mobile operator. Whilst there may be masts in the wider area, they cannot be shared for reasons stated above and if they provide service for a competitor company then they are not providing service for the applicant. Paragraph 118 of the NPPF (2021) states that Local Planning Authorities should not prevent competition between operators or question the need for an operator in that location. As such, to refuse prior approval because there are other masts in the wider area would be contrary to policy guidelines.
- 6.2.21 The Government is driving forward the delivery of 5G networks. In a press release in May 2022, they state that 5G is the next generation of mobile internet and can offer download speeds up to 100 times faster than 4G. It is expected to broaden the role that mobile technology plays in wider society which could transform the way public services are delivered by allowing greater real-time monitoring and responsiveness in order to reduce waste, pollution or congestion.
- 6.2.22 At the time of writing, our dependence on network services and connectivity is ever more apparent. Restrictions on travel resulting from the Coronavirus pandemic, plus three national lockdowns, have resulted in a large shift from office based to home working, from physical, professional and social gatherings to virtual ones, and to unprecedented reliance on online shopping and entertainment services. Network usage within suburbs has increased dramatically as less people are travelling to town and city centres than during pre-pandemic times. Maintaining and enhancing the mobile networks is of vital national importance, and it was significant that telecommunications were designated as “critical work” during that time. It is anticipated that the current shift towards homeworking and online services will persist, to a lesser degree, in the future. It is vital that the infrastructure is in place throughout the UK to meet this demand, and the needs of the public.
- 6.2.23 The benefit of having a strong and resilient network has been highlighted in the last 30 months following the sudden shift in the network requirements, as the demand on the network in residential areas increased with home-working and home-schooling. Research by Ofcom, “Online Nation 2020” (June 2022) found that UK adults spend, on average, almost 4 hours a day online, 3hrs of which are via a smartphone. Adults aged 18-24 spend

approximately 5hrs a day whilst those over 55 spend approximately 3hrs a day. 1 in 5 people only use a smartphone for online access compared to 1 in 10 in 2020.

- 6.2.24 Further, the report found that 88% of UK adults used a smartphone daily to access online messaging apps like WhatsApp whilst 60% of people aged 15-24 used Instagram daily. 1 in 5 adults used all three Meta-owned communications (WhatsApp, Facebook and Instagram). A staggering 90% of adults aged 16+ used their smartphone daily for voice/video calls whilst 80% of children aged 3-15 did the same.
- 6.2.25 People in lower income households are less likely to have a fixed line broadband service within the home and therefore rely more on their mobile devices and are disadvantaged further when infrastructure needs are not met.
- 6.2.26 Since the Covid-19 Pandemic, many education providers have adopted the use of apps such as 'Seesaw' 'Google Classroom' or 'Satchell One' which allow teachers, parents/guardians, and students, to interact daily and to record what is happening within the education setting and set and receive homework/coursework. Whilst these apps work on Wi-Fi and mobile data, those without a reliable Wi-Fi service are disadvantaged.
- 6.2.27 In April 2020 the Government released a press statement titled "Industry and Government Joint Statement on Telecommunications Support for the NHS". Following the Covid-19 Pandemic, the NHS needs broadband and mobile services more than ever with many healthcare services (e.g. outpatient appointments) being provided remotely rather than in person. Mobile operators pledged to provide improved mobile data services for NHS staff, clinical settings and care homes. They also have packages available for vulnerable customers so that they have sufficient data for telephone/video calls when they do not have a fixed-broadband service.
- 6.2.28 Notwithstanding the Covid-19 pandemic, and the increase in network reliance, a look at past data shows that our reliance on mobile networks was increasing year-on-year, prior to 2020. Ofcom's Communications Market Report 2018 provides a figure of 92 million active mobile subscribers in the UK at the end of 2017. It detailed that 78% of adults used a smartphone and that 76% of mobile users were using their devices for web and data access. Figures within the report also confirm that users were spending an increasing amount of time per day using their mobile phone. 68% of participants in the Touchpoints research reported that they "could not live without" their mobile phone (rising to 78% among 25-34s). Whilst not included within the research figures, anecdotal evidence suggests that this number is greater still amongst those aged under 18. Given that two years have now passed since this report, it is anticipated that these figures have increased further. All of which points towards the nation's increasing dependency on mobile services and connectivity.
- 6.2.29 A relatively recent YouGov survey (January 2021) adds further support to this, with 67% of those who were at the time working from home during the pandemic confirming that they had been using mobile data, as opposed the fixed-line broadband, agreeing that access to it would be an important factor when choosing where to live in the future. This rises to 76% for 18-to-34-year-olds. The survey also confirmed that 44% of one network Operator's data traffic in January 2021 went to streaming services, such as Disney+, and that 45% of 18-to-24-year old's confirming that they are more likely to use their mobile data for browsing social media.
- 6.2.30 All of the above occur in a domestic setting. There is a clear need and demand for connectivity and capacity, and it is anticipated that telecommunications infrastructure has become, and will continue to become, commonplace in residential and suburban settings, and on highways verges, such as the application site. Ofcom's 2018 Communications Market Research Report shows that smartphones are owned by four of every five UK consumers and smart TVs are in almost half of all households. Demand for data continues

to grow rapidly for UK consumers, with 1.9GB consumed by an average mobile subscription per month in 2017, (up from 1.3 GB the previous year). The report found that more than seven in ten now use their mobile to access the internet, sufficient coverage is obviously vital for this basic utility service to be provided.

- 6.2.31 Since 2016, and particularly during the enforced lockdowns of 2020 and 2021, public and business reliance on the established mobile networks has continued to increase. Improved mobile coverage and connectivity is now no longer viewed as a 'luxury', but rather an everyday necessity. This has been further exacerbated as, at the time of writing, the country appears to be adopting a more hybrid-working pattern, split between traditional office working, and working from home. As this 'working from home' naturally occurs within a residential setting, then it follows that the necessary infrastructure and apparatus must be in place to allow this to happen. As such, this type of infrastructure must be deployed within sub-urban, urban and residential areas. It is imperative that improving network connectivity and capacity is continuous – to meet the demands of the public who have changed both their working and social behaviour over the last 2 and a half years.

### **6.3 Stevenage Borough Local Plan 2011 – 2031 (adopted May 2019)**

- Policy SP8 – Good Design;
- Policy GD1 – High Quality Design;

## **7. APPRAISAL**

- 7.1. The determining issues relate to the acceptability of the application in terms of siting and appearance as defined under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The factors which can be considered in relation to appearance as part of the prior approval process include:

- design, form, shape and dimensions;
- colour and materials; and
- whether there are more suitable sites for the proposed works.

- 7.1.1 The factors which can be considered concerning siting include:

- the height of the site in relation to surrounding ground;
- the existing topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;
- the site in relation to areas designated for scenic value;
- the site in relation to existing masts; and
- the site in relation to residential properties

- 7.1.2 It is therefore clear that the considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited and do not include issues of public health.

### **7.2 Appearance**

- 7.2.1 The proposed development seeks to erect 1no. 18 metre Phase 8 Monopole with a wraparound cabinet in the southern corner of the public open space, to the rear of Sheringham Avenue properties and opposite Nos. 8-12 Fishers Green. The mast and cabinets would be installed in the highways verge which lies between the vehicular highway and the pedestrian footpath to the south-west of the public open space. It would be approximately 18m from the bus shelter and approximately 40m from the junction with Corton Close/Sheringham Avenue.

- 7.2.2 A recent change in legislation has increased the height of some masts to 20m, therefore while this proposed mast may be taller than others in the borough, heights of 20m will become more typical. A Government press release in March 2022 indicates that the Government intends to relax the permitted development rights further to allow masts up to 30m tall and 2m wider than is currently allowable.
- 7.2.3 The land upon which the development would be sited is registered as Common Land and is identified in the adopted Local Plan (2019) as a Green Link (NH4/1 The Old Greens) and an Area of Archaeological Significance (NH9/8 Fishers Green). The proposed development would be sited on the southern side of the public footpath which runs along the southern boundary of the common.
- 7.2.4 A previous telecommunications application (21/00638/PATELE) was refused for this site, albeit approximately 20m further south-east of the current application. This application was subsequently allowed on appeal (APP/K1935/W/21/3281055). In paragraphs 8 and 9 of his report, the Inspector stated that the area of Fishers Green was essentially urban in nature, despite the open common land, due to the presence of roads, kerbs, footways, verges, street lighting, a bus shelter, traffic signs, speed humps, lane markings, yellow lines and other urban paraphernalia. As such, he concluded that a mast in an urban setting, even when visible from substantial distances, would nevertheless not appear out of place in these urban surroundings.
- 7.2.5 The Inspector went on to say in paragraph 10 that in regard to concerns about the appearance of a mast in this Fishers Green location, a slim pole with a slightly wider headframe to accommodate the antenna would have a neat and streamlined appearance.
- 7.2.6 The development allowed under the aforementioned appeal is a material consideration in the assessment of this application that carries significant weight in favour of the application. It is therefore considered that, on balance, the appearance of the proposed mast in this urban setting is acceptable and would not appear out of keeping within the urban setting and would not give rise to undue harm to the character and appearance of the area. The justification of the need for the mast and the continued provision of coverage for mobile users are considered to outweigh any harm in this instance.
- 7.2.7 Turning to the proposed equipment cabinets, they are essential to the operation of the mast. Moreover, these cabinets being less than 2.5m<sup>3</sup> each could be implemented under permitted development. Therefore, the cabinets are deemed to be acceptable in this instance.

### **7.3 Siting**

#### Green Link

- 7.3.1 Policy NH4 of the Local Plan (2019) states that permission will only be granted for developments on Green Links if they do not create a substantive physical or visual break; do not adversely affect the recreational, structural, amenity or wildlife value or they do contribute to the maintenance, improvement or extension of the Green Link. This area is an important piece of public open space which is patronised by many different age groups in all weathers, as has been evidenced by the comments received from local residents and it therefore holds a very high amenity value.
- 7.3.2 The landscaping is predominantly limited to the outer boundaries of the site; however, the siting of the mast is not particularly close to any trees, is adjacent to a public footpath and is close to a bus stop, both of which are regularly used by local residents.
- 7.3.3 When viewed from a west to east direction, the development will be seen against the backdrop of the mature trees, the tallest of which at present are estimated to be around 15m in height and whilst others are much shorter, they have the potential to grow taller. It is

acknowledged that from all other vantage points, the proposed development will be seen as a stand-alone structure with no natural features to diminish its appearance. The properties in Sheringham Avenue and Corton Close will not have direct, unobstructed sight of the development due to the presence of the natural landscaping. The properties on Fishers Green directly face the development with no obstructions to their view. However, due to the orientation of these properties to the position of the mast, they will view the mast against the backdrop of the natural landscaping to the rear of Sheringham Avenue.

- 7.3.4 The previous application for this mast was refused on the basis that it would harm the visual amenities of the Common Land. This application was subsequently allowed on appeal (APP/K1935/W/21/3281055) and the Inspector stated in paragraph 9 that :

*I appreciate that the Common is a well-used and locally important open space and is designated as part of a Green Link. There is no doubt that the proposed mast would be clearly seen from most parts of it. The mast would also be seen from a substantial length of Fishers Green Road, north of its junction with Symonds Green Road. But nevertheless, given the urban character of this area as a whole, including both the road and the Common, the development now proposed would not appear out of place in these surroundings.*

- 7.3.5 This is a material consideration in the determination of this application and to refuse on the basis of detrimental harm to the use of the Common or the visual amenities of the area would be unreasonable given the Inspector has already determined that this is not the case.

#### Area of Archaeological Importance

- 7.3.6 The site is in an area of archaeological importance. Policy NH9 of the Local Plan (2019) requires developers to provide the results of an archaeological field evaluation. There are a number of areas in Stevenage which, although not nationally recognised or designated, are considered to be locally important because of the (potential for) archaeological remains that are contained within them. Fifteen areas of archaeological significance in Stevenage have been identified by Hertfordshire County Council, including the Common Land at Fishers Green on which the proposed development would be sited. Where development will affect any of these areas, prospective developers will be required to undertake an archaeological field evaluation of the site, in line with Government guidance and in consultation with the County Council's Historic Environment Unit. However, in many areas, small-scale development and other minor works will pose little or no threat to any remains. No evidence has been provided by the applicant in this regard.

- 7.3.7 The previous application for this mast was refused on the basis that it would be detrimental to the archaeological significance of the area. This application was subsequently allowed on appeal (APP/K1935/W/21/3281055) and the Inspector stated in paragraphs 14 to 16 that:

*In the present case, the proposed development would have a very small footprint, of no more than a few square metres. Apart from the mast itself, it seems unlikely that any of the other proposed equipment would require more than shallow foundations. As such, the impact on the AAS as a whole would be negligible.*

*It seems probable that the site would have been already heavily disturbed in the fairly recent past, and therefore the potential for any surviving archaeological remains in that part of the AAS seems likely to be low.*

*I therefore conclude that the development would involve little risk of any harm to the archaeological interest of the AAS. Consequently, I find no significant conflict with the aims of Policy NH9.*

- 7.3.8 This is a material consideration in the determination of this application and to refuse on the basis of detrimental impacts to the archaeological significance of the area would be unreasonable given the Inspector has already determined that this is not the case.

### Common Land

- 7.3.9 It has been established that this land is registered as 'common land' and is also designated as a Green Link and an Area of Archaeological Importance in the Local Plan (2019). The area of land is an extensive area of common land which is open to the public for social and recreational purposes and comprises grassland with extensive, mature tree boundaries on the northern and eastern sides. The southern and western sides have no boundary enclosures and as such, the land is highly visible in the public domain from many vantage points along Fishers Green. It is an attractive area of public open space which is highly patronised in all weathers.
- 7.3.10 Should Prior Approval for the development be granted, then under the Commons Act 1876 the applicant would have to seek further permissions from the Secretary of State to undertake works on the common. Under the Commons Act 2006, Section 38(1) works on common land are prohibited, however Section 38(6)(d) states that the prohibition of works does not extend to the installation of electronic telecommunications apparatus for the purpose of an electronic communications code network. So, whilst the applicant is still required to seek permission from the Secretary of State under the 1876 Act, the works proposed are not prohibited on common land under the 2006 Act. Accordingly, the application cannot be refused on this basis.

### Highway Implications

- 7.3.11 The mast and its associated cabinets are set on an existing highway verge. Herts County Council (HCC) as Highways Authority issued notice that they cannot extend the grant of permission as they require sight of a maintenance and service plan to ensure that the development can be properly maintained without hinderance to the highway network.
- 7.3.12 It should be noted that this information is not a mandatory requirement for Prior Approval applications and as such whilst the Local Planning Authority can request the applicant submits the information, the determination of the application cannot be withheld nor can it be refused if this information is not provided. HCC Highways have been made aware of this fact, but are maintaining their stance. The applicant has been asked to provide the information however they are aware that it is not a mandatory piece of information and are therefore not providing it at this time. They have advised that, as per standard protocol for these types of applications, the information will be provided to HCC Highways as part of their permit application to them.
- 7.3.13 Telecommunications Operators are a Statutory Undertaker and under the New Road and Street Works Act 1991 they are provided with rights under Section 50 to install their equipment within maintained highways without prior consent. As such, whilst the mast itself needs prior approval, the equipment cabinets fall under Permitted Development and can be installed in this location without consent from either the Council or the highways Authority. In this regard, it would be a matter for HCC Highways and the telecommunications operator to resolve any issues regarding ongoing maintenance and servicing of the development.
- 7.3.14 The Council's Environmental Health department have raised no objections to the siting of the mast and equipment cabinets in this location. Whilst they have requested the imposition of conditions relating to noise, dust and contaminated land, it should be noted that those types of conditions cannot be imposed on Prior Approval applications.
- 7.3.15 Neither the Legislation, NPPF nor the Code of Practice for Wireless Network Development in England set any parameters or guidance on siting of masts in residential areas; nor do they set any prescribed distances from residential dwellings. As such, despite the proximity of the development to residential dwellings in Sheringham Avenue and Fishers Green Road, there are no Legislative or policy means with which to refuse the application on this basis and defend at appeal.

- 7.3.16 The comments from residents regarding already having access to better broadband and therefore not requiring a mobile phone mast are noted. However, the siting of masts are not just for the benefit of immediate local residents, but rather by having masts covering all areas of the Town, they will allow a greater degree of accuracy for real-time monitoring of public transport as well as improving access to mobile services by members of the public in the area who would not have access to a broadband service.
- 7.3.17 The importance of continued, and improved, telecommunications network coverage cannot be underestimated, especially throughout the years 2020 and 2021, when the dependence on these networks has been higher than ever before. This dependence has continued into 2022 as our online shopping, gaming, and social habits have changed, post-pandemic, as well as many people adopting a working-from-home or hybrid work pattern.

#### **7.4 Other Matters**

- 7.4.1 The impact of the proposed mast upon property values is not an issue that may be taken into consideration in the determination of the application as it is not a planning issue.
- 7.4.2 With regards to concern over health impacts, the application has been accompanied by an ICNIRP certificate stating the proposed mast would comply with the required guidelines and would accordingly not have a harmful impact upon health. The NPPF (2021) makes it clear that where such a certificate has been submitted, it is not necessary to consider health issues further.
- 7.4.3 The Council must assess and determine these Prior Approval applications as received and they cannot be amended once submitted. As such, the Council cannot negotiate alternative locations.
- 7.4.4 Comments were received raising concern that the proposed mast would interfere with the flight path of the Essex and Herts Air Ambulance. The air ambulance's designated landing site is the school playing field of John Henry Newman secondary school, and the estimated landing location is calculated to be approximately 300m-350m to the east of the application site. Under the previous planning application (21/00638/PATELE) the Operations Manager and Chief Pilot were contacted via telephone where it was confirmed that the mast would not interfere with the safe operations of the air ambulance. However, they did request that should the application be approved then a condition should be imposed that a beacon light be installed on the mast which is lit 24/7 and is not an LED light. LED lights are not visible when using night vision so must not be used. Under the appeal for this previous application, the Inspector stated in paragraph 17:

*I note that air ambulances pass over the area, en-route to the Lister Hospital, but it seems unlikely that they would fly as low as 18m in this location, especially as there are tall trees nearby. There is therefore no apparent evidence that the development would be a hazard to air traffic, and no need for the mast to be lit. In any event, there is no provision in the relevant legislation for conditions to be imposed on a prior approval under Class A of Part 16, other than the standard conditions which are deemed to be imposed by virtue of paragraphs A2 and A3.*

#### Equality, Diversity and Human Rights

- 7.4.5 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.
- 7.4.6 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.

