

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

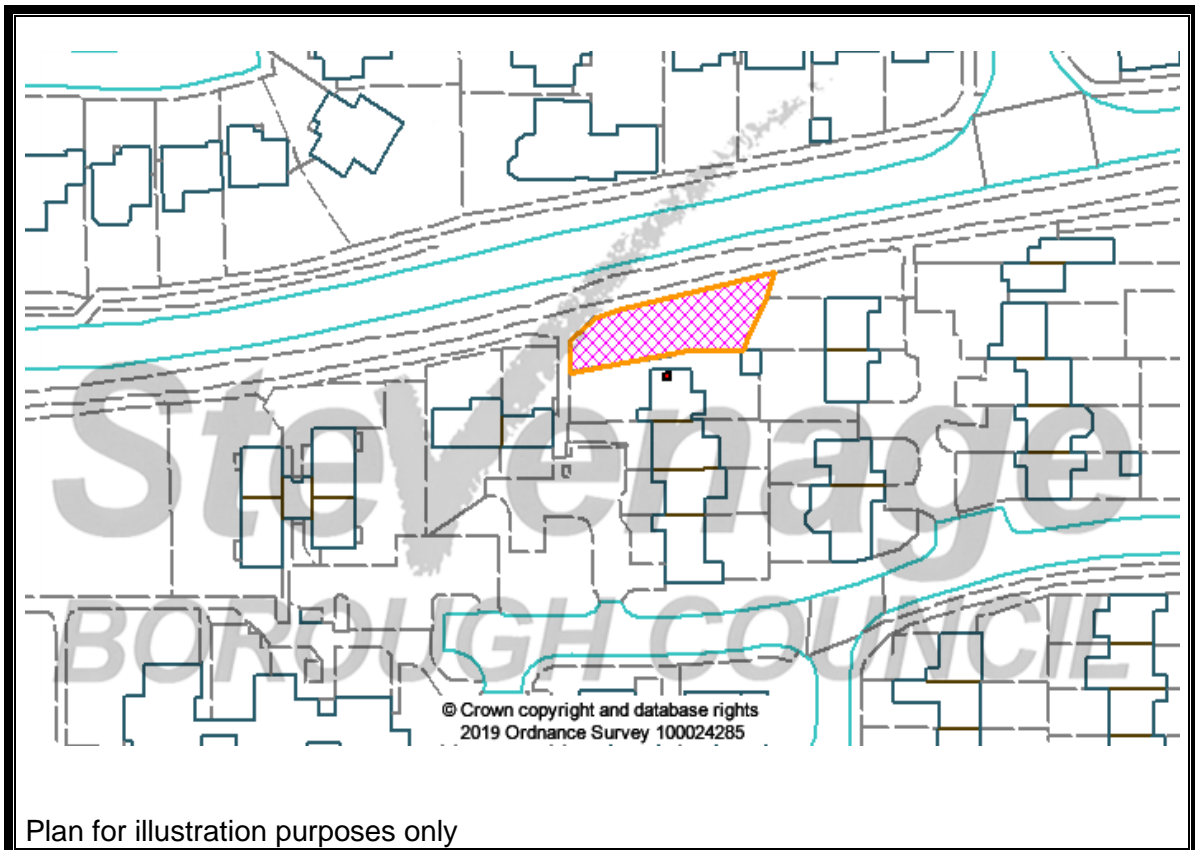
**Date:** 6 September 2022

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Application No :	22/00463/FP
Location :	Land Adjacent to 68 Stirling Close, Stevenage
Proposal :	Erection of 1no. four bedroom dwelling
Drawing Nos.:	20166-S001-A; 20166-P004-G
Applicant :	Mr M Marks
Date Valid:	18 May 2022
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site is located on the northern side of Stirling Close, at the far western end and opposite the construction site for planning permission reference number 18/00398/FPM which is providing the re-development of the Bragbury Centre on Kenilworth Close to include 169no. dwellings and community facilities.

