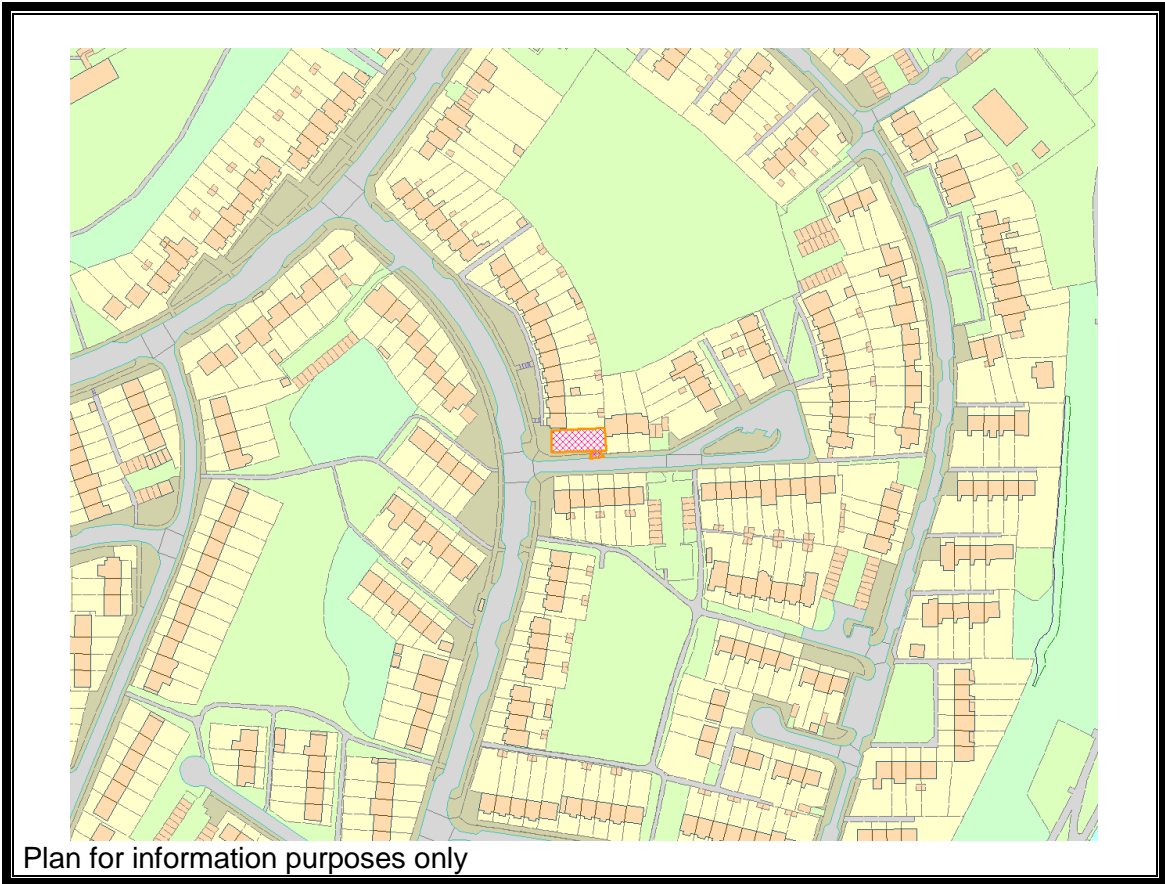


Meeting: Planning and Development Committee
Agenda Item: Planning and Development Committee
Date: 4 October 2022
Author: Thomas Frankland-Wells
Lead Officer: Zayd Al-Jawad
Contact Officer: Thomas Frankland-Wells

Application No:	22/00465/FP
Location:	37 Colestrete, Stevenage
Proposal:	Erection of 1 no. detached three bedroom dwelling.
Drawing Nos.:	20168-S-001-B; 20168-P002-E;
Applicant:	Mr M Marks
Date Valid:	18 May 2022
Recommendation:	GRANT PLANNING PERMISSION



1.0 SITE DESCRIPTION

1.1 The site is roughly rectangular plot of land extending to approximately 240m² and located on the corner of Colestrete and Colestrete Close. It is currently used as the garden of 37 Colestrete and is enclosed by close boarded timber fencing.