- 7.4.7 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.
- 7.4.8 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.
- 7.4.9 The proposed development is sited within an adopted highways verge. In this regard, there would be no detrimental harm to the free flow of users of the adjacent public footpath, including those users who have protected characteristics under the Equalities Act.

## **8. CONCLUSIONS**

- 8.1 The proposed 18m Phase 8 Monopole and associated ancillary works would not have a harmful impact on the character and appearance of the area and are therefore considered acceptable in terms of siting and appearance. The justification of the need for the mast and the continued provision of coverage for mobile users outweigh any harm identified in this instance.

## **9. RECOMMENDATIONS**

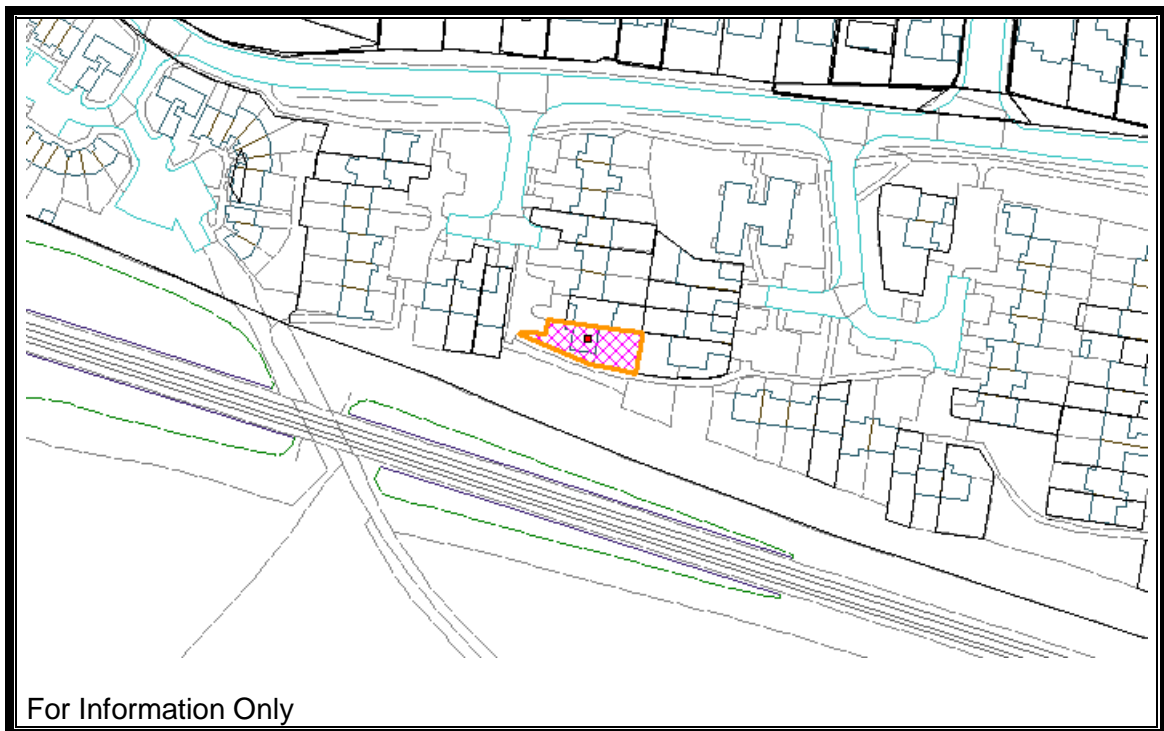
- 9.1 That prior approval is Required and Given

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The appeal decision relating to application reference number 21/00638/PATELE.
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
3. Central Government advice contained in the National Planning Policy Framework June 2021 and the Planning Policy Guidance March 2014.
4. Stevenage Borough Local Plan 2011-2031 (adopted May 2019).
5. Central Government advice contained in the Code of Practice for Wireless Network Development in England, 2016.

<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 April 2023</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	07931 863551
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	07931 863551

Application No :	22/00984/FP
Location :	8 Windsor Close
Proposal :	Proposed single storey rear and side extension
Drawing Nos.:	Proposed elevations; Proposed ground floor plan; Site location plan; Proposed site plan; Existing elevations; Existing ground floor plan; Existing First Floor Plan; Proposed First Floor Plan;
Applicant :	Psycare Ltd
Date Valid:	8 November 2022
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1. The property is an end of terrace dwelling constructed from a reddish/brown brick under a shallow-pitched bold roll roof tile with the front door positioned in a single storey projection at the front of the property. The application site plan indicates that the property does not have any parking available within the curtilage although there is block paved area in front of the house (but outside of the curtilage), which is owned by Stevenage Borough Council (SBC).

## 2. RELEVANT PLANNING HISTORY

2.1 17/00224/FP Two storey rear extension. Refused 30.05.2017 for the reasons below and dismissed at appeal (APP/K1935/W/17/3180930):

1. The two-storey extension proposed would result in a reduced separation distance between the application property and the property immediately to the rear no. 20 Caernarvon Close. Accordingly, it would have an over-dominant and overbearing impact and would result in an unacceptable loss of privacy to the occupiers of no. 20 Caernarvon Close. The proposal is thus contrary to the Stevenage Design Guide Supplementary Planning Document adopted 2009 and policies TW8 of the Stevenage District Plan Second Review 1991-2011 and GD1 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016.
2. The proposal would fail to provide the necessary off street parking facilities to serve the extended property. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic. The proposal is therefore contrary to policies T15 of the Stevenage District Plan Second Review 1991-2011 and IT5 of the emerging Stevenage Borough Local Plan 2011-2031 Publication Draft January 2016 as well as paragraph 39 of the National Planning Policy Framework March 2012.

**Appeal Conclusion:** Whilst I have found no harm in relation to the proposed parking arrangement this would not overcome the harm I have identified to the living conditions of existing occupiers.

2.2 18/00164/FP single storey side and rear extensions. Approved 15.11.2018.

2.3 18/00432/CLED Certificate of lawfulness for the provision of residential accommodation and care to people in need of care under Class C2 of the Use Classes Order 1987. Lawful Development Certificate. Granted 15.11.2018.

## 3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for a single storey side and rear extension to what is described as an existing 'C2' care home. The ground floor extensions would provide three bedrooms and a sitting room, and the first floor would be reconfigured to provide two larger bedrooms and a staff area. Cumulatively the works would create a five-bedroom property (the existing property has 3 bedrooms).
- 3.2 The single storey extension would be 'L' shaped and would wrap around the side of the existing property. It would have a maximum depth of 6.5m from the existing rear elevation of the property and would have a maximum width of 10.6m. Part of the extension would be offset off of the boundary with no. 7 Windsor Close by 1.25m and the side extension element would project beyond the existing side elevation of the house by approximately 3m. The extensions would adopt a flat roof which would be 3m in height.
- 3.3 It should be noted that this application is a direct re-submission, with no alterations, to the planning application which was submitted and approved in 2018 under reference number 18/00164/FP. This previous planning permission has now lapsed, resulting in the submission of this current application. This is a key material consideration in the determination of this current application.
- 3.4 This application comes in before the Planning and Development Committee as it has been called in by Councillor Facey. The Councillor called-in this application in terms of impact on neighbouring properties, impact on the character and appearance of the area, car parking issues and a challenge over the lawful use of the premises as a Care Home

## **4. PUBLIC REPRESENTATIONS**

4.1 The application was publicised by way of neighbour letters and a site notice. A summary of the comments received can be found below. This is not verbatim, and full copies of the correspondence can be viewed on the Council's website.

### **4.2 21 Caernarvon Close**

Objection:

- Property is not in C2 use and is a residential dwelling.
- The CQC de-registered the property as it no longer considered it a residential care home.
- Not enough parking for a 5-bedroom property.
- Extension is too big and will over dominate the plot.
- Remaining garden will not meet design guide standards and is far too small.
- Fails the 45-degree test.

## **5. CONSULTATIONS**

5.1. None

## **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.

### **6.3 Planning Practice Guidance**

6.3.1 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 Adopted Local Plan (2019)**

6.4.1 The policies set out below are relevant in the determination of this application:

Policy GD1 - High Quality Design;  
Policy SP8 - Good Design;  
Policy IT5 - Parking and Access;

## **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document October 2020  
Stevenage Design Guide Supplementary Planning Document January 2023.

## **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.

# **7. APPRAISAL**

7.1.1 The main issues to be considered are the impact of the proposal on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the amount of parking provision. Following comments from local residents and the local ward councillor regarding the Use Class of the property, this will be addressed under section 7.2 of this report.

7.1.2 It should be noted that this application is a direct re-submission, with no alterations, to the planning application which was submitted, and approved, in 2018 under reference number 18/00164/FP. Whilst this previously approved application was predominantly determined under the previous iteration of the Local Plan, the currently adopted Local Plan (2019) was very close to adoption at the time and policies GD1, SP8 and IT5 were taken into consideration in the determination of that application. This is a key material consideration in the determination of this current application. Since the submission of this current application, the Council has adopted its updated Design Guide SPD (2023) and Parking Provision SPD (2020). However, there are no changes to the design standards which relate to this type of application and the off-street parking requirements for C2 use properties and 3 and 5 bedroom residential dwellings (Use Class C3) remain unchanged.

7.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

## **7.2 Lawful Use of the Premises as C2 (Residential Institution)**

7.2.1 Third parties and a Ward Councillor have challenged that the property is not being lawfully used as a C2 care home and argue the use of the premises falls within Use Class C3 dwellinghouse. They refer to evidence from the Care Quality Commission (CQC) which states that the property is no longer registered as a care home as, under the CQC guidelines on what constitutes care, the property no longer meets the requirements. Accordingly, local residents are of the view that the property is therefore a C3 residential dwellinghouse and the current planning application, and specifically, the car parking provision, should be assessed as a dwellinghouse and not a residential institution.

7.2.2 The applicant provided a written statement as part of the application submission documents that they believe the property remains in C2 use because there is no live-in carer and staff

provide support to residents in the form of actively encouraging them to become independent and use facilities themselves with varying degree of prompting/assistance. They assert that the residents are in need of, and receive, a level of care and encouragement to help them become independent in the future, but they cannot do so at present.

7.2.3 The applicant provided a further written statement, via email on 8<sup>th</sup> March 2023, which confirms the following: -

- We are paid by Hertfordshire County Council and other local authorities to provide specific care to individual patients at 8, Windsor Close.
- The type of care being provided does not require registration as confirmed by the inspector as it is not a regulated activity within the acts.
- We are not allowed to provide information about specific treatments being offered to individuals as this is confidential.
- Suffice to say that as we are paid by County Councils to provide unregulated specific care to individual requirements, we are clearly operating a care home under C2 class use.
- The argument put forward about parking is irrelevant as none of our patients drive or own a car and staff park elsewhere if they arrive by car at all – local roads are non-restricted on parking.
- 8 Windsor Close has been a care home since 2002 and the same arguments were raised by objectors at the time of the earlier planning application for an identical extension which was approved.

7.2.4 Research was undertaken by Officers on DCP Online, which is an online depository of Planning Case Law and guidance on the Laws surrounding planning. In this regard, officers found that the Use Classes Order (as amended) defines care as “personal care for people in need of it by reason of old age, disablement, mental disorder, or alcohol and drug dependence”. It adds that, with regard to C2 residential institutions only, this definition of care also includes “the personal care of children and medical care and treatment”. There is also a lot of case law regarding C2 residential institutions and this is set out in greater detail below.

7.2.5 North Devon 05/08/2002 DCS No. 032-516-037 (APP/X1118/C/02/1081831) - The court held that in order to form a single household living together it was necessary for carers to live permanently within a building. Otherwise, it was reasoned that those in need of care would not be able to live as a single household because they were incapable of undertaking the tasks associated with running and living within a dwellinghouse. Although this ran counter to the judgment in *Sinclair*, it was necessary for a proper functioning household to exist. Otherwise, the use had to fall within Class C2. In so deciding, the court found that the Inspector was wrong to regard the use as falling within C3(b) rather than C2, and that the Council's contentions were correct. C3 does require at least one residential carer, together with of course those who are being cared for. Accordingly, a use will fall within Class C3(b) if at least one carer is resident within the building and all six or fewer residents are living together as a single household, otherwise the use would fall within Class C2.

7.2.6 Haringey 20/6/2019 DCS No. 400-022-351 (APP/Y5420/C/18/3197309) - The appellant described the use as a half-way house for adults with specific needs transitioning from a full-time care home to independent living, a residential institution falling within C2. On his site visit the inspector saw that each bedsit room was provided with a kitchenette and en-suite and had all the necessary facilities for independent day to day living. The issue was therefore whether the rooms had been used as self-contained flats or not. On the basis of the evidence provided, the inspector found a sufficient element of care provided for the use to fall within C2. On-site 24-hour supervision was provided, and each resident was carefully vetted for suitability, being adults referred by the council or the NHS who could not live by themselves unaided but were hoping to move towards a time when they could. Consequently, the inspector decided the matters alleged had not occurred and with the council's agreement

decided the allegation could be corrected to a C2 use without causing injustice to the appellant.

- 7.2.7 Enfield 15/04/2005 DCS No. 100-036-846 (APP/Q5300/A/04/1166773) - The conversion of a dwelling in north London to a residential care home for five people recovering from mental health difficulties was dismissed because it would conflict with a development plan policy which sought to maintain and increase the housing stock and would give rise to fears about antisocial behaviour. The inspector noted the appellant's argument that no change of use would occur because the use would fall within dwellinghouse use Class C3(b). He found, however, that there would be no live-in accommodation for carers and therefore concluded that staff and residents would not live as a single household and did not meet the parameters of C3(b). He decided that the use fell within Class C2.
- 7.2.8 Given the aforementioned, officers are satisfied that on the basis of Planning Law, the residents of the property require an element of care and assistance to live semi-independently and the property can therefore be considered to remain as a C2 use. With no carer living in the property, it cannot be determined to be a C3(b) use. Given there is an element of care/support provided daily by staff, the property cannot be considered to be C3 use.
- 7.2.9 It should be noted that the CQC's definition of care (as per their email: personal care is defined as the core regulated activity that involves supporting people in their homes (or where they're living at the time) with things like washing, bathing or cleaning themselves, getting dressed or going to the toilet.) is not relevant to the assessment in question as planning applications must be determined under Planning Law which does not define care within the same description.
- 7.2.10 Finally, it should also be noted that under planning reference number 18/0043/CLED, a Lawful Development Certificate (LDC) was issued to confirm that the property was in C2 use. It is therefore officers view, given all the evidence outlined above, that this position has not changed and the LDC remains valid, and, on the balance of probabilities, the property remains in C2 use.

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

- 7.3.1 Firstly, it is considered that the proposal would have an acceptable impact on the character and appearance of the area. The extensions would be set to the side and rear of the existing property such that only the side extension element would be visible from the Windsor Close street scene. Although adopting a flat roof, the single storey nature of the extension and the significant set back from the front of the property of the side element would ensure that it is subservient to the original property. The modest nature of this part of the extension and its subservient nature would ensure that it would have an acceptable visual impact, particularly as the materials proposed would match the original property.
- 7.3.2 The proposed extension would be visible from the footpath to the south of the property that connects Windsor Close to Caernarvon Close. Whilst the rear extension element would be a large feature, only the top section of the extension would be visible above the existing fence. The single storey nature of the extension would again ensure that it would appear subservient set against the original property from this direction and would also avoid an overbearing impact on the footpath itself.

### **7.4 Impact on Neighbouring Amenities**

- 7.4.1 With regard to the impact on neighbouring residential amenity, the two most affected properties would be no. 20 Caernarvon Close to the rear and no. 7 Windsor Close, the adjoining property to the north. With regard to no. 20 Caernarvon Close, although a large extension, the single storey nature would ensure that it would not result in an overbearing or

over-dominant impact on this neighbour as only the top portion of the extension would be visible above the existing fence line. Similarly, the existing boundary treatment would ensure that the extension would not result in an unacceptable loss of privacy to the occupiers of no. 20 Caernarvon Close as any direct views would be obscured by this fence line. Whilst it is recognised that there may be some overlooking available from the occupiers of no. 20 towards these ground floor bedrooms, this is an issue for the applicant and their occupiers to address and is not considered to be a sufficient reason to refuse planning permission.

- 7.4.2 In relation to no. 7 Windsor Close, it was noted from the site visit that this property has been extended to the rear with this extension projecting to a depth of approximately 3.3m. The proposed extension would project to the same depth adjacent to this boundary and then the final 3.2m of the extension would be offset from the boundary by 1.25m. The Design Guide (2023) requires extensions on a shared boundary to be no more than 3.5m deep; however, the proposed extension is not on the boundary and is offset by over 1m and therefore there is no restriction in the Design Guide in this regard. Further, the offset would also assist in minimising the impact of this extension on the neighbouring property.
- 7.4.3 Notwithstanding this, given the existing extension next door, only 3.2m of the proposed extension would be seen by this neighbour from their ground floor habitable rooms. In this regard, the visible depth of extension would not be considered overbearing, over dominant or result in harm to the outlook from this neighbour's ground floor habitable rooms.
- 7.4.4 However, 45-degree tests were undertaken against this neighbouring property. The neighbouring extension, according to planning records, is a brick conservatory with a parapet wall on the boundary, glazed roof and full glazed rear elevation. In this regard, whilst the comments from local residents would suggest that the development fails the 45-degree tests on plan, this was calculated using the centre point of the window closest to the boundary and not the centre point of the fully glazed elevation. Consequently, Officers are satisfied that the proposed extension easily passes the 45-degree tests when taken against the centre point of the rear elevation and on the elevations. In addition to passing the relevant light tests on no. 7 Windsor Close, the offset nature of the proposal would also ensure that it would not result in a significantly detrimental overbearing impact.
- 7.4.5 With regard to no. 21 Caernarvon Close, the separation distance of over 16.5m, and angled relationship between the two properties would ensure that the extension would not result in any adverse impacts on this property.
- 7.4.6 In terms of the private amenity area left for residents, it is recognised that the depth of garden, at approximately 4.5m, would be significantly below the usual garden depth of 10m as set out in the Design Guide (2023). However, this is obviously an existing property and how they use the land available is generally considered to be a matter for the landowner, providing that a useable garden area would still remain. Notwithstanding this, the depth remains the same as previously approved under planning permission (18/00164/FP). As such, the Council would be unreasonable in its actions if it now refused the application on this basis as the Local Plan (2019), whilst in draft form at the time, was taken into account at that time of determination of the 2018 application. In addition, the current Design Guide (2023) is the same as the 2009 version in this matter in terms of garden sizes.
- 7.4.7 A garden area of approximately 51sqm would still remain if the extensions were built out, although taking into account the sheds shown on the submitted plans, this is reduced to approximately 44sqm. This is considered acceptable in this instance and taking into account that this was the same size amenity space approved under 18/00164/FP, the Council would be unreasonable in its actions if it now refused the application on this basis as the current Local Plan (2019) was taken into account at that time and the current Design Guide (2023) is the same as the 2009 version in this matter.