- 1.2 No. 68 Stirling Close is a three bedroom end of terrace dwelling which was recently purchased by the Council and is housing a Council tenant. This property lies to the north of the access road and communal parking areas and is separated from said areas by hedging and so has no private parking spaces. This property is not being re-developed as part of this current application but forms part of the application in so far as the car parking provision which is discussed later in this report.
- 1.3 The land to which this application relates is to the north of No. 68 and is currently in the ownership of Stevenage Borough Council (SBC). The land contains 5no. mature Cherry Trees and is grass land.

## **2. RELEVANT PLANNING HISORY**

- 2.1 None Relevant

## **3. THE CURRENT APPLICATION**

- 3.1. The application seeks planning permission to erect 1no. four bedroom end of terrace dwelling on the SBC owned open space. The existing five trees will be replaced on site and through a Section 106 (S.106) Unilateral Undertaking, funding will be secured for the provision of an additional 10 trees in the Bragbury End area.
- 3.2. As part of the application, 1no. communal parking space will be lost to provide access to the proposed dwelling. However, No.68 which currently has no off-street parking, will be provided with 2no. parking spaces and the proposed dwelling will have 2no. spaces at the front of the property and a third space provided within the communal parking area, dedicated for their use.
- 3.3. Whilst the application is being put forward by a private developer, it is being done so on behalf of the Council's Housing Development team. In this regard, should planning permission be granted, the proposed dwelling would be obtained and managed by SBC and used for the housing of a Council tenant.
- 3.4. This application is being referred to the Planning and Development Committee for its decision as the Council is landowner and there have been more than 5 objections.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by way of letters to adjoining premises and a site notice. A summary of the comments received follows below:

- 4.2 22 and 40 Balmoral Close  
54 and 60 Stirling Close  
7 Hardwicke Close  
25 Petworth Close  
82 Blenheim Way  
100 Holly Leys  
1 Mandeville

- Building works on the new site already underway has changed Bragbury End enough;
- Greed on behalf of developer;
- Loss of trees;

- Permission to extend homes is refused but building new homes is allowed, this is not fair;
- Car parking and access issues;
- Overlooking and loss of privacy;
- Adverse impact on visual amenities;
- Impact on access to rear garden;
- Overdevelopment;
- Loss of open green space;
- Will detrimentally impact on Bragbury End;
- Poor bus service and poor street cleansing;
- If SBC are landowner, how can we be assured of an impartial decision?
- Enough new houses in Bragbury End already;
- Lack of infrastructure – doctors, schools etc;
- Has No.68 has been sold to a developer instead of housing a SBC tenant?;
- Bragbury End being burdened with more unwanted development;
- Little evidence of SBC keeping up with the Climate Emergency it declared in 2019.

4.3 Please note that these are not a verbatim of the comments received. Full copies of the comments received against this application can be viewed on the Council's website.

## **5. CONSULTATIONS**

### **5.1 HCC Highways**

5.1.1 6<sup>th</sup> June 2022: Recommend refusal on the basis that no details of cycle storage and waste/recycling storage have been provided.

5.1.2 Further comments provided 22 June 2022:

5.1.3 Notice is given under Article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to a condition to require vehicle parking, cycle storage and refuse areas to be provided. The amended drawing indicates that the new dwelling will be accessed via this communal parking area which raises concerns. It is appeared to me that the applicant has not provided any evidence which shows that they have right of access. This is something that the LPA need to consider in terms of level of parking, it seems that total 5 no of parking space is satisfactory for both dwellings.

5.1.4 The application site is within sustainable location and can be accessed by all modes of transports. The Highway Authority accepts that construction of only one dwelling is small in scale and will not produce such number of trips that may have significant impacts to the highway network. So, taking all into account, the HCC as the Highway Authority do not wish to object the proposal subject to the aforesaid condition.