1.2 The site is located within Residential Parking Accessibility Zone 3 but is otherwise not subject to any particular designations or environmental constraints. Land use in the surrounding area is residential, comprising two storey dwellings laid out in terraces.

2.0 RELEVANT PLANNING HISTORY

2.1 There is no relevant planning history recorded at the application site.

3.0 THE CURRENT APPLICATION

3.1 The application seeks full planning permission for the erection of 1 no. three bedroom dwelling.

3.2 The dwelling would measure approximately 7m x 9m x 7m (width x depth x height to ridge). It would be finished to match the adjacent properties on Colestrete.

3.3 This application comes before the Planning and Development Committee because the land is owned by the Council and five objections have been received.

4.0 PUBLIC REPRESENTATIONS

4.1 The application has been publicised by neighbour letters and the posting of a site notice.

4.2 Five letters of objection were received from three individual households. The material issues raised are summarised as follows:

- Insufficient parking provision;
- Existing issues with parking in the area would be exacerbated;
- Existing issues with highway safety would be exacerbated;
- The house would not be in keeping with others in the area;
- Loss of privacy;
- Loss of natural light;
- Loss of trees.

4.3 These issues are addressed below. Full copies of all representations can be found on the Council's website.

5.0 CONSULTATIONS

5.1 Consultation responses are summarised below. Full copies of the responses can be found on the Council's website.

5.2 HCC Highways

5.2.1 No objection, subject to conditions relating to construction management and cycle parking.

5.3 SBC Environmental Health

5.3.1 No objection, subject to conditions relating to hours of construction and unexpected land contamination.

5.4 SBC Arboriculture and Conservation Manager

- 5.4.1 The development should achieve a minimum of 4m distance between the trunk of the nearby maple tree and the proposed dwelling. The developer should also commit to carrying out a 30% crown reduction, at their own expense, prior to commencement of the development.

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 (adopted 2019)
- 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:
<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

- 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 (2021) which has the same status as the PPG.

6.4 Stevenage Borough Local Plan

SP1 Presumption in Favour of Sustainable Development
SP2 Sustainable Development in Stevenage
SP5 Infrastructure
SP6 Sustainable Transport
SP7 High Quality Homes
SP8 Good Design
IT4 Transport Assessments and Travel Plans
IT5 Parking and Access
IT6 Sustainable Transport
HO5 Windfall Sites
HO9 Housing Types and Sizes
GD1 High Quality Design
FP7 Pollution
FP8 Pollution Sensitive Uses

6.5 Supplementary Planning Documents

Parking Provision and Sustainable Transport SPD (2020)
Design Guide SPD (2009)

6.6 Community Infrastructure Levy (CIL)

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development. The proposal would be liable for CIL, charged at a rate of £100/m².

7 APPRAISAL

- 7.1.1 The main issues for consideration in this case are: acceptability in land use policy terms; the standard of the proposed accommodation; impact on the character and appearance of the area; impact on the amenities of neighbouring occupiers; the impact on highway safety and parking; and the impact on trees.