## **7.5 Car Parking Provision**

- 7.5.1 With regard to parking, although there is a block-paved area in front of the property, this is not in the applicant's ownership and therefore the existing property has no parking available within its curtilage. The original three-bedroom dwellinghouse, under the Council's Parking Standards SPD (2020) for residential development, would have been required to have 2 off-street parking spaces. Therefore, the original dwellinghouse can be considered to have an under provision of these two spaces.
- 7.5.2 The proposal would increase the number of bedrooms to five. Following discussion with the applicant it has been confirmed that the property is being used as a C2 care home. With regard to the Council's adopted parking standards, 1 space is required per 5 residents' bed spaces and 1 space per 2 staff. The application is for 5 residents and written confirmation has been received from the applicant that there is one member of staff on site 10am to 5pm with additional staff on call for other times if needed. Accordingly, it is considered that two parking spaces would be required for this size of C2 care home and given that the existing property also required two spaces there is no change to the off-street parking provision. As such, it would be difficult to refuse permission based on the lack of off-street parking provision to serve the development proposal.
- 7.5.3 With regards to cycle storage, the Parking Provision SPD (2020) requires C2 uses to provide 1 long term space per 5 staff and 1 short term space per 30 staff and 1 short term space per 20 bedrooms. In this regard, the property would be expected to provide storage for 3 spaces. Whilst no specific details of storage are included on the plans, the rear garden contains two large sheds which could be utilised for such storage; alternatively there is sufficient space in the rear garden for bicycles to be stored.

## 8 CONCLUSIONS

- 8.1 In summary, and on the balance of probabilities, the property remains in C2 (Residential Institution) use as defined by the Use Classed Order 1987 (as amended). The proposal would have an acceptable impact on the character and appearance of the area, would not have a detrimental impact on neighbouring residential amenity and that parking provision is acceptable given the C2 use of the property. It is considered that the application is acceptable, and it is accordingly recommended for approval.

## 9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following:-
- 9.2 The imposition of suitable conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows: -
1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Proposed elevations; Proposed ground floor plan; Site location plan; Proposed site plan; Existing elevations; Existing ground floor plan; Existing First Floor Plan; Proposed First Floor 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 materials to be used in the construction of the external surfaces of the single storey side and rear extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

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

**For the Following Reason(s):-**

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

**INFORMATIVES**

**1 Public Information on Planning Applications**

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

**2 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

**3 Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@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).

**4 Party Wall etc. Act 1996**

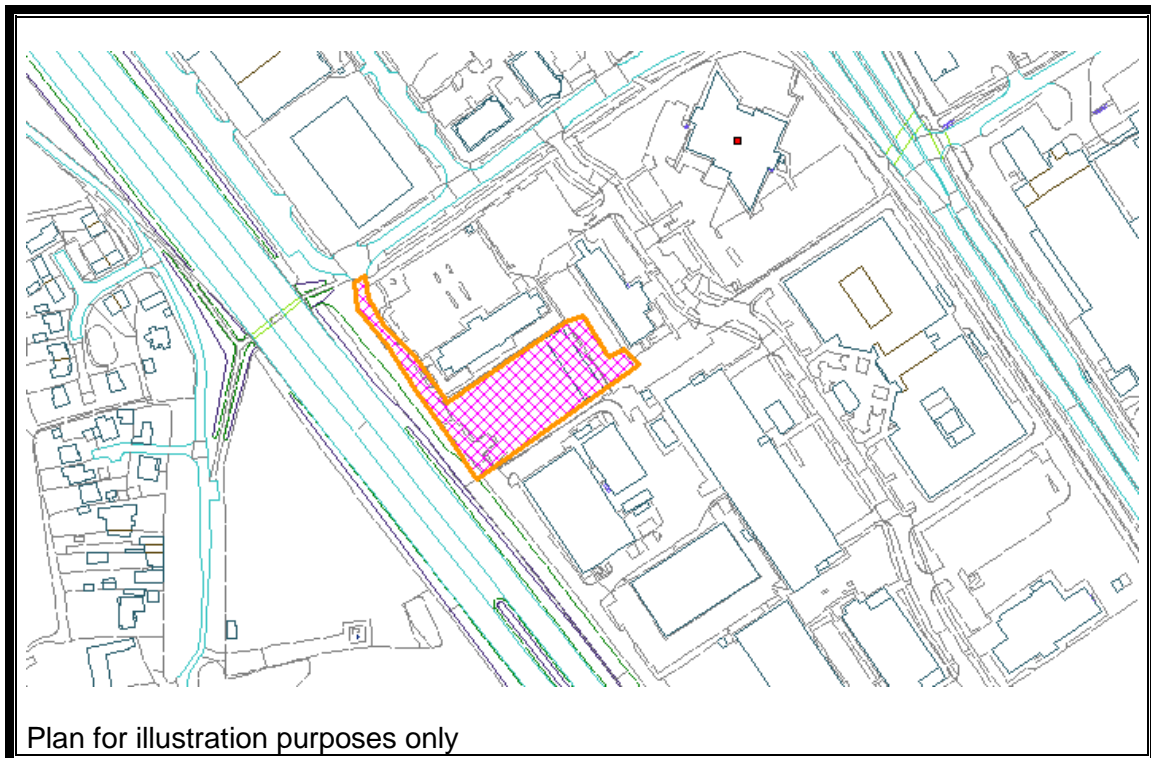
Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

## **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 October 2020 and Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework February 2021 and Planning Policy Guidance.

<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 April 2023</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	01438 242837
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	01438 242837

Application No :	22/00931/FPM
Location :	MBDA UK, Six Hills Way, Stevenage
Proposal :	Demolition of an existing single storey building and ancillary buildings to allow for the erection of a new three-storey light industrial building with offices, and associated landscaping
Drawing Nos.:	7662_VGA_B4500_XX_DR_A_0100; 1954-10-43; 1954-10-44; 7662_VGA_B4500_00_DR_A_0110; 7662_VGA_B4500_01_DR_A_0111; 7662_VGA_B4500_02_DR_A_0112; 7662_VGA_B4500_RF_DR_A_0113; 7662_VGA_B4500_XX_DR_A_0105-PL02; 7662_VGA_B4500_XX_RP_A_0182; 7662_VGA_B4500_ZZ_DR_A_0120; 7662_VGA_B4500_ZZ_DR_A_0121; 7662_VGA_B4500_ZZ_DR_A_0130; 7662_VGA_B4500_ZZ_DR_A_0131; 7662_VGA_B4500_XX_DR_A_0001_;
Applicant :	MBDA UK
Date Valid:	18 October 2022
Recommendation :	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is located on the western side of Gunnels Wood Road which falls within the Gunnels Wood Employment Area. The application site and its immediate surrounding area comprises the MBDA UK complex which consists of two-storey warehousing and industrial units, modern three-storey office buildings, a waste storage compound, portacabins and surface car parking. The warehouse and industrial buildings are generally uniform in design, constructed from profiled sheet metal cladding and windows which run horizontally within the elevations. The buildings also have industrial roller shutters on the western elevation. The office buildings are modular in form and constructed from either brick or steel frames with large areas of glazing. The MBDA site is currently accessed from Six Hills Way and Gunnels Wood Road.
- 1.2 The surrounding area is characterised by a mixture of office, light industrial and warehouse developments. To the south of the application site is the Ford car dealership showroom. The site comprises a two-storey showroom which is constructed from profiled steel cladding with a large, glazed frontage. On the rear and eastern elevations are roller shutters for the service areas. To the west of the application site is the A1(M) motorway and to the east is Gunnels Wood Road. To the north of the site is the Premier Inn hotel on Six Hills Way which is a 5-storey building of yellow-buff brick with a flat roof. Beyond which is the office complex (Farnham House) that houses Hertfordshire County Council. This is a three-storey brick-built building with undercroft car parking. There is also Campus Six immediately adjacent to Farnham House which comprises a number of modern office buildings that are constructed from brick with large, glazed areas on the facade.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Owing to MBDA's long history in the Town, they have an extensive site history. Following is the most recent history from 2018:

18/00153/FPM Erection of a two-storey modular office building with associated boundary treatments, hard landscaping and services. Granted 15.08.2018.

18/00507/FP Installation of a new HPC Mobile Data Centre. Granted 22.10.2018.

18/00544/COND Discharge of Condition 14 (Construction Management Plan) attached to planning permission reference number 18/00153/FPM. Discharged 03.10.2018.

19/00014/FPM Variation of condition 1 (site plan) and condition 4 (Cycle Storage) attached to planning permission reference number 18/00153/FPM. Granted 12.02.2019.

19/00070/FP 2no. extensions to existing building 1900. Granted 01.04.2019.

19/00253/FPM Erection of a two-storey modular office building with associated boundary treatments and landscaping. Granted 05.09.2019.

19/00471/AD 1no. internally illuminated freestanding sign and alterations to existing signage. Granted 03.10.2019.

19/00539/FP Upgrade of existing security fencing and relocation of gatehouse barrier and turnstile access. Granted 31.10.2019.

19/00660/FP Erection of data centre building with associated plant enclosures and hard landscaping. Granted 30.12.2019.

19/00669/NMA Non-material amendment to planning application 19/00253/FPM to change the base materials of the modular building to profiled steel sheet cladding. Agreed 28.11.2019.

20/00072/FP Infill of courtyard to building 200 and additional lobby to provide additional internal office space with associated landscaping works. Granted 31.03.2020.

20/00095/COND Discharge of condition 7 (remediation scheme) attached to planning reference number 19/00660/FP. Discharged 31.03.2020.

20/00206/FP 2 No. external shipping containers to house specialist mechanical plant. Granted 11.06.2020.

20/00511/FP Proposed lobby extension to existing multi-purpose building. Granted 02.11.2020.

20/00772/FPM Variation of condition 1 (Approved Plans) attached to planning permission 19/00253/FPM. granted 03.03.2021.

21/00114/COND Discharge of conditions 9 (Drainage), 14 (Brise Soleil) and 15 (Landscaping) attached to planning permission 19/00253/FPM. Discharged 20.10.2021.

21/01108/FP Erection of new visitor entrance lobby and staff entrance to Building 1300. Granted 01.12.2021.

21/01325/AD Replacement internally illuminated totem signage and brickwork plinth. Granted 28.01.2022.

22/00317/AD Installation of 1 no. non-illuminated fascia sign mounted on the south end of the existing building. Granted 12.05.2022.

22/00402/COND Discharge of condition 8 (remediation scheme works) attached to planning permission reference number 19/00660/FP. Discharged 26.05.2022.

22/00468/FPM Demolition of an existing storage facility, and erection of a 3-Storey Research and Development Facility. Pending Legal Agreement.

22/00874/CLPD Certificate of lawfulness (Proposed) for installation of new Liquid Nitrogen tank to serve new test facility inside existing building. Granted 08.11.2022.

22/00887/TPTPO Crown reduction by 30% and removal of deadwood to Oak Tree (T2) protected by TPO 107. Granted 29.11.2022.

22/00975/FP External alteration to existing building comprising 1 no. roller shutter, installation of louvres, external lighting, construction of hardsurfacing area with associated engineering works. Granted 13.12.2022.

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

- 3.1. This application seeks planning permission to demolish the existing building 4000 and replace with a new three storey building 4500 which will provide additional office space and testing facilities to replace those facilities in the adjacent buildings 5000 and 5050.
- 3.2. The existing building has previously been used for storage but is no longer required by the business. The new building would comprise three storeys and have a gross external area of

2,858sqm. The ground floor would comprise the central testing hall (which extends up through all floors), staff amenities and some office space, while the remaining floors would comprise offices and plant rooms.

- 3.3. The employees that will work within the proposed building are currently working in the adjacent 5000 and 5050 buildings. Building 5050 is one of the oldest buildings on the site and is coming to the end of its expected lifespan and cannot be retrofitted to house the newer test facilities that MBDA require. The new testing and office facility will greatly aid MBDA in continuing to provide their services while also thinking about sustainability, providing a more energy efficient space to work in.
- 3.4. This application comes before the Planning and Development Committee for its decision as it is a Major.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 As a major planning application, the proposal has been publicised by way of neighbour notification via letters, site notices and a press notice. At the time of drafting this report, no responses have been received.

## **5. CONSULTATIONS**

- 5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.

### **5.2 Thames Water**

- 5.2.1 The proposed development is located within 15 metres of our underground wastewater assets and as such we would like an informative attached to any approval granted in this regard. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way.
- 5.2.2 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.
- 5.2.3 Thames Water would advise that with regard to wastewater network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### **5.3 Natural England**

- 5.3.1 This application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. The designated site which could be impacted by this proposal is Knebworth Woods Site of Special Scientific Interest (SSSI). We raise no objections or concerns so long as the standing advice on protecting SSSI's is followed.

### **5.4 Herts County Council as Highways Authority**

- 5.4.1 Objection on the basis of lack of information to demonstrate adequate car parking.

- 5.4.2 The Council advised HCC that this was not within their remit to assess.
- 5.4.3 Following this, revised comments were received stating that subject to 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 would not wish to restrict the grant of planning permission.
- 5.5 Crime Design Advisor**
- 5.5.1 No concerns – support the application.
- 5.6 SBC Environmental Health**
- 5.6.1 A watching brief must be kept during initial site preparation works to identify any potentially contaminated land or materials likely to be present.
- 5.6.2 Demolition and construction activities, both on and off site, by their nature can be noisy and intrusive for neighbouring occupiers, particularly in terms of noise, vibration, air quality (dust), smoke, odour and light and other possible matters, including construction vehicle parking or movements, or damage to neighbouring properties, services and facilities. Noise and vibration can arise in particular from piling operations, groundworks and excavations, and plant or machinery and their associated use. Early morning deliveries can also give rise to disturbance if not properly controlled and managed. Dust from site operations can also be an issue, particularly during periods of sustained dry weather.
- 5.6.3 Environmental Health expect developers to control the impact from the construction phase of their development by implementing suitable mitigation measures and following best practices in accordance with BS5228:2009 Part 1 (noise) and Part 2 (vibration), where appropriate. Hours of work for noisy construction works are limited to the following times only - 7:30am to 6:00pm on Weekdays, 8:00am to 1:00pm on Saturdays and at no times on Sundays or Public Holidays. The Developer may be required to formulate and implement a Construction Management Plan before commencement of any works.
- 5.6.4 Construction sites may cause the disturbance of rats and other vermin. Developers have a duty to manage the treatment of rats, vermin and pests on the site. Where suitable controls are not in place Prevention of Damage by Pest Act 1949 and nuisance and public health legislation will be used.
- 5.7 WSP Group UK (Flood Risk and Drainage Consultant)**
- 5.7.1 *Initial comments received 16.01.2023*
- 5.7.2 The submitted drainage strategy falls well short of the standard required to accompany a planning application. It does not meet the minimum requirements of the Lead Local Flood Authority across a number of metrics and fails to include surface SuDS.
- 5.7.3 For adequate detail to be available, drainage drawings need to include but are not limited to values such as proposed finished floor levels, invert levels for key pipe connections, sizing of proposed attenuation (volume, depth, footprint), proposed discharge rates, the location and footprint of the proposed attenuation tank, location of proposed treatment and accompanying calculations. Surface water exceedance pathways are also required. Calculations must include but are not limited to storage requirements for the critical storm duration 1 in 100 event plus climate change rainfall event, greenfield runoff rates, existing runoff rates (if appropriate, discussed further below), and (half) drain down times for the attenuation

- 5.7.4 A meeting was held between the applicant, their agent, their drainage consultant, planning officers and the Council's drainage consultant on 7 March 2023 to discuss a revised strategy. At the time of writing this report, the revised strategy has yet to be submitted. Any comments received from our drainage consultant in relation to a revised strategy will be reported to Members via an addendum report at the committee meeting.

## **5.7 SBC Arboricultural Manager**

- 5.7.1 I have looked into this application and can confirm that I have no objection from an arboriculture viewpoint.

## **5.8 Herts County Council Waste & Minerals**

- 5.8.1 A development of this size would require the consideration of minimising waste generated during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate.
- 5.8.2 The County Council, as Waste Planning Authority, would expect commitment to producing a Site Waste Management Plan (SWMP) and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

## **5.9 Affinity Water**

- 5.9.1 No comments received.

## **5.10 Lead Local Flood Authority**

- 5.10.1 No comments received

# **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 earlier 2012 version of the NPPF, albeit with some revisions to policy substance. 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 purposes of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (Paragraph 11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 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.
- 6.2.2 The Council will nevertheless be commencing preliminary work into a review of its Local Plan, which was adopted in May 2019. This is to further ensure that the policies within the

Local Plan are up-to-date, as well as to ensure the Plan is performing well against its objectives.