### **5.2 SBC Environmental Health**

5.2.1 No objections subject to conditions for land contamination and construction hours.

### **5.3 SBC Arboricultural Manager**

5.3.1 I am not opposed to the removal of the 5 mature Cherry trees as long as an appropriate replanting arrangement is in place at a ratio of 3 to 1 (3 standard new trees for every mature tree removed). At first sight, the proposed removal does look excessive however, we need to take into account the fact that the 5 trees are reaching the end of their life

expectancy (cherry trees are short lived). By obtaining the funds to plant 15 new trees instead of the existing 5, we can ensure good continuity and future benefit. With regard to the proposed location of 5 of the new trees, I suggest they are planted further away from the proposed dwelling in order to prevent future issues with encroachment. Instead, I suggest they are planted on the other side of the footpath (between the footpath and the hedge). The remaining 10 new trees can be planted in the vicinity of this site, once the funds have been made available by the developer.

## 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 73 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 the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement which is above the 75% requirement. However, this is still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:

- 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**

- 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 Stevenage Borough Local Plan 2011-2031 (Adopted 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 ;  
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 ;  
NH5 – Trees and woodland

### **6.5 Supplementary Planning Documents**

- 6.5.1 Parking Provision SPD (2020);  
Design Guide SPD, Chapter 5 (2009).

### **6.6 Community Infrastructure Levy Charging Schedule**

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

## **7. APPRAISAL**

- 7.1.1 The application comes before the Planning and Development Committee due to it being on SBC land and there being more than five public representations.
- 7.1.2 The determining issues with the application relate to the principle of development, the loss of public open space, the impact of the proposal upon the character and appearance of the area, residential amenity, car parking provision and highway safety.

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 on land adjacent to 68 Stirling Close, 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 dwelling is located wholly within the public open space adjacent to No.68 Stirling Close; consequently, it is considered that the proposal does not constitute development of previously developed, brownfield land. Therefore, as the proposal is not strictly in accordance with Policy HO5, an assessment must be made as to whether or not the benefits of the development outweigh the loss of the open space. In addition, an assessment has to be made 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 neighbourhood Centre in Kenilworth Close is currently under development but when completed, would be less than a 5 minute walk from the site. The closest major supermarket, Tesco's, on London Road, is a short car or bus journey away. There are also good local bus routes in the vicinity. There are a number of primary and secondary schools within 3km (10 minutes by car/30 minutes' walk). 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 reasonably 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. Whilst the development site is adjacent to the Kenilworth Close re-development site, that development is well underway and it is not considered that the proposed development would impede or interfere with the delivery of this adjacent site.
- 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 in to 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's Planning Policy Team have advised that the Council can now demonstrate 5.91 years of supply (which includes the 20% buffer) for the period 1 April 2021 to 31 March 2026. 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), the proposed development seeks to deliver 1no. four bedroom dwelling. As such, it would be in accordance with this policy because it would help to deliver a larger family property and contribute to the delivery of a mix of housing types in the Town.
- 7.2.16 In summary, the Council is currently able to demonstrate a five year supply of deliverable housing sites. Consequently, this is considered to be a key material consideration in the assessment of this application. Nonetheless, the proposed development would contribute to the aim of boosting housing supply as required under Paragraph 60 of the NPPF without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide one new dwelling which would be taken over by SBC and utilised to house a Council tenant, thereby assisting with the delivery of social housing. There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal.
- 7.2.17 On balance, having regard to all the policy considerations laid out above, and that the proposal would be providing Council housing, the proposed development is considered to be acceptable in principle.

### **7.3 Loss of Public Open Space**

- 7.3.1 The area of land in question is currently in the ownership of SBC and is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.
- 7.3.2 The area of land in question is sited immediately along the northern side boundary of No.68 Stirling Close and includes a small area of grass and trees separating the existing curtilage from the public footpath. Beyond the footpath is another grass verge and tall dense hedgerow with the vehicular highway of Hertford Road beyond.
- 7.3.3 The overall land size is approximately 32m long and 10m wide at its widest points, and covers an area of approximately 267sqm. There is a further area of land to the rear of the site, adjacent to No.54 which measures approximately 128sqm which does not form part of the application site. An area approximately 2m wide and 32m long would remain outside the application site boundary and would have re-planted trees on it.