- 7.1.2 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 site is not allocated in the Local Plan for any specific purpose. It is therefore considered to be a windfall site.
- 7.2.2 Policy SP7 of the Local Plan 2019 sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites i.e. sites that are not specifically allocated for housing within the Plan.
- 7.2.3 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:
- a) The site is on previously developed land or is a small, underused urban site;
 - b) There is good access to local facilities;
 - c) There will be no detrimental impact on the environment and the surrounding properties;
 - d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
 - e) The proposed development would not overburden existing infrastructure.
- 7.2.4 The site benefits from reasonably good access to local facilities, with the town centre approximately 15 minutes away on foot. The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts.
- 7.2.5 Surrounding properties may be impacted by the development but these impacts would arise from the design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Indeed the existing use of the land is residential, albeit as a garden. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The specific impacts on surrounding properties that arise from the design of the development are considered later in this report.
- 7.2.6 However, the fact that the site is in use as a residential garden within a built-up area means that it does not constitute previously developed land as defined by Annex 2 to the NPPF. It also couldn't reasonably be described as a "small, underused urban site". Consequently, the proposal is contrary to criterion (a) of Policy HO5.
- 7.2.7 Balanced against this is the emphasis that the NPPF places on making use of sites not identified for any particular purpose within the local plans. In particular, paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.2.8 The NPPF also recognises the contribution that small and medium sized sites can make to meeting housing requirements. Paragraph 69 is clear that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 7.2.9 Whilst the supply of land for housing in the Borough is currently above target, housing delivery remains below the level required to meet objectively assessed needs. The proposed development, if approved, would make a small but nonetheless positive contribution to improving this and meeting the targets set by Policy SP7 of the Local Plan. This is a highly material consideration.

- 7.2.10 Policy HO9 of the Local Plan 2019 states that Planning permission for residential schemes will be granted where:
- a. An appropriate range of market and affordable housing types and sizes are provided taking into account:
 - i. Structural imbalances in the existing housing stock;
 - ii. The housing needs of the Borough, as informed by up-to-date and relevant evidence;
 - iii. The location and accessibility of the application site; and
 - iv. Recent completions, existing permissions and sites in the five-year land supply;
 - b. The resultant scheme would provide a density and character of development appropriate to its location and surroundings. Significantly higher densities should be achieved in easily accessible locations; and
 - c. Aspirational homes are provided in appropriate locations including, but not necessarily limited to:
 - i. New neighbourhoods to the north, west and south-east of the town;
 - ii. Suitable suburban, edge-of-town sites;
 - iii. The town centre, Old Town and other highly accessible locations; and
 - iv. Other appropriate sites where aspirational homes would complement the prevailing character

7.2.11 The proposed scheme would provide market housing, which is acceptable for a development consisting of only a single unit. The quantum of development also means that the overall density of housing in the area would not be materially altered.

7.2.12 The dwelling would be detached, which is unusual for the area. Whilst this may not be considered positively in terms of character, it does mean that the development would in some way address an imbalance in the existing housing stock, which is made up mostly of terraced dwellings.

7.2.13 Taking all of the above into account, the benefits associated with making use of the site for housing are considered to outweigh the adverse impacts of the conflict with criterion (a) of Policy HO5. The development would also make a modest contribution towards correcting an imbalance in the existing housing stock, in accordance with Policy HO9. Having regard to these considerations, the principle of the development is considered to be acceptable.

7.3 Standard of Accommodation

7.3.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Accordingly, Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Additionally, Policy FP8 states that Planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses.

7.3.2 The application proposes a dwelling with three bedrooms and a study with a kitchen / family room and lounge area at ground floor level. According to the nationally described space standard, a dwelling of this size should have a gross internal area ("GIA") of 84m² and should provide 2.5m² of built-in storage. The proposed dwelling would have a GIA of approximately 98m² and would provide 2.5m² of built-in storage, in accordance with the standard. It would also comply with the standard in respect of bedroom sizes.

- 7.3.3 Beyond space standards, the proposed dwelling would be of a good quality in terms of the living conditions of future occupants. They would enjoy a reasonable degree of privacy due to the orientation of the building and positioning of the windows, noting that the typical relationship between dwellings in the area does afford a degree of mutual overlooking between neighbours. In terms of natural light, the dwelling would be dual aspect and would receive direct sunlight for a significant portion of the day.
- 7.3.4 In terms of noise, the area is considered typical for a residential estate. Future occupants would be exposed to noise from nearby access roads and passers-by but there are no other significant nearby sources of noise which might unacceptably erode living conditions. The Council's Environmental Health Department have no objections to the proposal in this respect.
- 7.3.5 Turning to outdoor amenity space, Chapter 5.3 of the Design Guide SPD states that all dwellings should have private open space. A semi-detached or terraced dwelling should provide a garden measuring at least 50m², with larger detached dwellings usually expected to provide more. Any rear garden should have a depth of at least 10m.
- 7.3.6 The proposed dwelling would have a garden measuring approximately 85m² in area and approximately 12.5m in depth. This is considered to be appropriate.
- 7.3.7 Having regard to the above, it is considered that the proposed development would offer a good standard of accommodation for future occupants. In this respect, the proposal is considered to accord with Policies GD1 and FP8 of the Local Plan 2019.