### **6.3 Planning Practice Guidance**

- 6.3.1 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 National Design Guide**

- 6.4.1 The National Design Guide 2021 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

### **6.5 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

- 6.5.1 The policies set out below are most relevant in the determination of this application:

SP1: Presumption in favour of sustainable development;  
SP2: Sustainable development in Stevenage;  
SP3: A strong, competitive economy;  
SP8: Good design;  
SP11: Climate change, flooding and pollution;  
EC1: Allocated sites for employment development;  
EC2: Gunnels Wood Employment Area and Edge-of-Centre Zone;  
EC4: Remainder of Gunnels Wood;  
GD1: High Quality Design;  
IT5: Parking and Access;  
FP1: Climate Change;  
FP2: Flood risk in Flood Zone 1;  
FP5: Contaminated Land;  
FP7: Pollution;  
NH5: Trees and Woodland;

### **6.6 Supplementary Planning Documents**

- 6.6.1 The following supplementary planning documents are relevant to determining the application:

Developer Contributions SPD 2021  
Parking Provision and Sustainable Transport SPD 2020  
The impact of Development on Biodiversity SPD 2020  
Design Guide SPD 2023

## **7. APPRAISAL**

- 7.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, impact on visual amenity; impact on neighbouring amenities; parking provision; means of access and highway safety; impact on the environment; and flood risk.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

## **7.2 Land Use Policy Considerations**

- 7.2.1 The National Planning Policy Framework 2021 (NPPF) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.2.2 The application site is designated as part of the Gunnels Wood Employment Area where Policy EC2a (Gunnels Wood Employment Area) and EC4 (Remainder of Gunnels Wood) of the Local Plan (2019) apply. Policy EC2a defines the spatial extent of the Gunnels Wood Employment Area and Policy EC4 sets out what uses are acceptable in the employment area. The latter states that planning permission will be granted where 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. Please note that as of September 2020, use classes B1(b) and B1(c) are now re-classified as use class E.
- 7.2.3 The application site is also designated in the Local Plan (2019) under Policy EC1/3 (Allocated sites for employment development) for 4,000m<sup>2</sup> of B1(b) and/or B1(c) (now use class E).
- 7.2.4 Policy SP3 (Strong, Competitive Economy) states that Gunnels Wood is to be continued to be remodelled to meet modern requirements and provide a high quality and attractive business destination. The proposed development would provide a new, modern, research and development facility, to meet the ongoing needs of MBDA, a long-standing employer in the Gunnels Wood area to ensure that it continues to meet the high-quality standards and offer a competitive business model.
- 7.2.5 The proposed building would have fallen within the former use class B1(b) research and development (now use class E). Therefore, the proposal fully accords with the land use policies in the Local Plan (2019). It is also in accordance with the aims and objectives of the NPPF (2021) insofar as it would support economic growth and productivity. Accordingly, the proposal is considered acceptable in land use policy terms.

## **7.3 Impact on Visual Amenity**

- 7.3.1 In terms of design, Paragraph 126 of the NPPF (2021) states that *“the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development”*, whilst Paragraph 130 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 then goes on to re-iterate 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”*
- 7.3.2 Policy GD1 of the Local Plan (2019) and the Design Guide SPD (2023) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.3.3 The application site is located on land which is owned and operated by MBDA. The site for the proposed building is currently occupied by building 4000 on the eastern side with the remaining area occupied by open hardstanding and car parking. It is bordered by buildings 1200 to the east, 5000 & 5050 to the south and the Premier Inn hotel to the north (which is

outside the red line plan) in addition to a number of smaller buildings and housings for plant and machinery.

- 7.3.4 The existing industrial buildings closest to the proposed building site are generally uniform in design, constructed from profiled sheet metal cladding and windows which run horizontally within their respective elevations. The existing offices within the wider MBDA campus are generally modern in design and articulated in built form, constructed from either brick, steel or stone cladding, with large areas of glazing and full height glazed entrance features.
- 7.3.5 The Premier Inn hotel to the north is a five-storey cuboid building with a flat roof. It is constructed with yellow-buff brickwork and is unique in its built form and materials for this area of Gunnels Wood Road/Six Hills Way.
- 7.3.5 The proposed building will replace the existing building 4000 which is located in the north-western part of the site. This existing building is single storey in height and is used for site maintenance storage purposes. The building would be 3-storeys in height with a low profiled dual pitched roof. Given the surrounding buildings vary from single storey to 3 storeys, from a wider visual standpoint, the building would appear in keeping with the surrounding buildings.
- 7.3.6 The building would measure approximately 31m wide and 57m deep and have a gross external floor area of 2,858sqm over the three floors. The lower sections of the building will be clad in profiled sheet metal, horizontally laid whilst the upper section will be composite insulated flat cladding panels. The south eastern corner will contain the entrance to the building which will feature curtain walling with exposed vertical mullions to highlight and make a feature of the entrance.
- 7.3.7 Windows will mainly be limited to office areas and have a horizontal appearance with a taller profile to maximise natural daylight inside whilst the entrance lobby will be full height of the building to enhance its 'grand' stature when entering the building.
- 7.3.8 Externally, roller shutters for movement of larger items into/out of the testing rooms are placed on the north, south and west elevations along with pedestrian escape doors.
- 7.3.9 Enhancements to existing soft landscaping combined with additional soft landscaping would help to better define the building's boundary within the site. Additionally, the provision of an enhanced landscape strategy would further help to soften the appearance of the building.
- 7.3.10 Given the aforementioned assessment, it is considered that the proposed development will appear sensitive to the existing buildings on the MBDA site whilst creating a modern building, fit for purpose that adds visual interest through this changing site. Accordingly, it would not have a detrimental impact on the character and appearance of the site, or the visual amenities of the area. Therefore, it would be in accordance with Policies GD1 and SP8 of the Adopted Local Plan (2019).

#### **7.4 Impact on Neighbouring Amenities**

- 7.4.1 Policy FP7 of the Local Plan (2019) requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.4.2 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.

- 7.4.3 The application site is located within the established employment area of Gunnels Wood Road amidst a range of other established commercial uses, with the nearest residential properties located approximately 430m away and positioned the other side of the A1(M) in Norton Green.
- 7.4.4 The presence of the nearby Premier Inn hotel is noted. A Noise Assessment has been prepared by Hoare Lea which concludes that during the daytime, the building services plant noise should be limited to 47dB(A) and during the night-time it should be limited to 41dB(A). Noise mitigation measures include the selection of low noise equipment, silencers on air handling units, the use of acoustic enclosures and anti-vibration mounts fitted to all equipment.
- 7.4.5 The report indicated that the surrounding noise climate is predominantly formed of road traffic noise from the adjacent A1(M) with some aircraft noise observed occasionally. There is also a possibility of noise emanating from the re-filling of nitrogen gas tanks although this was not observed during the duration of the noise assessment.
- 7.4.6 The Council's Environmental Health department have assessed the application and have raised no concerns. However, it is recommended that a condition be imposed restricting the hours of construction on-site. This is to ensure that the amenities and operation of nearby businesses are protected during the construction phase of the development. Subject to this condition, it is considered that the proposed development would not have a detrimental impact on the amenities of neighbouring occupiers, in accordance with Policies FP7 and GD1 of the Local Plan (2019).

## **7.5 Car Parking and Cycle Parking Provision**

- 7.5.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the Parking Provision and Sustainable Transport SPD (2020). The proposed building will be use class E (formerly B1b). The SPD sets out the maximum level of parking requirements for use class E development, with research and development/industrial processes being required to provide 1 parking space per 35sqm of gross floorspace. On the basis of the proposed building having an approximate floorspace of 2,858sqm, there would be a requirement for 81.6 parking spaces, rounded up to 82 spaces.
- 7.5.2 The site is located in accessibility zone 2 and as such, a degree of restraint can be applied to the maximum level of parking which is required. In the case of zone 2 developments, between 25% and 50% of the total parking provision can be provided. It is also understood that following the COVID-19 pandemic, MBDA like many businesses has re-assessed its working patterns for staff and are adopting a new "Dynamic Working" model. This will allow for greater flexibility of working hours and an increase in the number of personnel who will be working from home.
- 7.5.3 The Council are open to being flexible on the matter of car parking for the MBDA site given the business changes following the pandemic and the new dynamic working model. As such, the car parking requirements will be assessed holistically across the entire site and not for each individual building.
- 7.5.4 The Parking Statement accompanying the submitted Planning Statement advises that there are currently 1,850 car parking spaces on site for staff and visitors, which are spread out across the whole site and comprise open air surface parking and multi-storey car parking.
- 7.5.5 Following the COVID-19 pandemic, MBDA invested substantially in secure off-site working arrangements, which has resulted in the daily on-site work force falling from 2,600 persons to 1,000-1,200 persons. This has subsequently seen a fall in cars on site to approximately 700-850 cars on site each day.

- 7.5.6 Going forward, whilst MBDA will still operate under a hybrid working pattern, they expect more staff to utilise on-site working, although not to the extent of pre-pandemic levels. It is expected that approximately 2000-2200 staff could be on site at any given time, which would result in approximately 1400-1500 cars on site. Even at these increased numbers, there would still be an over-supply of existing car parking provision with 1850 spaces on site.
- 7.5.7 The proposed development is expected to increase employee numbers by approximately 15-20. Accordingly, the Council is satisfied that the MBDA site as a whole has enough surplus existing car parking that there is no requirement to provide any additional car parking with this current application.
- 7.5.8 With respect to cycle parking, the Parking Standards sets out that there is a requirement to provide 1 long-term space per 500sqm of floorspace and 1 short-term space per 1000sqm of floor space. With an approximate floorspace of 2,858sqm, there would be a requirement for 6 long term spaces and 3 short term spaces.
- 7.5.9 There are currently 199 cycle spaces on site. MBDA estimate that around 70% of employees travel to work via car with the remaining 30% arriving by other means. This would equate to approximately 650 people arriving by other means. It is therefore considered that 199 cycle spaces across the site will be acceptable.
- 7.5.10 Notwithstanding this, the submitted plans indicate that 8 car parking spaces would be provided, of which one would be an allocated disabled space. As such, if planning permission is granted then it is considered appropriate to impose conditions that require these spaces to be provided prior to occupation and that they must comply with the Parking Provision SPD (2020) and have the necessary infrastructure provided to be capable of EV charging.
- 7.5.11 Given the aforementioned assessment, it is considered that the proposed development would be in accordance with Policy IT5 of the Local Plan (2019) and the Parking Provision and Sustainable Transport SPD (2020).

## **7.6 Means of Access and Highway Safety**

- 7.6.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.
- 7.6.2 The building would be accessed via the existing access points within the site, which are served from the main access point on Six Hills Way. There are no proposals to amend any of the main existing access points. Herts County Council (HCC) as Highways Authority have assessed the application and, although they initially raised concerns over parking provision, upon a secondary assessment, they removed this objection as it is not within their remit to comment on parking provision and raised no concerns in relation to highway safety.
- 7.6.3 Turning to the traffic generation from the development, the applicant has confirmed that the proposed development is expected to generate no more than 15-20 new employees. The proposed development is to support the existing operations of the MBDA site. Further, as discussed in points 7.5.5 and 7.5.6 above, the new hybrid working adopted by MBDA has resulted in a marked decrease in the number of persons travelling to and from the site each day with increased home working. Taking this into consideration, the proposed development would not significantly change the level of traffic which is currently generated from the application site.

- 7.6.4 In terms of access for emergency vehicles, it is considered that all parts of the building are within 45 metres from the internal access roads. In addition, the geometrical layout of the internal roads would be able to accommodate the safe manoeuvrability of emergency vehicles within the site without prejudicing highway safety. In relation to pedestrian access, the proposed development does not alter any existing access points from Gunnels Wood Road or Six Hills Way. Therefore, persons cycling to work would still be able to access the site from both access points.
- 7.6.5 Taking into consideration of the above, the proposed development as confirmed by HCC as the Highways Authority would not have a detrimental impact on the safety and operation of the highway network, in accordance with Policy IT4 of the Local Plan (2019).

## **7.7 Pollution**

- 7.7.1 The application site is located on previously developed land so there is the potential presence of contamination. Taking this into consideration, the Council's Environmental Health Officer has recommended that a condition be imposed stipulating that during the construction phase of the development, if any contamination is identified they will be required to undertake an investigation and agree a remediation scheme with the Council. This will ensure that in the event any potential contaminants are identified, they are mitigated against and that the health of person(s) working on-site (both construction contractors and office workers) the wider environment and buildings are protected.

## **7.8 Development and Flood Risk**

- 7.8.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 100 annual probability of flooding.
- 7.8.2 Policy FP2 of the Local Plan requires applications for major development in Flood Zone 1 to be accompanied by an appropriate flood risk assessment. It also requires that the use of sustainable drainage systems (SuDS) are maximised on site so as not to increase flood risk and to reduce flood risk wherever possible.
- 7.8.3 The application was accompanied by a Flood Risk Assessment (FRA) by RSK LDE Ltd, dated October 2022 and a Below Ground Drainage Statement by Alan Baxter dated September 2022. These advise that the existing surface water from buildings and hardstanding's drain into downpipes and road gullies which then discharge into the surface water drainage system uncontrolled which then discharges into the public surface water sewer to the north of the site on Six Hills Way. Foul water from the existing building 4000 discharges into the public foul water sewer, also in Six Hills Way.
- 7.8.4 The reports go on to state that sustainable drainage systems (SuDS) measures through an underground attenuation tank can achieve at least a 50% reduction of existing run-off rates and would include an oil filter to remove hydrocarbons.
- 7.8.5 Given that the application is for major development and involves the provision of SuDS, the Lead Local Flood Authority is a statutory consultee. However, following the service announcement of the Lead Local Flood Authority that they are currently not providing a consultation service because of extreme resourcing issues and severe workload backlogs, the Council have appointed WSP Group UK to undertake drainage and flooding assessments of planning applications on the Council's behalf.
- 7.8.6 The Council's Drainage Consultant raised a number of concerns regarding the submitted drainage strategy, stating that it falls short of the standard required to accompany a planning application. It does not meet the minimum requirements of the Lead Local Flood Authority across a number of metrics and fails to include surface SuDS. Following their

initial comments, a meeting was held on 6<sup>th</sup> March 2023 between the applicant, their agent, their drainage consultant, planning officers and the Council's drainage consultant to discuss the requirements for a revised drainage strategy.

- 7.8.7 At the time of writing this report, a revised strategy has not yet been submitted. Therefore, if the revised strategy and comments from our drainage consultant are not received by the time the application is to be determined at Planning and Development Committee, it is recommended that delegated powers are given to the Assistant Director of Planning and Regulatory Services and the Chairman of the Planning Committee that in the event the Council's Drainage Consultant do provide comments on the strategy with a suggested list of conditions, then these conditions would be imposed accordingly before any planning permission is issued by the Council. However, if the Council's Drainage Consultant raises a substantive objection to the application and this cannot be resolved, then it is recommended that the application is referred back to the Planning and Development Committee for its decision.

## **7.9 Trees and Landscaping**

- 7.9.1 Section 15 of the NPPF (2021) requires developments to preserve and enhance the natural environment. Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.9.2 It is noted that there are no trees or vegetation which would be affected by the development.
- 7.9.3 As set out under paragraph 6.25 of the adopted Local Plan (2019), the Council encourage the use/creation of high-quality boundaries and/or landscaping which help to create a strong definition and improve the streetscape. As such, it is considered that there is an opportunity to improve landscaping as part of this development as this would help to create an enhanced natural environment and increase biodiversity on an otherwise industrial complex.
- 7.9.4 Paragraph 131 of the NPPF (2021) states that: *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible"*.
- 7.9.5 Whilst there is no requirement to provide a biodiversity net gain, soft landscaping is an important aspect of any site, even largely industrial sites such as MBDA. It can have a positive impact on both the people using the site, and local wildlife. The submitted proposed site layout plan details the improvements to be made to the surrounding soft landscaping.
- 7.9.6 The Council's Arboricultural and Conservation Manager has assessed the application and they raise no concerns. Given the application has not been accompanied by a detailed landscaping strategy, it is considered appropriate to impose a condition on the decision notice should planning permission be granted, that requires a more detailed landscaping strategy to be submitted to and approved in writing by the Council prior to the first occupation of the building. Subject to this condition, it is considered that the proposed development would be acceptable in arboricultural and landscape terms.
- 7.9.7 Natural England were consulted as part of the application and they advised there was potential for the site to impact on the nearby Site of Special Scientific Interest (SSSI) and they advise that veteran trees within the site boundary should also be retained. A SSSI is

a conservation designation which describes an area of particular interest to science due to the flora, fauna, geological features or physiological features that may be found within it. Whilst they provided statutory guidance on SSSI's and planning applications, they did not request any specific conditions in relation to this application. The Knebworth Woods SSSI is located approximately 100m from the south-western boundary of the site and is separated by the A1(M). In this regard, it is considered that the SSSI is separated a sufficient distance from the site boundary so as not to be harmed by the construction or future use of the site.

## **7.10 Other Matters**

### *Biodiversity Net Gain*

7.10.1 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

7.10.2 As the application site comprises hard surfaced areas and industrial buildings, it is considered it would meet exception criteria iv) and v) above as the site is currently 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.

### *Sustainable Construction and Climate Change*

7.10.3 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change and section R (Resources) of the Design Guide SPD (2023) requires new developments to mitigate against and adapt to climate change. New developments will be encouraged to include measures such as:

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

7.10.4 A Climate Change and Energy Statement has been submitted by Hoare Lea. The building services will focus on providing efficient systems which aim to reduce demand on the energy grid minimising both CO2 emissions and the cost of operations. The energy strategy

follows the “Be Lean, Clean and Green” energy hierarchy which utilises fabric first approach (high performance building materials and efficient systems) to maximise the reduction in energy through passive design measures. Compliance against the Building Regulations Part L has been achieved. The use of air source heat pumps further reduces CO2 emissions in addition to direct electric DHW units. It is estimated that the proposed measures of low and zero carbon technologies will provide an anticipated reduction of 34.7% in CO2 emissions beyond the Part L requirements. Part L was updated in June 2022 but the updated version does not apply to buildings where an Initial Notice for the work is submitted prior to June 2023. In this regard, the submitted report confirms that an Initial Notice has already been submitted and as such they need only comply with the 2013 version of Part L.

- 7.10.5 Notwithstanding this, to reflect progress made in decarbonising the UK’s electricity grid since Part L 2013 was released, the proposed update to the SAP methodology, SAP 10.1, includes a 74% reduction in the carbon factor of electricity used to calculate regulated CO2 emissions. In line with current trends and the imminent adoption of Part L 2021, carbon emission reductions have been calculated using the carbon factors set out in the SAP 10.1 guidance. Through the measures outlined in the energy strategy, it is anticipated that overall a 34.7% reduction in CO2 emissions will be achieved beyond the gas boiler baseline using SAP 10.1 carbon factors.
- 7.10.6 Solutions for reducing demand for potable water, such as low flow fixtures and fittings, leak detection and flow control devices, will be explored and implemented where feasible. By minimising water consumption, the proposed development would be resilient to and further mitigate its contribution to a warming climate.
- 7.10.7 Given the aforementioned assessment, the applicant has demonstrated that the development, through use of suitable building materials, water and energy saving devices, would be considered to be adaptable to climate change and would be a sustainable form of development, in compliance with Policy FP1 of the adopted Local Plan (2019).