- 7.3.4 It is accepted that, despite the large number of trees for the size of the space, it is likely to be useable area of public space and it does offer a positive contribution to the visual amenities of the area. With regards to the trees, the Council's Arboricultural and Conservation Manager has advised that Cherry trees do not have a particularly long lifespan when compared to Sycamores or Oaks for example. As such, at approximately 50 years old, they are not considered to have much life expectancy left and would be removed in the short to medium future in any case and replaced with younger trees.
- 7.3.5 There is a dedicated children's playground to the south of Stirling Close, an approximate 5 minute walk from the site, which is considered to offer a more suitable, well maintained and dedicated play space than the application site which being small in size with a number of large trees does not offer an 'open' area to play in. There are a large number of mature trees and hedgerows in the vicinity which all provide a haven for wildlife and are not due to be removed.
- 7.3.6 The adjacent development site will be providing pockets of open space throughout the site, with some close to the application site that will offer a positive contribution to the visual amenities of the area.
- 7.3.7 Given the aforementioned assessment, it is considered that there are sufficient areas of hedgerow and trees for wildlife and environmental impacts, a dedicated children's playground close by and future provision of public space being bought forward that the loss of this area of open space is suitably mitigated against. The benefits of providing Council housing are considered to outweigh any harm caused by the loss of this open space.

#### **7.4 Impact on Visual Amenity**

- 7.4.1 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 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 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.
- 7.4.2 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

- 7.4.3 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 (2009) generally reflects the aforementioned policies whereby it seeks development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.4.4 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.
- 7.4.5 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.
- 7.4.6 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.
- 7.4.7 The application site is located within the confines of a residential estate, predominantly formed of terraced housing which is uniform in design and materials. The existing dwellings are constructed red-multi brickwork with dual pitched tiled roofs. They have single storey projections on the front elevations and the property frontages face onto communal parking areas whilst the rear gardens attach to the rear gardens of the terrace behind.
- 7.4.8 In terms of visual appearance, the application site is located at the northern end of the cul-de-sac. The properties have average sized front and rear curtilages. The access road is relatively narrow and provides small areas of communal parking and access to those properties that have private parking areas in their front gardens. The street overall has a relatively open appearance although the application site is not particularly visible from the parking areas due to high level hedging separating the two.

- 7.4.9 The proposed dwelling would be slightly smaller in footprint than No.68 at 60sqm compared to 67sqm. It would project approximately 1m beyond the rear elevation and approximately 0.7m beyond the front elevation of No.68 and be 7m wide, compared to No.68 which is 7.8m wide.
- 7.4.10 Whilst it would not be visually subservient to the existing terrace, given the defined building line of the terrace, it is not considered that subservience is necessary for this dwelling as its design reflects the rhythm of the terrace and maintains the strict building line in terms of roof heights. Visually, the proposed dwelling offers an acceptable appearance in the street scene.
- 7.4.11 At the rear, the proposed dwelling would project beyond the existing terrace by approximately 1m and have a dual pitched gable front feature for architectural interest. The windows serving the bathroom and bedroom 2 are single paned windows which are fully obscure glazed and non-openable below 1.7m from internal floor level. This design solution has been chosen to address the issue of overlooking and loss of privacy between the proposed dwelling and the dwellings to the rear due to the substandard back to back separation distance which is covered later in this report. On balance, given the need to overcome the privacy issues, this design solution is considered acceptable in this instance.
- 7.4.12 The use of similar materials to the existing dwelling will ensure a visually cohesive development.
- 7.4.13 On balance, the proposed development is considered acceptable in design, scale and massing and with matching materials to the existing terrace, it would have an acceptable appearance in the street scene and therefore not harm the visual amenities of the area.