7.4 Design and Other Visual Considerations

- 7.4.1 Paragraph 127 of the NPPF 2021 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.
- 7.4.2 Paragraph 134 goes on to say that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- 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
 - 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 they fit in with the overall form and layout of their surroundings.
- 7.4.3 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 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.
- 7.4.4 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 Council's Design Guide SPD (2009) sets out that a high quality environment is essential for providing a good quality of life for residents. A well-designed and managed space not only provides a visually attractive environment, but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.

7.4.8 The proposed dwelling would be detached and in this sense would be unusual for the area, where the vast majority of dwellings are laid out in terraces. It would also fail to respect the established building line on the stretch of Colestrete where it would be located, being sited 2.5m back from the neighbouring terrace to the north.

7.4.9 However, it would otherwise respond well to surrounding development, being two storey and topped by a gable roof, with the ridge height matching that of its immediate neighbour. It would also be finished in materials to match neighbouring properties.

7.4.10 Whilst the dwelling would have an uncharacteristic detached layout and would erode the established building line on Colestrete, on balance it is considered that the development would be adequately respectful of its surroundings and would not cause material harm to the character and appearance of the area. On this basis, it is considered that the visual impact of the development would be acceptable and in this respect, the proposal is considered to accord with Policies SP8 and GD1 of the Local Plan.

7.5 Neighbouring Amenities

- 7.5.1 Policy FP7 of the Local Plan 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. Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.5.2 In this case, the principal neighbouring properties to be considered are 37 Colestrete and 1 Colestrete Close.
- 7.5.3 In terms of overlooking, the distance between the rear elevation of the proposed dwelling and the side elevation of 1 Colestrete Close would be approximately 12.5m, which falls short of the 15m recommended by the Design Guide SPD. However, the orientation and siting of the proposed windows in this elevation would be such that they would principally provide views over the frontage of 1 Colestrete Close, which is already exposed to public view. Any views over the rear garden of this property would be at an oblique angle, to the extent that they would not materially erode the privacy of its occupants. The same conclusion is reached in respect of 37 Colestrete Close, where any views would be at an even greater angle.
- 7.5.4 In terms of natural light, there would be a limited impact on neighbouring properties. The proposed dwelling would project approximately 4m beyond the rear elevation of 37 Colestrete Close and as such would cause some overshadowing of this property's rear garden. However, it would not be so extensive as to result in material harm. The proposed dwelling would also pass the 45 degree test in respect of this property, indicating an acceptable impact on daylight. The impact on 1 Colestrete Close would be negligible owing to the degree of separation and the relative orientation of the two plots.
- 7.5.5 In terms of overbearing appearance, again there would be a limited impact because, as already noted, the proposed dwelling would project approximately 4m beyond the rear elevation of 37 Colestrete Close. Whilst this would be readily noticeable, with a separation of at least 1m from the boundary and a typical eaves height of approximately 5m, it would not be so noticeable as to be visually intrusive or otherwise cause the dwelling to appear overbearing.
- 7.5.6 In terms of noise, the proposed dwelling would not give rise to any noise over and above that which would ordinarily be expected from a residential development. Within a residential area, this is considered to be appropriate. Any impacts of construction noise would be mitigated by a condition to limit hours of construction, as recommended by the Environmental Health Department.
- 7.5.7 The application does not propose any external lighting. Nonetheless, a condition is recommended to ensure that if any is installed, it is angled to prevent any spillage beyond the boundaries of the site.
- 7.5.8 Having regard to the above, it is considered that the proposed development would not have any undue adverse impacts on the amenities of neighbouring occupiers. In this respect, the proposal is considered to accord with Policies GD1, HO5 and FP7 of the Local Plan.