#### Waste and Resources

- 7.10.8 Any scheme will produce waste during works and the Council will require the preparation of a Site Waste Management Plan (SWMP). Details of waste and re-cycling facilities will be required and how waste may be controlled through measures such as the Construction Environmental Management Plan (CEMP).

#### Employment and Apprenticeships

- 7.10.9 In accordance with the Developer Contributions SPD 2021, the developer would be required to contribute to local employment in the following ways:
- attempt to employ Stevenage residents in 5% to 10% of on-site construction jobs
  - attempt to employ one Stevenage resident or student as an apprentice for every ten on-site construction jobs (up to a maximum of ten apprenticeships)
  - report whether or not they met these requirements
  - pay a one-off sum of £4,000 per job shortfall
  - pay of one-off sum of £1,250 per apprentice shortfall
- 7.10.10 The applicant has agreed to these measures and is willing to enter into a legal agreement to secure them. In addition, there will be an associated monitoring fee which will ensure the aforementioned is complied with. This will also form part of any S.106 legal agreement.

#### Community Infrastructure Levy

- 7.10.11 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

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

7.10.12 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.

7.10.13 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.

7.10.14 The proposed development would be liable for CIL but would be zero rated since it would fall into the "all other development" category.

#### Equality, Diversity and Human Rights

7.10.15 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.

7.10.16 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

7.10.17 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.

7.10.18 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

7.10.19 The proposed building will be fully compliant with the Equalities Act through the implementation of level access throughout the ground floor, all passageways and doorways will be a minimum of 850mm wide internally and 1000mm wide externally. Accessible WC facilities will be available on each floor and a lift will serve the building for those who cannot use stairs. A disabled parking space is to be provided outside the front entrance of the building.

## **8. CONCLUSIONS**

- 8.1 The policies considered to be most relevant for determining this application are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up-to-date. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 8.2 The proposed development will contribute to building a strong, responsive and competitive economy by replacing redundant storage on the MDBA site with a new R&D facility. The proposed development will potentially increase the number of employees by approximately 15-20, which is not especially significant but a public benefit nevertheless. However, the proposal would allow MBDA to further expand its client offerings which would therefore continue to support their role as a key employer in the Town and maintain the existing level and range of jobs currently on site.
- 8.3 The development would also bring economic benefits in terms of construction related jobs and increased expenditure in the local economy during the construction period. These benefits carry significant weight in favour of the proposal.
- 8.4 The proposal is considered to be acceptable in land use policy terms. It would also have an acceptable impact on the character and appearance of the area, on the amenities of neighbouring occupiers, on parking, highway safety, pollution, and trees and landscaping. These are neutral matters.
- 8.5 Given the above, the proposed development accords with the Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2019) and PPG (2014).

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:
- Apprenticeships and construction jobs;
  - Monitoring Fee
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

### General

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
7662\_VGA\_B4500\_XX\_DR\_A\_0100; 1954-10-43; 1954-10-44;  
7662\_VGA\_B4500\_00\_DR\_A\_0110; 7662\_VGA\_B4500\_01\_DR\_A\_0111;  
7662\_VGA\_B4500\_02\_DR\_A\_0112; 7662\_VGA\_B4500\_RF\_DR\_A\_0113;  
7662\_VGA\_B4500\_XX\_DR\_A\_0105-PL02; 7662\_VGA\_B4500\_XX\_RP\_A\_0182;  
7662\_VGA\_B4500\_ZZ\_DR\_A\_0120; 7662\_VGA\_B4500\_ZZ\_DR\_A\_0121;  
7662\_VGA\_B4500\_ZZ\_DR\_A\_0130; 7662\_VGA\_B4500\_ZZ\_DR\_A\_0131;  
7662\_VGA\_B4500\_XX\_DR\_A\_0001\_;  
**REASON:-** For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 Notwithstanding Section 55 of the Town and Country Planning Act (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development to which this permission relates shall be used for purposes falling within Class E(g)(ii) of the Schedule to the Use Classes Order 1987 (as amended) (or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).  
**REASON:-** To prevent the site being used for purposes that would have a detrimental impact on the economic function of the area.
- 4 No site clearance or construction work relating to this permission shall be carried out 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.
- 5 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 submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.  
**REASON:-** To ensure that the site does not pose any risk to human health and 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 by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 6 The development to which this permission relates shall be carried out in accordance with the Energy Statement as set out at Appendix A of report reference REP-2324417-05-JP-20220808-Climate change and energy statement-Rev01 unless otherwise agreed in writing by the local planning authority.  
**REASON:-** To ensure the development is adaptable to climate change and results in limited CO2 emissions.

#### Prior to Commencement

- 7 No development shall take place (including site clearance) until a construction 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 management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) 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;
  - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
  - l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

- 8 No development shall take place (including site clearance) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To adhere to the hierarchy of drainage options, as set out in paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance; to maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.

#### Prior to Slab Level

- 9 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

**REASON:-** To ensure the development has a high quality appearance.

- 10 No development shall take place above slab level 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

- 11 No development shall take place above slab level until a landscaping and planting plan has been submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in the first planting and seeding season following completion of the development unless otherwise agreed in writing by the local planning authority.

**REASON:-** To ensure a satisfactory appearance upon completion of the development.

#### Prior to Occupation

- 12 The parking, turning and servicing areas shown on drawing number 7662-VGA-B4500-XX-DR-A-0105-PL02 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. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

**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 and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

- 13 Prior to the first occupation of the development hereby permitted, details of the siting of active electric vehicle charging points (EVCP) and spaces with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point across the MBDA site shall be submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be permanently retained as such thereafter.

**REASON:-** To ensure adequate provision of active EVCPs within in the site and for all types of drivers is available at all times to promote sustainable modes of transport.

- 14 Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car and cycle parking, servicing, loading, and turning areas shall be implemented in accordance with the approved plans and thereafter kept free from obstruction and retained for their intended purposes.

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

- 15 Prior to the beneficial occupation of the development to which this permission relates, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
- b) maintenance and operational activities;
- c) arrangements for adoption; and,
- d) any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; and to maximise the sustainability of the development.

- 16 Prior to the first occupation of the development hereby permitted, details of the external lighting shall be submitted to and agreed in writing by the local planning authority.

**REASON:-** In order to protect the amenities and operations of neighbouring properties, to ensure any external lighting does not prejudice highway safety and in the interests of minimising light pollution.

#### Post Completion

- 17 Any trees or plants comprised within the approved 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.

- 18 No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

**REASON:-** To ensure the protection of those trees which should be retained in the interests of visual amenity.

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

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

#### **INFORMATIVES**

##### **1 Public Information on Planning Applications**

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

##### **2 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

### 3 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@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).

### 4 **Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

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

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

- 6     **Hertfordshire County Council as Highways Authority**  
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:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 7     **Hertfordshire County Council as Highways Authority**  
Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

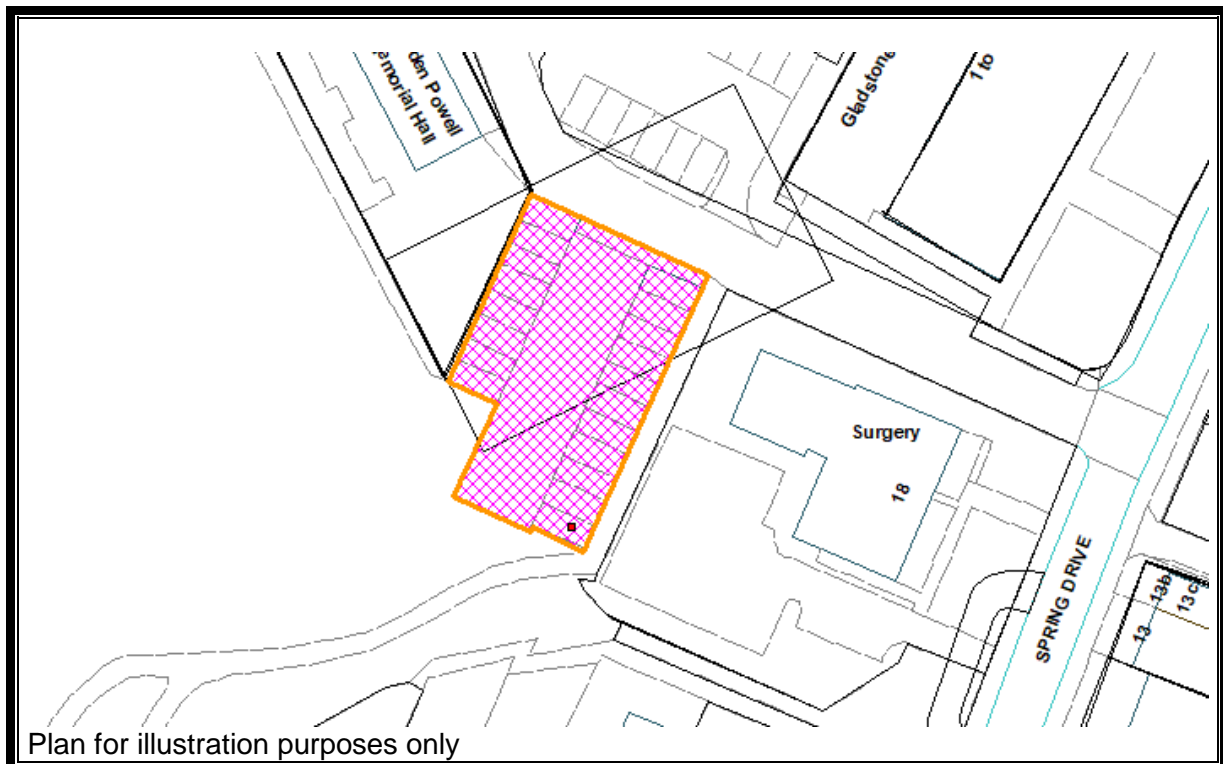
## **10. BACKGROUND DOCUMENTS**

1.     The application file, forms, plans and supporting documents having the reference number relating to this item.
2.     Stevenage Borough Council Supplementary Planning Documents – Developer Contributions SPD 2021; Parking Provision and Sustainable Transport SPD 2020; The impact of Development on Biodiversity SPD 2020; Design Guide SPD 2023.
3.     Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4.     Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
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.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 April 2023</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	01438 242837
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	01438 242837

Application No:	22/00487/OP
Location:	Garage Block 31-49 Spring Drive
Proposal:	Outline planning permission (all matters reserved) for the demolition of garage compound and erection of 2no. three bed dwellings and 1no. two bed dwelling
Drawing Nos.:	542-C-028 820 01; SBC-01; SBC-02; SBC-03; SBC-04; SBC-05; SBC-06; SBC-06; SBC-08;
Applicant:	Estates Department, Stevenage Borough Council
Date Valid:	26 May 2022
Recommendation:	GRANT OUTLINE PLANNING PERMISSION.



## 1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Spring Drive, to the rear of the doctor's surgery and to the south of Gladstone Court. To the west of the site is a single storey building which houses the Whomerley Spiritual Church and Centre and to the south is a wooded area known as Marymead Spring with residential dwellings of Spring Drive beyond.

- 1.2 Access to the site is from Spring Drive via a concrete access road between Gladstone Court and the doctor's surgery.
- 1.3 The surrounding area is a mixture of flatted developments, single storey buildings, garage compounds and two storey residential dwellings. Most buildings are constructed in red brickwork with dual pitched roofs, although Gladstone Court is red brickwork with a flat roof and the Spiritual Church is pale blue horizontal cladding with a dual pitched metal roof.
- 1.4 The site is located within the Broadwater (Marymead) Conservation Area.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 No relevant history.

## **3. THE APPLICATION**

- 3.1 This application seeks outline planning permission with all matters reserved for the demolition of the existing garage block and erection of 2no. three-bedroom dwellings and 1no. two-bedroom dwelling.
- 3.2 An indicative site layout plan has been submitted, showing how the site could accommodate three dwellings with associated car parking provision. Additional indicative floor plans and elevations have been provided to give an idea of how the properties could look in order to determine if there would be any harm to the character and appearance of the Broadwater (Marymead) Conservation Area.
- 3.3 This application comes before the Council's Planning and Development Committee as the applicant is Stevenage Borough Council.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Following notification of the application via letter, the erection of a site notice and the issuing of a press notice, three public representations have been received.
- Whomerley Spiritual Church and Centre
  - Knebworth and Marymead Medical Practice
  - 5 Gladstone Court
- 4.2 A summary of the objections raised are as follows:-
- Contractors will park in, and store items in, Gladstone Court parking area;
  - New houses must have their own parking spaces;
  - Gladstone Court and bungalows house elderly and frail people so noise, dust and disruption will be unwelcome as already suffered from works to Gladstone Court;
  - Doctor's surgery is not up to modern healthcare standards and we would like to expand our site using the garage block;
  - Redevelopment of site for expanded medical centre would be more beneficial to local residents than private housing;
  - Concerned about light being blocked to church hall;
  - Concerned future residents will complain about church use and numbers of vehicles driving past their houses;
  - Concerned that construction will block access to our church.
- 4.3 The aforementioned is not a verbatim of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

## **5. CONSULTATIONS**

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

#### **5.1.1 *Initial comments received 9 June 2022:***

Recommend refusal as no information provided on the current use of the garage block and whether its loss would result in an increase of on-street car parking.

Visibility along Spring Drive is acceptable; additional vehicle trips unlikely to have an adverse impact on highway safety; access is suitable for cars and ample turning space available; applicant will need a swept path analysis for heavy goods vehicles. Overall, this is considered to be a sustainable location. Given the site location within a relatively busy and tight estate, the highway authority would request a construction traffic management plan should a full application be submitted.

#### **5.1.2 *Further comments received 5 September 2022:***

Subsequent to the highway authority's previous response dated 9 June, the applicant has submitted a suite of amended plans for the proposed development. The access arrangements and parking provision appear to be unchanged. The use of the garages has not been addressed so it is still recommended that this application is refused.

#### **5.1.3 *Further comments received 15 September 2022:***

Further to the highway authority's previous response dated 5 September, the applicant has provided evidence on the use of the garages and as such there is no reason to believe that the loss of the existing garage block will have impact on on-street parking. The highway authority no longer wishes to restrict the approval of this application but recommends the inclusion of conditions relating to the construction of the parking spaces and submission of a construction management plan.

### **5.2 B.E.A.M.S**

#### **5.2.1** The application site lies within the boundary of the Broadwater (Marymead) Conservation Area. The existing garages en bloc are a common feature within the town but the existing vacant garages do not make a positive contribution towards the character / appearance of the Conservation Area. As such, there is no objection to their demolition.

Three storey dwellings are not a feature of the wider Conservation Area however the site surroundings are varied and new dwellings would be seen in context with Gladstone Court (flats), the bungalows to the north and Doctors Surgery to the east. The development will be sited in a fairly discrete position. The terraced design is simple and looks to be in keeping with the Conservation Area / the wider Broadwater neighbourhood.

No objection; a condition requiring details of external construction materials is recommended.

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

#### **5.3.1** No objections subject to conditions for contamination & construction hours.

### **5.4 Thames Water**

#### **5.4.1** With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have

no objection. There are public sewers crossing or close to the development site; we'll need to check that the development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

## **5.5 SBC Garage Services Department**

- 5.5.1 I write to confirm that the garage site at 31-49 Spring Drive is all but derelict and has been this way for many years due to historic anti-social behaviour issues. These issues and the location of the site means there is no demand for the garages and we have no current applications. There are 4 tenants to be relocated and we have sufficient garages in close proximity to this site that we can move them to. The last termination on this site was completed in August 2017 meaning the 14 voids have been empty for at least 4 years.

## **5.6 SBC Waste and Recycling**

- 5.6.1 No comments received.

## **5.7 Affinity Water**

- 5.7.1 No comments received.

## **5.8 SBC Arboricultural and Conservation Manager**

### **5.8.1 *Initial Comments Received 20 October 2022***

Having looked into this application and visited the site, I can confirm that I am not in favour of the proposed development. I believe that the proximity of the proposed dwellings to the existing, mature woodland, and the size of the existing trees would cause continuous pressure on the council from future residents to cut them back/down.

### **5.8.2 *Further Comments Received 14 March 2023***

I have analysed this proposal in light of the AIA and can confirm that I am happy with the latest proposal. As detailed in the AIA and Method Statement, I believe we need to ensure that, before any work can commence on site, the following tree work is carried out by the developer:

- T1 Crown reduce by 25%
- T2 Crown reduce by 20%
- T6 Crown reduce to north of canopy only by up to 3 metres in spread to create even canopy.
- G1 Fell to facilitate project
- W1 Fell 2 Poplar trees

## **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.
- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by MHCLG (Now DLUHC) in January 2022 (DLUHC has not yet published the latest HDT results covering 2022), identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is not a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations.
- 6.2.3 The Council has recently prepared an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. This has been prepared in accordance with Planning Practice Guidance and analyses the reasons for under-delivery of new homes against the Government's requirements. It also sets out clear actions on how to improve housing delivery. Stevenage Borough Council published its Action Plan in July 2022 to demonstrate how it seeks to maintain the supply of housing:  
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>
- 6.2.4 Turning to 5-year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **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 Adopted Local Plan (2019)**

6.4.1 The policies set out below are relevant in the determination of this application:

SP1 - Presumption for Sustainable Development;  
SP2 - Sustainable Development in Stevenage;  
SP6 - Sustainable Transport;  
SP7 - High Quality Homes;  
SP8 - Good Design;  
SP11 - Climate Change, Flooding and Pollution;  
GD1 - High Quality Design;  
HO5 - Windfall Sites;  
HO9 - House Types and Sizes;  
IT5 - Parking and Access;  
FP1 - Climate Change;

### **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document October 2020  
Stevenage Design Guide Supplementary Planning Document January 2023.  
Broadwater Conservation Area Management Plan 2012

### **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.

## **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms and the impact on the character and appearance of the Broadwater Conservation Area.

7.1.2 As this is an outline planning application with all matters reserved, only the principle of development is to be considered at this stage. Matters pertaining to access arrangements, parking provision, layout, appearance and landscaping are to be reserved for future consideration as part of a reserved matters application.