## **7.5 Impact on Residential Amenity**

### *Outlook and Amenity*

- 7.5.1 The attached neighbour at No.68 is sited due south of the application site and as such there is no requirement to undertake an assessment of the daylight and sunlight levels using BRE Guidelines. The proposed dwelling projects 1m beyond the rear elevation of the neighbour which is not considered to result in a poor outlook. Consequently, it is not considered that there would be a detrimental impact in terms of outlook, overlooking or loss of privacy to this neighbour. There are no properties to the north of the application site.
- 7.5.2 The neighbours to the rear, Nos. 54 and 56 Stirling Close have their rear elevations facing the rear of the proposed dwelling and are approximately 20m away. Chapter 5 of the adopted Design Guide states that there should be a minimum back to back separation distance between new and existing properties of 25m. In this regard, the proposal fails to meet adopted policy. However, the applicant has submitted amended plans which have reconfigured the internal layout and therefore the first floor now has a bathroom and bedroom facing these neighbours. The submitted plan now shows that the bathroom would be served by a small high level window which is obscure glazed and the bedroom would have its window on the northern side elevation. Therefore, the issues of overlooking and loss of privacy which would occur from a sub-standard back to back separation have been removed and the proposal is considered acceptable in this regard.
- 7.5.3 Further, No.54, who at present does not look out directly over another property at the rear, would only look out to half the proposed dwelling as the other half would be directly to the rear of No.56. In this regard, it is not considered that their existing outlook would be so detrimentally impacted that a refusal would be warranted on this basis alone.
- 7.5.4 The proposed development is not therefore considered to overly harm the amenities of neighbouring properties.

### Private Amenity Space

7.5.5 In respect to private amenity space, section 5.3 of the Stevenage Design Guide SPD (2009) requires that all dwellings should have private amenity space of at least 50sqm with a minimum rear garden depth of 10m. The submitted plans indicate that the proposed dwelling would have a private amenity space of approximately 80sqm. The submitted plans the garden would have a depth of between approximately 6m and 11m. Accordingly, the development is considered to have an acceptable level of outdoor amenity space.

### Living Space Standards

7.5.6 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards. Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

7.5.7 The submitted plans indicate the internal floorspace of the proposed dwelling is approximately 98sqm and would have one double and three single bedrooms. As such, the internal floorspace is acceptable for a 4 bed/5 person two storey dwelling.

7.5.8 Furthermore, the National Government document 'Technical housing standards – nationally described space standards' 2015, advises a single bedroom to be a minimum of 7.5sqm and a double should be at least 11.5sqm. All bedrooms meet these requirements.

7.5.9 Taking the above into account, the proposed development would be unlikely to unduly harm the amenities of the neighbouring properties, it would have sufficient private amenity space and gross internal floorspace which ensures the amenities of future occupiers would be acceptable and therefore the proposed development would comply with Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and NPPG (2014).

## **7.6 Noise and Pollution**

7.6.1 Policy FP7 of the Local Plan (2019), states that developments should minimise, and where possible, reduce air, water, light and noise pollution. Policy FP8 stipulates that 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. Given the proposed development would be located within an existing residential area, harm from noise is not considered an issue.

7.6.2 The internal layout of the new dwelling has been designed so that rooms of a similar use are aligned horizontally with the existing dwelling. Horizontal noise transmissions could pose an impact to the existing dwelling which could be minimised with suitable sound insulation.

7.6.3 With regards to sound insulation, this would be covered by the Building Regulations. They require a sound test to be undertaken and a certificate provided to show that the level of noise between properties is within acceptable limits before they will sign off the works. In this regard, the amenities of the occupiers of the existing and proposed dwellings would be protected from excessive and intrusive noise levels.

## **7.7 Car Parking and Cycle Provision**

7.7.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.

7.7.2 This policy goes on to state that planning permission for development proposals which result in the loss of off-street parking spaces (excluding public car parks) or formally defined on-street bays will be granted where:

- The parking lost is replaced as near as possible to the existing provision in an accessible location; or
- It can be demonstrated that the provision is not suitable or required.