7.6 Parking

7.6.1 Car Parking

- 7.6.1.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to these standards, 2 car parking spaces should be provided for a three bed house.
- 7.6.1.2 The site is located within Residential Parking Accessibility Zone 3, which means the number of car parking spaces can be reduced to between 75% and 100% of the usual requirement. In

this case, 100% provision would be considered most appropriate, given that the area is known to suffer from parking stress but a reduction of 25% wouldn't alter the total requirement in any event.

7.6.1.3 The application proposes two car parking spaces, as per the SPD requirement. These would be provided on a private driveway leading off Colestrete Close, to the rear of the dwelling.

7.6.1.4 The main issue raised in the objections to the application was that of car parking. It is clear from these objections that the area currently suffers from parking stress.

7.6.1.5 Neighbouring residents also pointed out that the occupants of a four bedroom house would be likely to own more than two cars. However, the number of proposed bedrooms has since been reduced to three (the additional room on the first floor is too small to qualify as a bedroom). According to the latest available evidence (the 2011 census), average car ownership for three bedroom households in the Borough is 1.58, excluding those households that do not own a car at all. On this basis, it is considered unlikely that the development would generate overspill car parking or otherwise contribute to parking stress in the area.

7.6.2 Electric Vehicle Charging

7.6.2.1 The Council is committed to supporting the transition to electric vehicles. Accordingly, development proposals are expected to adhere to the following principles:

- 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 uptake increases.
- The blend of access to charging points provided within new developments (i.e. public, restricted access, open access, shared) should be determined having regard to a travel plan.
- A minimum of 20% of new parking on a site should have access to an active EV charging point.
- A flexible approach to the requirement for speed of charging will be taken due to the pace of change of this technology. Ultra-fast charging points will become expected at short term, non-residential parking spaces as technology improves to make the use of electric vehicles more efficient.

7.6.2.2 Details of electric vehicle charging facilities have not been provided. A condition is therefore recommended to secure them.

7.6.3 Cycle Parking

7.6.3.1 The standard for cycle parking is for 3 spaces for a three bedroom house. No cycle parking is shown on the submitted plans. However, it is clear that sufficient space within the development site exists to readily accommodate the required amount. Accordingly, it is recommended that these spaces be secured by condition.

7.6.4 Overall

7.6.4.1 Having regard to the above, the proposal is considered to accord with the requirements of the Parking Provision and Sustainable Transport SPD in terms of the overall level of car and cycle parking. Accordingly, the proposal is considered to be in accordance with Policy IT5 of the Local Plan, which requires development proposals to comply with the SPD.

7.7 Highway Safety

- 7.7.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development would not have an adverse impact on highway safety.
- 7.7.2 The proposed development would involve creating a new vehicular access from Colestrete Close to serve the two new car parking spaces.
- 7.7.3 Local residents have expressed concerns that the area is a hotspot for accidents and that the development may prejudice highway safety. However, the local highway authority has advised that no accidents have been recorded near the site in the last five years and raises no objections in respect of highway safety.
- 7.7.4 The local highway authority does however raise concerns regarding construction traffic and consequently recommends a condition to secure a construction transport management plan. Such a condition is considered to be appropriate.
- 7.7.5 Having regard to these considerations, as well as the conclusions reached in the previous section regarding the level of car parking (and the consequent low likelihood of overspill car parking), it is considered that the proposed development would not have an adverse impact on highway safety. It follows that the proposal is in accordance with Policy IT4 of the Local Plan.