7.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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

7.2.1 The National Planning Policy Framework 2021 (NPPF) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is a vacant garage compound in spring drive, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'.
- 7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.4 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and it does not overburden existing infrastructure.
- 7.2.5 For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition of previously developed land excludes private residential gardens and public open space. The proposed dwellings are located wholly within the footprint of the existing garage blocks and associated access/hardstand areas; consequently, it is considered that the proposal does constitute development of previously developed, brownfield land. Therefore, the proposal is in accordance with criterion (a) of Policy HO5. An assessment does have to be made however, as to the impact the development will have on the wider environment.
- 7.2.6 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is approximately 100m (2 minutes' walk) from the Marymead neighbourhood centre. There are primary and secondary schools within 2km and a doctor's surgery adjacent to the site with another surgery within a 15-minute walk. A bus route operates along Broadwater Crescent with the closest bus stop being at the Marymead neighbourhood centre. As such, the application site is considered to have an acceptable level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a sustainable location.
- 7.2.7 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.8 Further to the above, Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As identified above, the site has good access to local facilities and services and also good access to the public transport network. The site has been demonstrated to be in a sustainable location and as such would comply with criterion (e) of the Policy HO5 of the Local Plan.
- 7.2.9 Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. The site is not located near to any allocated development sites and is therefore acceptable in this regard.
- 7.2.10 Turning to 5-year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.11 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider

whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the Local Planning Authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

- 7.2.12 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.
- 7.2.13 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.
- 7.2.14 The Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer). Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged. A copy of the latest monitoring report can be found online - <https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-update-may-2022.pdf>.
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the Borough. The Design Guide SPD (2023) outlines that housing is an area of weaknesses across the town. One of the main issues is the lack of an appropriate mix of housing sizes, types and tenures with a high proportion of three-bedroom properties, and a lack of one and two bedroom properties. The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National guidance, and, where appropriate, densities will need to be raised in order to meet these targets for new homes. This will need to be carefully balanced with the need to retain open space provision within the urban area as access to open space was a key original feature of the town.

- 7.2.16 The proposed development seeks to deliver 2no. three bedroom and 1no. two-bedroom terraced dwellings. As such, the proposed development is not strictly in accordance with Policy HO9 as it would not fully seek to deliver alternative housing types to three-bedroom terraced dwellings.
- 7.2.17 Policy SP2 (Sustainable Developments) states permission will only be granted where proposals can meet a number of criteria. Included in these criteria are the following:  
(g) promote journeys by bus, train, bike and foot and reduce the need to travel;  
(j) Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;  
(k) Produce places and spaces that enable people to live a healthy lifestyle;  
The proposal meets these criteria as mentioned previously in this response.
- 7.2.18 In summary, the Council is currently able to demonstrate a five-year supply of deliverable housing sites. Nonetheless, the proposed development would contribute to the aim of boosting housing supply through the redevelopment of sustainable brownfield sites, without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide three new dwellings and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, given the quantum of development and the fact that the supply of housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal.
- 7.2.19 On balance, having regard to all the policy considerations laid out above, and that the development would be on previously developed, brownfield land, the proposed development is considered to be acceptable in principle.

### **7.3 Impact on the Broadwater Conservation Area**

- 7.3.1 As this is an outline planning application with all matters reserved, the design and appearance of the proposed dwellings are not considerations for this application. However, given the siting within the Broadwater (Marymead) Conservation Area, the general impact of the development on the character and appearance of the conservation area is relevant. Given this, the applicant has submitted illustrative plans to demonstrate one way in which development could be delivered on this site.
- 7.3.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise of planning functions with respect to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.3.3 Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.3.4 Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.3.5 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 7.3.6 The application site lies within the boundary of the Broadwater (Marymead) Conservation Area which was designated in 2007 as a good example of one of Stevenage's Mark 1 'New Town' neighbourhoods. Conservation Areas are defined as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" and are considered 'designated heritage assets' under the NPPF (2021).
- 7.3.7 The existing garages blocks are a common feature within the town but given the block of garages to which this application relates have been vacant for a number of years, they do not make a positive contribution towards the character and appearance of the Conservation Area. As such, their removal would not be considered harmful to the designated heritage asset. The Council's Listed Buildings and Conservation Advisor have not raised any objections to their removal.
- 7.3.8 The application illustratively proposes the construction of a terrace of three storey dwellings (town houses) with a low-pitched gabled roof to replace the garages. Owing to the topography of the area, the properties would be very slightly staggered, with the highest ridge point being 0.4m higher than the lowest ridge point. Each property would stand approximately 9.5m high to the ridge and each would be approximately 5.5m wide. For comparison, a two-storey semi-detached property in Spring Drive is approximately 5m-6m high and 5m wide.
- 7.3.9 Three storey dwellings are not a feature of the wider Conservation Area; however, the surrounding area contains a variety of building designs and heights from single storey to flatted development blocks. The new dwellings would be seen in context with Gladstone Court (flats), the bungalows to the north and Doctors Surgery to the east. Due to its location the development will be sited in a fairly discrete position; it will be seen from Spring Drive and it is likely that the upper floors and roofs will be visible from Broadwater Crescent to the north.
- 7.3.10 The indicative plans submitted indicate that the terraced design is simple and visibly in keeping with the Conservation Area and the wider Broadwater neighbourhood. The final design and appearance would be the subject of a reserved matters application should this outline permission be granted.
- 7.3.11 The Council's Conservation and Heritage Advisor have assessed the application and are satisfied that the development is unlikely to harm the character and appearance of the Conservation Area subject to reserved matters applications for the final design, appearance and materials being acceptable.

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

- 7.4.1 It is noted that appearance, landscaping, layout and scale are reserved for future consideration. However, an assessment will be carried out of the indicative layout to confirm three dwellings can be accommodated on the site without harm to the character and appearance of the area.
- 7.4.2 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function well and add to the overall quality of the area, not just in the short term, but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and, appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking

into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

- a) development which reflects 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; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.4.3 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”.

7.4.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

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

7.4.6 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council’s Design Guide SPD (2023) generally reflects the aforementioned policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.

7.4.7 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.4.8 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

7.4.9 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;
- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

7.4.10 Paragraph 40 of the National Design Guide states that well-designed places are:

- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- Integrated into their surroundings so they relate well to them;
- Influenced by and influence their context positively; and
- Responsive to local history, culture and heritage.

7.4.11 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Sections B (Built Form) and H (Homes and Buildings) are particularly pertinent to the design of new residential units. An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;
- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

7.4.12 The indicative layout shows 3no. three storey dwellings; one of which occupies a smaller plot size so would be shallower in depth than the other two and only have two bedrooms whilst the other two properties would have three bedrooms. Each property would have two parking spaces in their front curtilages.

7.4.13 The dwellings are located behind the doctor's surgery, approximately 43m from Spring Drive. They would be orientated with the front elevations facing north and south facing rear gardens backing on to the north facing rear gardens of the dwellings to the south in Spring Drive. The rear elevations would be approximately 60m-65m from the rear elevations of these southerly neighbours.

- 7.4.14 It is considered the indicative layout is acceptable and as such, it is concluded that the site could accommodate up to three dwellings without resulting in harm to the character and appearance of the area. The demolition of the existing vacant garage block would also serve to enhance the appearance of the site.

## 7.5 Impact upon Neighbouring Amenity

- 7.5.1 As stated previously in this report in section 7.4, detailed design and layout are reserved matters. However, an assessment of the likely impact on neighbouring properties will be undertaken to ascertain if three dwellings on this site would cause harm to neighbouring amenities.
- 7.5.2 The most affected properties would be the bungalows of Gladstone Court and Gladstone court itself to the north, the properties of Spring Drive to the south and the business premises of the Spiritual Church and the doctor's surgery either side of the application site.
- 7.5.3 In assessing the impact on neighbouring amenity, the Council's Design Guide SPD (2023) sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments, the recommended separation distances are as follows:

No of Storeys	Type of Separation	Min. distance (metres)
Between existing and new 2 storey or a mix of 1 and 2 storey dwellings	Back to Back Back to Side	25m 15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back Back to side	20m 12m
Over 2 storeys between existing and new dwellings	Back to Back Back to Side	35m 25m
Between new dwellings over 2 storeys in height	Back to Back Back to Side	30m 20m

- 7.5.4 The indicative site layout indicates that the front elevation of the proposed dwellings would be approximately 30m from the side of No.48 (a bungalow) to the north and approximately 25m from the side elevation of Gladstone Court. The rear of the proposed dwellings would be approximately 60m from the rear of the properties in Spring Drive to the south and the side elevations would be approximately 8m from the rear of the doctor's surgery and approximately 10m from the side of the Spiritual Church.
- 7.5.5 Turning to outlook, the ground levels in this area of Broadwater are very undulating and as such the bungalows to the north of the site, which are separated from the site by a large garage compound, are on much higher ground than the application site. In this regard, it is considered that the upper floors of the proposed dwellings would be on the same level as the bungalows and consequently it is not considered that the presence of the properties would unduly harm their outlook nor would the outlook from the front habitable rooms be compromised. Gladstone Court sits to the north-east of the front elevations of the properties so would not be directly in line with the habitable rooms of either site and therefore limited impacts would arise. The separation distance between the proposed dwellings and the Spring Drive neighbours to the south is such that there would be no harm to outlook to either site.
- 7.5.6 Accordingly, the indicative layout is considered acceptable in this regard as the proposed dwellings would be suitably separated from the surrounding properties so as to not result in undue levels of harm from overlooking, loss of privacy, reduced daylight or sunlight.

- 7.5.7 Further, the removal of a potential bad neighbour use from the predominantly vacant application site, would improve the environment for existing residential occupiers. It is considered therefore, that the indicative layout demonstrates the development of the site for up to three dwellings would not harm the amenity of neighbouring dwellings.

## **7.6 Impact upon future amenities of residents**

- 7.6.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. Whilst layout is a matter for future consideration, the proposed private amenity space as shown on the indicative layout plan will be assessed against the Council's Design Guide (2023) to confirm the site is capable of providing a satisfactory living environment for up to three dwellings.
- 7.6.2 The adopted Design Guide (2023) states that there is a requirement to provide 50sqm of private amenity space for each new dwelling. The indicative layout plan identifies that plots 2 and 3 would have approximately 100sqm with a depth of approximately 15m, whilst plot 1 would have approximately 63sqm with a depth of approximately 8.5m which is below the required 10m in the Design Guide. However, on balance, given the overall garden size exceeds the requirements, it is not considered that a minimal shortfall in the required depth would result in harm to the occupiers of this dwelling.
- 7.6.3 With regard to the requirements for new residential properties to meet Nationally Described Space Standards (NDSS) as defined by Policy GD1 of the adopted Local Plan (2019), 3-bedroom, 4-person, three storey dwellings should have a minimum gross internal floor space of 90sqm; however, 2-bedroom, 3-person, three storey dwellings do not have a minimum standard. The closest standards would be for 2 bedrooms over two storeys which for 3 persons would be 70sqm and 4 persons would be 79sqm.
- 7.6.4 The three-bedroom dwellings are indicated to have approximately 100sqm of internal floorspace which exceeds the requirements, and the two-bedroom property is indicated to have approximately 84sqm which, given there is no minimum standard, is considered acceptable.
- 7.6.5 Additionally, the NDSS require double bedrooms to be at least 11.5sqm and single bedrooms to be at least 7.5sqm. All bedrooms in the three-bedroom properties meet these requirements so are considered acceptable. The double bedroom in the two-bedroom property falls marginally short at approximately 11.3sqm. However, as layout is reserved for future consideration, this marginal failure of the NDSS could be addressed in future applications and is not considered a reason for refusal of this outline application.

## **7.7 Parking Provision and Highways Implications**

- 7.7.1 Access arrangements and parking provision are reserved for future consideration. However, an assessment of whether the indicative parking arrangements and the loss of the existing garage block are acceptable will be undertaken.
- 7.7.2 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Provision and Sustainable Transport SPD (2020) requires 3-bedroom units to have 2 spaces and 2-bedroom units to have 1.5 spaces. The indicative layout plan shows each property can be served with two parking spaces of adequate size in the front curtilage.
- 7.7.3 Turning to visitor parking provision, the Council's Parking Standards SPD (2021) sets out that there is a requirement to provide 0.25 visitor parking spaces per dwelling. This would equate to a requirement of 1 visitor parking space. The submitted indicative layout plan does not provide for visitor spaces. However, the area to the front of the properties measures approximately 19.5m wide; allowing for 6 parking spaces plus 1 visitor space

would require an area 17m wide. In this regard, whilst the submitted plans do not provide reference to visitor parking, it is considered that the site offers sufficient space for it to be provided as part of a future reserved matters application without compromising the dedicated parking spaces or pedestrian movements around the site. This requirement can be secured by way of condition.

- 7.7.4 Policy IT5 also states that permission for developments which result in the loss of off-street parking spaces will only be granted if the parking spaces lost are replaced as near as possible to the site or it can be demonstrated that the provision is not suitable or required.
- 7.7.5 The Garages Services department of the Council have provided confirmation that of the 16 garages on site, only 4 are occupied, with the rest vacant, and some have been vacant since at least 2002. They have confirmed that of the 4 current occupiers, only 2 use their garage for the parking of a motor vehicle and that all 4 of the current occupiers will be accommodated elsewhere in the area. Accordingly, the Council is satisfied that the majority of the current parking provision is not required, and those which are required, will be re-accommodated satisfactorily.
- 7.7.6 Herts County Council (HCC) as Highways Authority have assessed the application and are satisfied that the majority of the current garage block is vacant, and those remaining tenants can easily be re-accommodated within the immediate area and therefore the loss of the existing parking provision is acceptable as it will not result in an increase to on-street parking in Spring Drive.
- 7.7.7 HCC Highways have requested a Construction Management Plan to be submitted with any future reserved matters application and have also requested further consideration of large vehicle access to the site which would be considered when the reserved matters for access are submitted should this outline application be granted permission.
- 7.7.8 Cycle parking and electric vehicle charging would be reserved matters for future consideration. However, an assessment needs to be made to ensure they can be accommodated. In regard to cycle parking, the Council's Parking Standards SPD stipulates for this development, there is the requirement to provide 2 spaces per 2-bedroom unit and 3 spaces per 3-bedroom unit. The plot sizes and layouts are of sufficient size that secure cycle parking can be accommodated within the rear gardens without compromising the overall amenity of the rear gardens. Full details of the size and location would be a matter for the reserved matters application in future, but it is considered that the development would be acceptable in this regard.
- 7.7.9 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 by 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.
- 7.7.10 Whilst no details are required as part of this outline application, it is considered that the proposed parking spaces could meet the aforementioned requirements. This would be requested as part of any future reserved matters application and secured via condition.
- 7.7.11 Concerns from local residents regarding construction traffic are noted, however this would be a matter for consideration under a future application when access and layout are considered. A Construction Management Plan would also be required which would ensure

the construction traffic does not block access to the neighbouring church hall or residents of Gladstone Court.

- 7.7.12 Given the aforementioned assessment, and through the use of appropriately worded conditions, the development would be in accordance with the policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2021) and PPG.

## **7.8 Impact on the environment**

- 7.8.1 The application site according to historic OS Maps of the site, sets out that prior to the site being developed out in the 1960s, the site was part of open fields. Therefore, there would be very low risk of contamination.
- 7.8.2 Following consultation with the Council's Environmental Health Section, they do not raise any concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy is submitted for approval in the event contaminants are identified during the construction phase of development.

### Groundwater

- 7.8.3 The application site is not located within a Source Protection Zone and no concerns have been raised by Thames Water or Affinity Water with respect to potential impact from the development.

### Air Quality

- 7.8.4 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within or in close proximity to an Air Quality Management Area (AQMA).
- 7.8.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.8.6 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small rise in NO<sub>2</sub> emissions which in accordance with IAQM/EPUK guidance is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

### Noise Pollution

- 7.8.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.8.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can

enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.

- 7.8.9 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these would be dealt with by the Borough Council's Environmental Health department.
- 7.8.10 The Spiritual Church have raised concerns regarding noise from their activities and potential complaints from future residents. The closest property is approximately 11.5m from the side of the church hall. This is considered an acceptable distance between the two buildings. There are a number of trees in the locality which would act as good sound absorbers and buffers. Further, a 'fabric first' approach which would ensure the components and materials of the buildings mitigate against noise impacts, with careful consideration of the internal layouts so that noise sensitive rooms on the closest dwelling could be avoided on the flank elevation closest to the hall, it is considered that acceptable mitigation any potential noises issues can be achieved. Notwithstanding this, Environmental Health have not raised any concerns in this regard.
- 7.8.11 With regards to the doctor's surgery, it is not considered that this premise would result in levels of noise that could pose harm to the future occupiers of the dwellings. This is because a medical practice, by virtue of the nature of the business is not considered to be a noise generating activity; further its operating hours are limited to predominantly daytime hours, ceasing at 6.30pm, which would therefore not impact on future residents of an evening.
- 7.8.12 Environmental Health have assessed the application and raised no concerns in relation to noise. Should future issues arise then Environmental Health would have powers to act in this regard. Additionally, there are no records of noise complaints against either the church hall or the doctor's surgery raised by surrounding residential dwellings so it is not considered likely that there would be complaints in the future.

#### Light Pollution

- 7.8.13 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a. the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
  - b. health and safety of the public; and
  - c. The compliance with statutory environmental quality standards.
- 7.8.14 Turning to the operational side of the development, the applicant has not submitted a detailed lighting strategy. However, the dwellings would be sited away from the main highways and therefore any external lighting is not considered to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties. Notwithstanding, details of external lighting can be dealt with at the reserved matters stage.
- 7.8.15 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

## **7.9 Trees and Landscaping**

- 7.9.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.
- 7.9.2 Landscaping is a reserved matter for future consideration and as such full landscaping details and details of tree protection measures for the adjacent wooded area would be submitted as part of a future application.
- 7.9.3 The area to the west and south of the site is a woodland area, although not protected by a tree preservation order as it is within the ownership of Stevenage Borough Council. Following concerns raised by the Council's Arboricultural Manager, the applicant submitted an Arboricultural Assessment to determine if there would be any impacts on the adjacent woodland area or if this woodland would impact the living conditions of future occupiers.
- 7.9.4 The submitted report identifies in Section 3 (page 31) some works that would be required to reduce some trees and fully remove others. Having assessed the submitted documents, the Council's Arboricultural Manager confirmed that the proposed development, and proposed tree works, are acceptable. This work would be required prior to commencement of development and could be secured via a suitably worded condition. The works suggested in the report, and agreed by our Arboricultural Manager are as follows:
- T1 (Silver Birch) Crown reduce by 25%
  - T2 (Common Oak) Crown reduce by 20%
  - T6 (Common Oak) Crown reduce to north of canopy only by up to 3 metres in spread to create even canopy.
  - G1 (Ash) Remove
  - W1 Remove 2 Poplar trees
- 7.9.5 The indicative layout plan suggests that the site is developed to its maximum potential and there does not appear to be much room for soft landscaping. However, some soft landscaping could potentially be provided along the eastern and western edges of the front curtilage. Notwithstanding this, the current site is fully concreted, and the surrounding area is fully concrete with the only soft landscaping being the woodland area and some trees and open grass around the perimeter of Gladstone Court.
- 7.9.6 Whilst the site offers limited opportunity for soft landscaping within the front curtilage, the introduction of the rear gardens where there is currently concrete and garages is considered to be an improvement to the existing offer. Therefore, whilst limited landscaping could be offered, it would be beneficial to the visual appearance of the area and provide an improved environment for wildlife.