7.7.3 The proposed development would involve the removal of 1no. communal parking space, located within a bay of three spaces to the west of No. 66. However, at present, No.68 has no off-street parking and relies on the communal parking areas. As a result of the proposed development, this property would be provided with two off-street parking spaces in their front curtilage.

7.7.4 Consequently, whilst there would be a loss of one communal space, there would be a gain of two spaces for another property outside of the development site which is considered an acceptable substitution as this property would then no longer require use of the communal spaces and thereby free those remaining spaces up for other properties or visitors.

7.7.5 The Parking Provision SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. As a four bedroom property, the proposed dwelling would require 3 off-street car parking spaces. The submitted plan shows that the proposed dwelling will have two spaces in the front curtilage of adequate size and one additional space adjacent to the communal parking area to the south of the dwelling.

7.7.6 Additionally, the Parking Provision SPD (2020) requires all new parking spaces for new dwellings to 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 uptake increases. This can be secured by way of a suitably worded condition should planning permission be granted.

7.7.7 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). This recently adopted SPD requires four bed dwellings to provide 4 cycle parking spaces. The submitted plans indicate that there is a cycle storage shed within the rear garden of the new dwelling which would be acceptable in this regard.

## **7.8 Trees and Landscaping**

7.8.1 Policy NH5 of the adopted Local Plan (2019) states that planning permission for proposals which result in the loss of trees will be granted where those trees are replaced.

- 7.8.2 The proposed development would result in the loss of five mature cherry trees. However, as previously discussed in paragraph 5.3.1 in this report, the Council's Arboricultural and Conservation Manager considers these trees to be limited in their remaining life span and would require removal in the short to medium term in any case.
- 7.8.3 He has assessed the application and not objected to the removal of the trees on the basis that the applicant has agreed to replace the five trees on site with younger, more suitable trees that will provide a positive contribution to the environment and the visual amenities of the area and will do so for much longer than the current trees. They have also agreed to fund an additional 10 trees off site which can be secured with a legal agreement.
- 7.8.4 Taking the aforementioned into account, given that the existing trees are near the end of their life expectancy and the proposed development would see 15 trees planted that would outlive the current trees, the development is considered acceptable in this regard.

## **7.9 Waste and Recycling**

- 7.9.1 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-
- Residual Waste - 240 litres;
  - Cans and Plastics - 55 litres;
  - Paper and cardboard - 55 litres;
  - Glass - 20 litres.
- 7.9.2 The submitted plans indicate that there is a suitable storage area along the northern side of the dwelling, within the rear garden.

## **7.10 Other Matters**

### *Sustainable Construction and Climate Change*

- 7.10.1 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. 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.
- 7.10.2 No details of measures to address climate change have been submitted with the application but details can be secured through a suitably worded condition if planning permission is granted. Further, through the Building Regulations Part L (Conservation of Heat and Power), Part S (Infrastructure for Charging EV) and the overall Future Homes Standard, the proposed dwelling would be subject to ever more stringent measures to reduce carbon footprint and be a more energy efficient dwelling. As such, the Council is satisfied that with these measures in place and through an appropriately worded condition, the applicant will deliver a modern and energy efficient home.

### Community Infrastructure Levy

7.10.3 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>	

7.10.4 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.

7.10.5 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.

7.10.6 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council and the allocation of funding amount of £75,000 or over will rest with the Planning and Development Committee. Service providers who would not receive contributions through the Section 106 agreement for this development, including but not limited to those at Hertfordshire County Council and Stevenage Borough Council, will be able to bid for funding in due course.

### 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 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.

7.10.9 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.

- 7.10.10 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.