7.8 Trees

- 7.8.1 Paragraph 131 of the NPPF is clear 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 decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.8.2 Policy NH5 of the Local Plan states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.8.3 The site contains three semi-mature trees, all of which would be felled to accommodate the proposed development. None of these trees are protected and they are not considered to make any especially significant contribution to the character and appearance of the area. As such, their removal is considered to be acceptable.
- 7.8.4 There is also a mature beech tree just beyond the front boundary of the site. This is considered to be of significantly higher amenity value and worthy of retention. The Council's Arboriculture and Conservation Manager was consulted on the application and advised that the proposed dwelling should be located at least 4m from the trunk of this tree. It was also advised that the applicant should carry out a 30% crown reduction prior to the commencement of the development.
- 7.8.5 The application was subsequently amended to provide the necessary separation distance. The applicant has also agreed to carry out the 30% crown reduction. It is recommended that this be secured by condition.

7.9 Climate Change

- 7.9.1 Policy FP1 of the Local Plan states that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions 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; and
- Using or producing renewable or low carbon energy from a local source.

7.9.2 The application is not supported by any statement detailing measures for adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.9.3 Subject to the above condition, the proposal is considered to accord with Policy FP1 of the Local Plan 2019.

7.10 Developer Obligations and CIL

7.10.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

7.10.2 The proposed development would be liable for CIL, which would be chargeable at a rate of £100/m².

7.10.3 The development would not give rise to any requirement for bespoke obligations.

7.11 Human Rights and Equalities

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

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

7.11.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who

do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 7.11.4 The proposal would not provide any disabled parking but given the nature of the development, it would not be practicable to do so. Aside from this, it is considered that the proposed development would not impact persons with any of the protected characteristics listed under the Equalities Act.

7.12 Waste and Recycling

- 7.12.1 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. Details of bin stores have not been provided but there is sufficient space within the site to provide these. Accordingly, a condition is recommended to secure the submission of details of bin stores.

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 provide one additional dwelling, making a modest contribution to the aim of boosting housing delivery and meeting the targets set out in the Local Plan. These benefits carry weight in favour of the proposal.
- 8.3 However, the application site does not qualify as previously development land as defined by the NPPF. As such, the proposal is contrary to Policy HO5 of the Local Plan. This carries weight against the proposal.
- 8.3 The impacts of the development on the character and appearance of the area, on the living conditions of neighbouring occupiers, on parking, highway safety, and trees would be acceptable. The standard of the proposed accommodation would also be acceptable. These are neutral matters.
- 8.7 Having regard to the above, the benefits of delivering one additional dwelling is considered to outweigh any adverse impacts associated with the conflict with Policy HO5. The proposal is therefore considered to be in accordance with the development plan and in the absence of any other material considerations indicating that permission should be refused, it is recommended that the application be approved.

9 RECOMMENDATION

- 9.1 That planning permission be GRANTED subject to the following conditions, with delegated 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.

Conditions

General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 20168-S-001-B; 20168-P002-E.

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

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

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

3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 09:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

REASON:- To ensure the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise 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.

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.

Prior to Commencement

6. 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.

7. No development shall take place (including demolition and site clearance) until a 30% crown reduction has been carried out to the maple tree adjacent to the western boundary of the site unless otherwise agreed in writing by the local planning authority.

REASON:- In order to protect trees worthy of retention.

Prior to Work above Slab Level

8. 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.

9. No development shall take place above slab level until details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

REASON:- To ensure the proper disposal of waste for the lifetime of the development

10. No development shall take place above slab level until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

REASON:- To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport.

11. No development shall take place above slab level until details of electric vehicle charging points (EVCP) have been submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

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

12. No development shall take place above slab level until details of measures for adaptability to climate change have been submitted to and approved in writing by the local planning authority. The approved measures shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

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

Prior to Occupation/Completion

13. Prior to the first occupation of the development hereby permitted the proposed access arrangements and on-site car parking shall be implemented in accordance with the approved plans and retained thereafter available for that specific use.

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

Informatives

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

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

or by telephoning 0300 1234047.

2. 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 County Council website at:

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

or by telephoning 0300 1234047.

3. 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.

4. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at 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).

5. Community Infrastructure Levy

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

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

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

Pro-active Statement

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Design Guide SPD (2009).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.