## **7.10 Other Matters**

### Sustainable construction and climate change

- 7.10.1 Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature;
  - Reducing water consumption to no more than 110 litres per person per day, including external water use;
  - Improving energy performance of buildings;
  - Reducing energy consumption through efficiency measures;
  - Using or producing renewable or low carbon energy from a local source; and

- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.10.2 No details have been provided with the application and therefore it is considered appropriate to impose a condition on any decision issued to secure the details.

#### Waste and Recycling

7.10.3 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. Layout is a reserved matter and as such details for the provision for general waste and recycling will be submitted under a future application. However, the indicative layout plan shows that plots 1 and 2 could accommodate their vessels within the side/rear garden and be within 15m of the road in terms of drag distance which complies with the 30m maximum in Manual for Streets. Plot 2 has no rear access, but the vessels could be stored within the front curtilage without impeding parking provision.

#### Community Infrastructure Levy

7.10.4 The Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

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

7.10.5 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.

7.10.6 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.

#### Equality, Diversity and Human Rights

7.10.7 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.

- 7.10.8 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.
- 7.10.9 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.
- 7.10.10 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.
- 7.10.11 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **7.11 Matters Raised in Representations**

- 7.11.1 The use of the land to expand the medical practice is not a material planning consideration. The owners of the land have submitted the application for housing and therefore this is the development proposal to be considered. Further, the land in question is not identified in the Local Plan for expansion of the medical practice and as such, this argument carries no weight in the determination of this application.

## **8. CONCLUSIONS**

- 8.1 The Council is currently able to demonstrate a five-year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.2 The proposed development would contribute to the aim of boosting housing supply through the redevelopment of sustainable brownfield sites, without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. This carries significant weight in favour of the proposal.
- 8.3 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. It is considered that these benefits would be modest and therefore only attracts moderate weight in favour of the proposal.
- 8.4 Matters relating to access and parking, layout, design and appearance and landscaping are reserved for future consideration, however, the indicative layout has been assessed to be acceptable and the site can accommodate up to three dwellings.

- 8.5 The proposed development is considered to not harm the visual amenities of the area and would therefore, result in less than substantial harm, at the lower end of the scale, to the Broadwater Conservation Area and that the overall benefits of the proposed development would outweigh the less than substantial harm caused.
- 8.6 Given the aforementioned, whilst there is a potential policy conflict with Policy GD1 in terms of the indicative internal floorspace and private amenity space (which will be assessed in full detail under future consideration), the development would, on balance, accord with the adopted Local Plan policies (2019) as well as the Council's adopted Supplementary Planning Documents. It would accord with the policies set out in the NPPF (2021) and PPG. In addition, it has been identified in the overall planning balance, that the overall benefits of the scheme outweigh any policy conflicts identified. Therefore, it is recommended that outline planning permission be granted.

## 9. RECOMMENDATIONS

- 9.1 That outline planning permission be GRANTED subject to the following conditions:
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
542-C-028 820 01; 542-C-028 820 02; SBC-01; SBC-02; SBC-03; SBC-04; SBC-05; SBC-06; SBC-08;  
**REASON:-** For the avoidance of doubt and in the interests of proper planning
  - 2 Approval of the details of the layout, scale, appearance, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of any part of the development.  
**REASON:-** To comply with the provisions of Regulations 6 and 7 of the Town and Country Planning (General Development Procedure) Order 2015.
  - 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
**REASON:-** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990
  - 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
**REASON:-** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

- 5 No development shall commence (including site clearance) until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Management Statement shall include details of:
  - a. Construction vehicle types and numbers;
  - b. Access arrangements to the site;
  - c. Construction and storage compounds including areas designated for loading/unloading and turning areas;
  - d. Timing of construction activities (including delivery times and removal of waste) to avoid school pick up/drop off times;
  - e. Provision of sufficient on-site parking for contractors/operatives prior to commencement of construction activities;

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).
- 6 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
 

**REASON:-** To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 7 Notwithstanding the details shown in this application the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.
 

**REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
 

**REASON:-** To ensure a satisfactory appearance for the development.
- 9 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.
- 10 Prior to the commencement of development, the works to trees identified in Section 3, page 31, of the Tree Survey and Arboricultural Impact Assessment, ref. 23\_5837\_02\_14 by ROAVR Group dated 22 February 2023 shall be undertaken to the satisfaction of the Local Planning Authority.
 

**RESON:-** To ensure that the development does not adversely impact the adjacent woodland area.

- 11 Before any development commences, including any site clearance or demolition works, any trees on, or adjacent to, the site shall be protected by fencing or other means of enclosure in accordance with the Tree Survey and Arboricultural Impact Assessment, ref. 23\_5837\_02\_14 by ROAVR Group dated 22 February 2023. Such protection shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.  
**REASON:-** To ensure that the retained tree(s) are not damaged or otherwise adversely affected during site operations.
- 12 No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:  
a) roads, footways;  
b) cycleways;  
c) foul and surface water drainage;  
d) visibility splays;  
e) access arrangements;  
f) parking provision in accordance with adopted standard;  
g) loading areas;  
h) turning areas.  
**REASON:-** To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
- 13 Prior to the occupation of the dwellinghouses hereby permitted, the parking spaces shown on approved plan SBC-02 shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.  
**REASON:-** To ensure construction of a satisfactory development and to promote sustainable development
- 14 No development shall take place until a detailed car parking plan, to include details of visitor parking spaces, has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.  
**REASON:-** To ensure that adequate parking facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 15 Notwithstanding the details shown in this application, details of the waste and recycling storage and cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The storage areas shall be completed before any of the dwellings are occupied and retained and maintained accordingly during the lifetime of the development.  
**REASON:-** To ensure a satisfactory standard of development in the interests of amenity.
- 16 No demolition or construction work relating to this permission which is audible at the site boundary shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.  
**REASON:-** To safeguard the amenities of the occupiers of neighbouring properties.

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

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

## **INFORMATIVE**

### **1 Public Information on Planning Applications**

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

### **2 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

### **3 Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@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).

**4 Party Wall etc. Act 1996**

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

**5 Hertfordshire County Council as Highways Authority**

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

**6 Hertfordshire County Council as Highways Authority**

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: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

**7 Hertfordshire County Council as Highways Authority**

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## **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 October 2020, Stevenage Design Guide adopted January 2023 and the Broadwater Conservation Area Management Plan.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. 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.

**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 : 22/00896/COND  
Date Received : 08.10.22  
Location : 22 Basils Road Stevenage Herts SG1 3PX  
Proposal : Discharge of conditions 4 (means of enclosure) and 8 (climate change) attached to planning permission reference number 19/00287/FP  
Date of Decision : 03.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is REFUSED**  
  
For the following reason(s);  
  
Details pursuant to condition 8 (Climate Change) are REFUSED as insufficient information has been submitted to the Local Planning Authority to demonstrate the development would meet the requirements of this condition.
2. Application No : 22/00962/FPH  
Date Received : 01.11.22  
Location : 5 Shephall Green Stevenage Herts SG2 9XR  
Proposal : Single-storey rear extension.  
Date of Decision : 10.03.23  
Decision : **Planning Permission is GRANTED**

3. Application No : 22/01089/FPH  
Date Received : 08.12.22  
Location : 20 Orchard Road Stevenage Herts SG1 3HE  
Proposal : Erection of part two storey, part single storey rear extension, replacement garage and new side entrance porch  
Date of Decision : 13.03.23  
Decision : **Planning Permission is GRANTED**
4. Application No : 22/01112/FPH  
Date Received : 20.12.22  
Location : 14 Sish Lane Stevenage Herts SG1 3LS  
Proposal : First floor rear extension  
Date of Decision : 03.03.23  
Decision : **Planning Permission is GRANTED**
5. Application No : 23/00005/FPH  
Date Received : 03.01.23  
Location : 53 Lonsdale Road Stevenage Herts SG1 5DD  
Proposal : Part two storey, part first floor side extension and single storey front extension.  
Date of Decision : 06.03.23  
Decision : **Planning Permission is GRANTED**
6. Application No : 23/00008/FPH  
Date Received : 04.01.23  
Location : 9 Morgan Close Stevenage Hertfordshire  
Proposal : Single-storey front extension.  
Date of Decision : 07.03.23  
Decision : **Planning Permission is GRANTED**

7. Application No : 23/00029/FP  
Date Received : 12.01.23  
Location : 131 Valley Way Stevenage Herts SG2 9DE  
Proposal : Change of use from Use Class C3 (Dwellinghouse) to Use Class C4 (HMO).  
Date of Decision : 20.03.23  
Decision : **Planning Permission is GRANTED**

8. Application No : 23/00030/FPH  
Date Received : 12.01.23  
Location : 41 And 41A Linkways Stevenage Herts SG1 1PR  
Proposal : Single storey rear extension and installation of brick cladding to existing property and extension  
Date of Decision : 01.03.23  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The rear extension by virtue of its scale, massing and siting on the shared boundary would result in an unacceptable outlook for the occupiers of No. 43 Linkways, having a harmful and overbearing impact on the rear habitable room windows and the immediate garden area of No.43. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), National Planning Policy Framework (2021) and the Planning Practice Guidance.

The proposed single storey rear extension by virtue of its combined scale and massing in conjunction with the existing single storey rear extension, would represent an over-development of the plot which is detrimental to the architectural form of the terrace and therefore harmful to the character of the area. The proposed development is therefore contrary to Policies GD1 and SP8 of the Local Plan (2019), the adopted Design Guide SPD (2023), NPPF (2021) and National Design Guide (2019).

9. Application No : 23/00034/FPH  
Date Received : 14.01.23  
Location : 36 Wheatlands Stevenage Herts SG2 0JT  
Proposal : Single storey front extension  
Date of Decision : 02.03.23  
Decision : **Planning Permission is GRANTED**
10. Application No : 23/00038/CPA  
Date Received : 16.01.23  
Location : 166A High Street Stevenage Herts SG1 3LL  
Proposal : Prior approval for the change of use of office building (Use Class E) to 1no: residential dwelling (Use Class C3)  
Date of Decision : 06.03.23  
Decision : **Prior Approval is REQUIRED and GIVEN**
11. Application No : 23/00041/FP  
Date Received : 16.01.23  
Location : Nobel School Mobbsbury Way Stevenage Herts  
Proposal : Construction and operation of a micro energy storage facility.  
Date of Decision : 02.03.23  
Decision : **Planning Permission is GRANTED**
12. Application No : 23/00042/FPH  
Date Received : 17.01.23  
Location : 9 Corton Close Stevenage Herts SG1 2LB  
Proposal : Erection of single-storey front extension with bay window.  
Date of Decision : 10.03.23  
Decision : **Planning Permission is GRANTED**

13. Application No : 23/00050/CPAS  
Date Received : 18.01.23  
Location : Unit 4A Roaring Meg Retail Park London Road Stevenage  
Proposal : The proposed installation of 717No. roof mounted solar PV panels of total installed capacity 290.39kWp  
Date of Decision : 02.03.23  
Decision : **Prior Approval is NOT REQUIRED**
14. Application No : 23/00055/FP  
Date Received : 19.01.23  
Location : Footpath Outside Cornish Pantry 16 Queensway Town Centre Stevenage  
Proposal : Installation of 1 no. BT Street Hub incorporating 2 x digital advertisement screens.  
Date of Decision : 28.02.23  
Decision : **Planning Permission is GRANTED**
15. Application No : 23/00056/AD  
Date Received : 19.01.23  
Location : Footpath Outside Cornish Pantry 16 Queensway Town Centre Stevenage  
Proposal : Advertisement consent for 2 no. digital 75" LCD advertisement display screens on the BT Street Hub unit.  
Date of Decision : 28.02.23  
Decision : **Advertisement Consent is GRANTED**

16. Application No : 23/00057/FP  
Date Received : 19.01.23  
Location : Outside Shoe Zone 57 Queensway Town Centre Stevenage  
Proposal : Installation of 1 no. BT Street Hub incorporating 2 no. digital display screen with associated removal of existing BT Phone Kiosk.  
Date of Decision : 28.02.23  
Decision : **Planning Permission is GRANTED**
17. Application No : 23/00058/AD  
Date Received : 19.01.23  
Location : Outside Shoe Zone 57 Queensway Town Centre Stevenage  
Proposal : Advertisement consent for 2 no. digital 75" LCD Advertisement display screens on the BT Street Hub unit.  
Date of Decision : 28.02.23  
Decision : **Advertisement Consent is GRANTED**
18. Application No : 23/00059/FP  
Date Received : 19.01.23  
Location : Footpath Outside Next Unit 5-7 The Forum Centre The Forum Town Centre  
Proposal : Installation of 1 no. BT Street Hub incorporating 2 no. digital display screens with associated removal of existing BT phone kiosk.  
Date of Decision : 28.02.23  
Decision : **Planning Permission is GRANTED**

19. Application No : 23/00060/AD  
Date Received : 19.01.23  
Location : Footpath Outside Next Unit 5-7 The Forum Centre The Forum Town Centre  
Proposal : Advertisement consent for 2 no. 75" LCD Advertisement display screens on the BT Street Hub unit.  
Date of Decision : 28.02.23  
Decision : **Advertisement Consent is GRANTED**
20. Application No : 23/00061/FP  
Date Received : 19.01.23  
Location : Footpath Outside Tesco Stores Extra 1 - 5 The Forum Town Centre Stevenage  
Proposal : Installation of 1 no. BT Street Hub incorporating 2 no. digital display screens with associated removal of existing BT phone kiosk.  
Date of Decision : 28.02.23  
Decision : **Planning Permission is GRANTED**
21. Application No : 23/00062/AD  
Date Received : 19.01.23  
Location : Footpath Outside Tesco Stores Extra 1 - 5 The Forum Town Centre Stevenage  
Proposal : Advertisement consent for 2 no. digital 75" LCD advertisement display screens on the BT Street Hub Unit.  
Date of Decision : 28.02.23  
Decision : **Advertisement Consent is GRANTED**

22. Application No : 23/00063/CLPD  
Date Received : 20.01.23  
Location : 19 The Pastures Stevenage Herts SG2 7DF  
Proposal : Certificate of lawfulness (Proposed) for demolition of existing conservatory and erection of a single storey rear extension.  
Date of Decision : 07.03.23  
Decision : **Certificate of Lawfulness is APPROVED**
23. Application No : 23/00064/FPH  
Date Received : 20.01.23  
Location : 2 Bawdsey Close Stevenage Herts SG1 2LA  
Proposal : Proposed extension to existing front porch and associated alterations to porch roof.  
Date of Decision : 14.03.23  
Decision : **Planning Permission is GRANTED**
24. Application No : 23/00067/FPH  
Date Received : 22.01.23  
Location : 69 Sparrow Drive Stevenage Herts SG2 9FB  
Proposal : Single storey rear extension.  
Date of Decision : 16.03.23  
Decision : **Planning Permission is GRANTED**
25. Application No : 23/00075/FP  
Date Received : 24.01.23  
Location : Footpath Outside Paddy Power 1 Town Square Town Centre Stevenage  
Proposal : Installation of 1 no. BT Street Hub incorporating 2 no. digital display screens with associated removal of existing BT phone kiosk.  
Date of Decision : 28.02.23  
Decision : **Planning Permission is GRANTED**

26. Application No : 23/00076/AD  
Date Received : 24.01.23  
Location : Footpath Outside Paddy Power 1 Town Square Town Centre Stevenage  
Proposal : Advertisement consent for 2 no. 75" LCD Advertisement display screens on the BT Street Hub unit  
Date of Decision : 28.02.23  
Decision : **Advertisement Consent is GRANTED**
27. Application No : 23/00091/TPCA  
Date Received : 27.01.23  
Location : Stevenage Old Town Library 38 High Street Stevenage Herts  
Proposal : Crown reduction by 2-3 metres all round, remove major deadwood, raise crown to 4 metres on 1 no. Yew Tree and general maintenance.  
Date of Decision : 03.03.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
28. Application No : 23/00093/CLPD  
Date Received : 30.01.23  
Location : 56 Park View Stevenage Herts SG2 8PS  
Proposal : Lawful Development Certificate (Proposed) for a single storey rear extension and associated raising of roof to existing single-storey side wing  
Date of Decision : 21.03.23  
Decision : **Certificate of Lawfulness is APPROVED**

29. Application No : 23/00094/FPH  
Date Received : 30.01.23  
Location : 233 Chells Way Stevenage Herts SG2 0LY  
Proposal : Single storey front extension  
Date of Decision : 20.03.23  
Decision : **Planning Permission is GRANTED**
30. Application No : 23/00104/COND  
Date Received : 31.01.23  
Location : Land To The North West Of Junction 7 Of The A1(M)  
Knebworth Park Old Knebworth  
Proposal : Discharge of Condition 4 (Construction Management Plan)  
attached to planning permission reference number  
21/00536/FPM  
Date of Decision : 06.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
31. Application No : 23/00106/TPCA  
Date Received : 31.01.23  
Location : 1 Chestnut Walk Stevenage Herts SG1 4DD  
Proposal : Reduce 2no. Conifer trees by 30% due to excessive shading  
Date of Decision : 07.03.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A  
CONSERVATION AREA**

32. Application No : 23/00113/COND  
Date Received : 06.02.23  
Location : Matalan Danestrete Stevenage Herts  
Proposal : Partial discharge of conditions 6 (Construction traffic management plan) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1  
Date of Decision : 21.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
33. Application No : 23/00114/COND  
Date Received : 06.02.23  
Location : Matalan Danestrete Stevenage Herts  
Proposal : Partial discharge of conditions 12 (Wheel wash facilities) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1  
Date of Decision : 02.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
34. Application No : 23/00115/COND  
Date Received : 06.02.23  
Location : Matalan Danestrete Stevenage Herts  
Proposal : Partial discharge of conditions 13 (Contractors Storage) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1  
Date of Decision : 21.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