## **8. CONCLUSIONS**

- 8.1 In summary, it has been established that the proposed dwelling fails to accord with criterion (a) of Policy HO5 as it would be located on land which does not meet the definition of previously developed land as stated within the NPPF (2021) nor is it considered to be a small underused urban site. Further, the proposal would be in conflict with Policy NH5 (Trees and Woodland) and Policy NH6 (Open Space) due to the loss of the public open space and loss of five cherry trees. These policy contraventions carry significant weight against the proposal.
- 8.2 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.
- 8.3 The development would provide one additional dwelling, making a limited contribution to the aim of boosting housing supply, which in this instance, would not be though the redevelopment of a sustainable brownfield site. This is a limited public benefit to the proposal given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal. However, the proposal will provide additional social housing for the Council which also carries moderate weight in favour of the proposal.
- 8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal.
- 8.5 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area and the car parking is considered acceptable; this carries moderate weight in favour of the proposal.
- 8.7 The five trees to be removed would be replaced on site with five trees. Additionally, through a S.106 Unilateral Undertaking, the Council can secure funding for an additional 10 trees to be planted in the Bragbury End area which will provide a substantial public benefit. It would also compensate for the trees which will be lost via this development; this carries moderate weight in favour of the proposal.



- 8.8 Taking the aforementioned into account, whilst the proposed development would not be strictly in accordance with Policies HO5(a), NH5 and NH6, it has been demonstrated that there would be public benefits arising from the development in the form of social housing, funding for additional trees, economic contributions from construction and future occupiers and an increase in car parking provision for existing neighbouring dwelling, thereby improving the communal parking provision. The proposal has been demonstrated to not harm the character and appearance of the area nor the amenities of neighbouring properties, and so, on balance, it is considered that the public benefits of the proposal outweigh the harms identified through the policy contraventions and the proposal is, therefore, acceptable.

## 9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 Unilateral Undertaking to secure/provide contributions towards:-
- Funding of 10no. new trees in the Bragbury End area of the Borough.
  - S.106 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:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
20166\_S-001A; 20166\_P004-G;  
**REASON:-** For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match the materials used in the construction of the original neighbouring dwellings to the satisfaction of the Local Planning Authority.  
**REASON:-** To ensure the development has an acceptable appearance.
- 4 Prior to the first occupation of the dwelling hereby permitted the parking provision as shown on approved plan 20166-P004-G to serve both the existing and new dwellings, shall be constructed, hardsurfaced and made ready for use. 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 and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.

- 5 Prior to the occupation of the dwellinghouse hereby permitted, the parking spaces shown on approved plan 20166-P004-G 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
- 6 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 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.
- 7 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.
- 8 The first floor windows in the eastern rear elevation of the new dwellinghouse hereby approved shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter and no additional windows shall be installed at first floor level in the eastern rear elevation.  
**REASON:-** To safeguard the privacy of the occupiers of adjoining properties.
- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.  
**REASON:-** To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 9, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.  
**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 12 Prior to the first occupation of the dwelling hereby permitted, the cycle storage as detailed on plan 20166-P004-G shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.  
**REASON:-** To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 13 Prior to the first occupation of the dwelling hereby permitted, the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified on plan number 20166-P004-G.  
**REASON:-** To ensure the general waste and recycle store is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.
- 14 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 15 Any trees or plants comprised within the approved plans 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.
- 16 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March – August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).
- 17 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 first occupation of the dwelling hereby permitted. The approved boundary treatments shall be completed before the dwelling is occupied.  
**REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

- 18 Notwithstanding the provisions of Class B of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions, enlargements, alterations or dormer windows to the dwellinghouse hereby permitted shall be erected unless permission is granted on an application made to the Local Planning Authority.

**REASON:-** To enable the Local Planning Authority to fully consider the effects development normally permitted by the Order and to safeguard the amenities of neighbouring owner/occupiers.

**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.

**INFORMATIVE**

**1 Community Infrastructure Levy**

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

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start. Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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

**2 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).

**3 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>

**4 Hertfordshire County Council as Highways Authority**

The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a construction management plan for LPA's approval in consultation with the highway authority.

**5 Hertfordshire County Council as Highways Authority**

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide 126 (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or 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 January 2020 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 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 March 2014.

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