35. Application No : 23/00116/COND  
Date Received : 06.02.23  
Location : Matalan Danestrete Stevenage Herts  
Proposal : Part discharge of conditions 17 ( Dust control measures) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1  
Date of Decision : 02.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
36. Application No : 23/00120/FPH  
Date Received : 07.02.23  
Location : 8 Hillcrest Stevenage Herts SG1 1PL  
Proposal : Proposed single storey side extension  
Date of Decision : 06.03.23  
Decision : **Planning Permission is GRANTED**
37. Application No : 23/00132/CLEU  
Date Received : 11.02.23  
Location : 8 Albert Street Stevenage Herts SG1 3NZ  
Proposal : Lawful Development Certificate (Existing) for use of property as a HMO (Use Class C4).  
Date of Decision : 28.02.23  
Decision : **Certificate of Lawfulness is APPROVED**
38. Application No : 23/00136/COND  
Date Received : 13.02.23  
Location : Stevenage Railway Station Lytton Way Stevenage Herts  
Proposal : Discharge of conditions 27 (contaminated land) and 30 (S278 agreement) attached to planning permission reference number 22/00843/FPM  
Date of Decision : 08.03.23  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

39. Application No : 23/00144/NMA  
Date Received : 17.02.23  
Location : 15 The Pastures Stevenage Herts SG2 7DF  
Proposal : Non material amendment to planning permission reference number 22/00751/FPH to alter the single-storey front extension.  
Date of Decision : 10.03.23  
Decision : **Non Material Amendment AGREED**
40. Application No : 23/00149/NMA  
Date Received : 20.02.23  
Location : Land To Rear Of 36 Fellowes Way And 57 Woodland Way Stevenage Herts SG2 8BW  
Proposal : Non material amendment to reduce the size of the dwelling as approved under planning permission 21/01162/FP  
Date of Decision : 10.03.23  
Decision : **Non Material Amendment AGREED**

## 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.

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## Appeal Decision

Site visit made on 30 January 2023

**by G Dring BA (Hons) MA MRTPI MAUDE**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 March 2023**

**Appeal Ref: APP/K1935/W/22/3294303**

**303 Ripon Road, Stevenage SG1 4LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr G Tennant of GDT Development Ltd against the decision of Stevenage Borough Council.
- The application Ref 21/01101/FP, dated 10 October 2021, was refused by notice dated 12 January 2022.
- The development proposed is conversion of existing property to 3 no studio flats to include the conversion of the garage and single storey front and rear extensions including the change of use from highway land to amenity land.

### Decision

1. The appeal is allowed and planning permission is granted for conversion of existing property to 3 no studio flats to include the conversion of the garage and single storey front and rear extensions including the change of use from highway land to amenity land at 303 Ripon Road, Stevenage SG1 4LS in accordance with the terms of the application, Ref 21/01101/FP, dated 10 October 2021, and the plans submitted with it, subject to the schedule of conditions attached to this decision.

### Preliminary Matter

2. The proposed site plan drawing number 21\SPP\000, does not show the proposed front and rear extensions. However, given the detail shown on the proposed floor plan and elevation drawings and from what I was able to view during my site visit, I have sufficient evidence before me to fully consider the proposal.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the housing mix in the local area with particular regard to the number of family homes;
  - the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area; and
  - the effect on crime as a result of the proposed relocation of the existing lamp column.

## Reasons

### *Housing mix*

4. Policy SP7 of the Stevenage Borough Local Plan 2011-2031 Adopted 22 May 2019 (LP) sets out support for significant growth in and around Stevenage to help meet the needs across the market area. Criteria e. of Policy SP7 supports applications for housing development on unallocated sites where they are in suitable locations and will not exceed the environmental capacity. LP Policy HO9 states that amongst other considerations, planning permission for residential schemes will be granted where an appropriate range of market and affordable housing types and sizes are provided taking into account structural imbalances in the existing housing stock.
5. Whilst some limited information has been provided by interested parties as to the availability of one bedroom properties in comparison to family sized homes for sale and rent, no substantive evidence has been provided as to the current residential profile of the local area and how the overall housing mix would be effected in a detrimental way as a result of the proposal.
6. Based on the evidence before me therefore, I conclude that the proposal would have an acceptable effect on the local housing mix. As such, the proposal complies with the requirements of policies SP7 and HO9 of the LP which seek, amongst other things, to support windfall sites where they are in suitable locations, do not exceed environmental capacity, will not have an adverse impact and will provide an appropriate range of housing types and sizes. The proposal would also comply with the relevant paragraph of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to support the development of windfall sites.

### *Character and appearance*

7. The appeal site is formed of a mid terrace two storey dwelling. The front elevation faces on to a pedestrian footpath whilst the rear elevation faces the cul-de-sac. Parking areas which stretch across the full width of the plot are located to the rear of other properties within the terrace. 301 and 305 Ripon Road and the appeal site currently have part of the width of the plot allocated to parking with a boundary fence adjacent separating the parking area from the remainder of the rear garden space. A number of properties within the surrounding area have porches at single storey height of varying designs. A lamp column is sited on the corner of the appeal site along the rear boundary.
8. The proposed front extension would be of limited depth and height and would be set in from both side boundaries, resulting in a subservient extension which would not overwhelm or dominate the existing property. The existing garage would be converted and the garage door replaced with a window, which would be a minor alteration to the rear elevation. The height of the proposed rear extension would be limited to single storey and the proposed depth means that it would be tied in closely to the existing built form of the property. The proposed use of matching materials would integrate the additional limited built form visually into the existing property and the surrounding area.
9. Given the limited scale and depth of the front and rear extensions and the retention of the majority of the front garden area and part of the rear garden space, along with the proposed car parking area to the rear, the proposal

would not represent an overdevelopment of the site. The positioning and scale of the proposed rear parking area would reflect the layout of other properties within the same terrace.

10. I note that concerns are raised about the effect of the proposal on the quiet character of the residential area. However, I have little evidence before me to suggest that there is an unacceptable concentration of one bedroom properties in the immediate or wider area and that the proposal would lead to a material change in the character of the area.
11. The proposal would therefore be in keeping with the character and appearance of the existing dwelling and the surrounding area. It would comply with policies SP8 and GD1 of the LP, which seek amongst other things, to ensure that a proposed scheme respects and makes a positive contribution to its location and surrounds. The proposal would also comply with the general design principles set out in the Stevenage Design Guide Supplementary Planning Document Adopted 21 October 2009 (DSPD) and the Framework which both seek, amongst other things, to ensure that developments are sympathetic to local character.

#### *Effect on crime*

12. While the scheme would remove the lamp column from the rear of the property, a condition can be imposed to require that it is relocated. Although the spacing of the lamp columns would be altered, the number would not be reduced. There are similar spaces to the current location of the lamp column situated to the rear of neighbouring properties and areas of open space where you turn down to the cul-de-sac that provide the opportunity for relocation. The Highway Authority have not objected to the proposed relocation of the lamp column, subject to the details of the relocation scheme being agreed.
13. Whilst I do not doubt that the concerns raised about the amended illumination of the street are genuine, I have no substantive evidence before me to show that the removal and relocation of the lamp column further along the cul-de-sac would result in an increase in crime or the fear of crime. I therefore conclude that the proposed relocation of the lamp column would not be likely to have a detrimental effect on crime. The proposal would accord with policies SP8 and GD1 of the LP, which seek amongst other things, to create a safe environment that designs out crime and which achieves the highest standards of design. The proposal would also accord with the DSPD and the relevant paragraph of the Framework, where it seeks to achieve inclusive and safe places.

#### **Other Matters**

14. The scheme subject to this appeal follows previous planning applications at the appeal site. Be that as it may, I must consider the appeal proposal before me. I note concerns that the proposal would set an undesirable precedent, however each application must be judged on its own merits and for the reasons stated above, I find the proposal to be acceptable.
15. Interested parties raise concern about an increase in noise and disturbance. In the existing form, the dwelling provides four bedrooms and could accommodate a family that may include adults and teenagers. Although the proposal would create three individual residential units, the total number of bedroom spaces

would be reduced from four to three. The proposed bedroom spaces are designed for single occupancy. Whilst I accept that the occupants of the flats would live independently of one another, which is different to that of a single dwelling house, the activity generated would not be likely to be significantly different. The potential for an increase in noise at night-time outside of properties is also raised, however, I have no evidence that this would be likely or directly attributed to the proposal. Sound insulation and fire safety would be covered by building regulations.

16. Concerns are raised with regard to the amount of parking proposed and the potential for additional traffic congestion in the local area, with particular reference to the potential for couples to cohabit in the proposed flats, despite them being designed for single occupancy.
17. Policy IT5 of the LP confirms that planning permission will be granted where proposals comply with the requirements of the Parking Provision Planning Document. The Parking Provision and Sustainable Transport SPD Adopted 2020 (PPSPD) states that one parking space is required for each flat with one bedroom. It does not state requirements based on the number of occupants. As the parking spaces are unallocated, the PPSPD states that additional visitor spaces would preferably not be provided. Three spaces are proposed, meeting the quantitative requirements of the PPSPD.
18. Whilst concerns have been raised by interested parties about the drafting and accuracy of the submitted plans in relation to the parking layout, the Council and Highway Authority have raised no objection to the size or layout of the parking spaces proposed and I find no reason to disagree with their view. I therefore consider that the amount of parking and the arrangement proposed is sufficient. The Council has not requested that a condition be imposed that limits the number of occupants, in order to limit the potential for additional parking stress as a result of the proposal. In any case, I am not satisfied that there is sufficient evidence to suggest that such a condition would be either necessary or enforceable in relation to this appeal.
19. All three proposed flats meet the internal space standards set out in the nationally described space standards. Future occupants would have access to external space to the front and rear of the flats and sufficient bin and cycle storage is provided within the appeal site. In addition, the appeal site is located in very close proximity to open greenspace. I note that future occupants of flat one and flat two would have to walk from the parking area at the rear to the front of the property to gain access to the flats. However, it is a short walk along a quiet cul-de-sac section of road, joining a footpath that runs through the open space to the front of the terrace.
20. The proposed rear extension would be single storey, limited in depth and would be located between the existing garage projections of the appeal property and 301 Ripon Road, limiting any effect on the amount of daylight and sunlight reaching the neighbouring dwellings to either side. The proposed front extension would also be single storey in height and of limited depth. It would be set in from both side boundaries and due to its orientation would not have a significant effect on the amount of daylight and sunlight reaching the neighbouring dwellings to either side.
21. Interested parties express concern about the lack of consultation between the appellant and local residents. However, the details before me indicate that

notification was carried out during the application and for the appeal. The conduct of the Council with regard to the sale of land or the Freedom of Information requests are not matters that affect my findings on the planning merits of the scheme. The protection of purely private interests including the value of neighbouring properties is not a material planning consideration.

22. The impact of the construction phase is highlighted as a concern by interested parties in relation to the appellant needing access to neighbouring properties in order to carry out works and the damage that this could cause. However, this is a private matter that would need to be resolved between the parties. Reference has been made to a potential covenant on the appeal site, however, I have seen no evidence regarding the scope or extent of this covenant and how it might affect the implementation of the proposal.
23. Regardless of the Council's Housing Delivery Test position, I have concluded that the proposal accords with the policies set out above, which are broadly consistent with the Framework. It would not be harmful to the housing mix or the character and appearance of the area and would not have a detrimental effect on crime. As such the proposal is acceptable and, in any event, any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

### **Conditions**

24. The Council have submitted suggested conditions, were I minded to allow the appeal. I have considered these in light of the advice in the Framework and the Planning Practice Guidance. Where necessary and in the interests of clarity and precision, I have made minor alterations to the wording of conditions to better reflect the relevant guidance. Along with the standard timescale condition for implementation I have imposed a condition specifying the relevant plans in the interests of certainty.
25. A condition is necessary to ensure a scheme for the relocation of the lamp column is agreed and implemented. I note the Council suggested a pre-commencement condition in this regard, however, it would be possible to start works without having had to move the lamp column first. A condition is therefore imposed requiring the agreement of details for the replacement of the lamp column. These details and an implementation programme are required prior to the removal of the existing lamp column or the occupation of the flats, whichever occurs first.
26. The Council have suggested a condition requiring that each parking space shall incorporate an electric vehicle ready domestic charging point. Reference is made to policies 5, 19 and 20 of the Hertfordshire Local Transport Plan Adopted 2018 (LTP) for justifying this condition. These policies seek, amongst other things to ensure new developments provide facilities for the electric charging of vehicles, address barriers to and support uptake of electric vehicles and reduce the impact of poor air quality on human health.
27. The LTP policies identified do not set out the triggers or specific requirements of new developments in achieving this. In any case, the LP was adopted in 2019, a year after the adoption of the LTP. Policy IT5 of the LP states that planning permission will be granted where proposals comply with the requirements of the Parking Provision Supplementary Planning Document.

28. The PPSPD states that 'all new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point Standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and the uptake increases' and that 'a minimum of 20% of new parking on a site should have access to an active EV charging point'.
29. A condition requiring that a charging point is provided for each parking space is therefore more onerous than the requirement set out in the PPSPD and insufficient evidence has been provided to justify this approach in this case. Whilst the PPSPD does not form part of the development plan, it does carry weight as a material consideration in decision making. I have therefore imposed a condition requiring that the details are submitted for agreement and the agreed scheme implemented prior to the occupation of the development.
30. As a result of the creation of the expanded parking area, a condition is imposed to require that a surface water drainage scheme is submitted to and agreed by the local planning authority prior to the construction of the parking area and that it is implemented prior to the occupation of the flats. This is required in order to ensure adequate drainage of the site with regard to surface water.
31. I have specified a condition requiring external materials to match the original dwelling in the interests of the character and appearance of the host building and the area, in line with the information provided on drawing 21\102. Conditions are also imposed to ensure the parking, cycle parking and refuse storage are ready for use prior to the flats being occupied in the interests of ensuring appropriate facilities are provided and to prevent harm to the character and appearance of the area.

### **Conclusion**

32. For the reasons given above and having regard to all matters raised, I conclude that subject to conditions, the appeal should be allowed.

*G Dring*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21\SPP\000; 21\101 Rev A; 21\102.
- 3) Prior to the removal of the existing lamp column, or the occupation of any of the flats hereby approved, whichever is sooner, a scheme for the relocation of the lamp column including a programme for implementation shall be submitted to and agreed in writing by the local planning authority. The lamp column shall be relocated in accordance with the agreed scheme.
- 4) Prior to the occupation of the development hereby permitted, a scheme for electric vehicle charging including a programme for implementation shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed scheme.
- 5) Prior to the construction of the parking area hereby approved, a scheme for surface water drainage shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented prior to the occupation of any of the flats hereby approved and thereafter retained.
- 6) The materials to be used in the construction of the external surfaces of the front and rear extensions hereby permitted shall match the materials used in the construction of the original dwelling.
- 7) The cycle and refuse storage hereby approved and as shown on drawing 21\101 Rev A shall be constructed and made ready for use prior to the occupation of the flats. The provision shall thereafter be retained.
- 8) The land within the parking area hereby approved as shown on drawing number 21\101 Rev A shall be constructed and made ready for use prior to the occupation of the flats. The provision shall thereafter be retained for the purposes of parking in perpetuity.

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**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Tuesday 4 April 2023

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

Author – Linda Sparrow 01438 242242

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242242

### **1. APPEALS RECEIVED**

- 1.1 22/00769/HPA, 6 Badgers Close. Appeal against refusal of prior approval for a single storey extension which will extend beyond the rear wall of the original house by 6 metres, for which the maximum height will be 3 metres and the height of the eaves will be 3 metres.

### **2. DECISIONS AWAITED**

- 2.1 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.
- 2.2 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.
- 2.3 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.
- 2.4 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.
- 2.5 22/00307/ENF. Car park to side of 8 Aintree Way. Appeal against the serving of an enforcement notice to remove the structure built around the car parking space and return the communal parking spaces to their original condition.
- 2.6 22/00471/FP, 48 Made Feld. Appeal against refusal of planning permission for a two-storey side extension, single-storey front extension, part single-storey, part two-storey rear extension, rear dormer window, 2 no. front dormer windows, 2 no. roof lights to facilitate enlargement of existing property and to create 2 no. 1 bedroom flats, associated parking and ancillary works.
- 2.7 22/01001/FPH, 67 Siddons Road. Appeal against refusal of planning permission for the raising of the ridge height to the main roof of the existing dwellinghouse and enlargement of existing rear dormer window.

### **3. DECISIONS RECEIVED**

- 3.1 21/01101/FP, 303 Ripon Road. Appeal against refusal of planning permission for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking.
- 3.1.1 The appeal was allowed.
- 3.1.2 The inspector felt that in the absence of any evidence to the contrary, the proposal would not adversely impact the residential mix of the area and would therefore comply with Policies HO9 and SP7 of the Local Plan.
- 3.1.3 With regards to the impact on the character and appearance of the area, the Inspector stated that, given the limited scale and depth of the extensions and the retention of the majority of the front garden and part of the rear garden, the development would not be an overdevelopment of the site.
- 3.1.4 He went on to say that there is no evidence before him to suggest that the development would harm the quiet character of the residential area nor that the proposal would lead to a material change in the character of the area.
- 3.1.5 In terms of the effect on crime, while the proposal would result in the loss of the lamppost from the rear of the property, the Inspector agreed that a condition can be imposed to require it to be relocated and, whilst he agreed that the concerns resulting from the amended illumination of the street are genuine, there is no evidence before him to show that the relocation would increase crime or fear of crime.
- 3.1.6 The Inspector noted concerns raised regarding the proposal setting an undesirable precedence, however we made it clear that each application must be determined on its own merits and he found the proposal acceptable.
- 3.1.7 The Inspector noted concerns raised regarding noise and disturbance but went on to say that the number of bedrooms will decrease from 4 to 3 and whilst occupiers could live independently to each other, which is different to a single dwellinghouse, the activity generated would not be likely to be significantly different and there is no evidence that night-time noise would increase.
- 3.1.8 The Inspector noted the parking provision and layout and both internal floorspace and external amenity space were all acceptable.