



PLANNING AND DEVELOPMENT COMMITTEE

Date: 3 December 2024

SUPPLEMENTARY AGENDA II

PART 1

3. 23/00313/FP - LAND AT MAXWELL ROAD

To consider a retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.

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4. 24/00490/FP - 330 - 336 RIPON ROAD

To consider the erection of three storey side extension, two storey extensions above existing single storey rear extensions, three storey rear extension and addition of third floor to existing dwellings to facilitate creation of 3no. one-bed and 6no. two bed apartments with associated car parking and landscaping and regularisation of the change of use of the existing four dwellings as Houses of Multiple Occupation (Use Class C4).

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Planning Committee Supplemental Agenda

Meeting date	3 December 2024
Officer	Ailsa Davis
Agenda Item	3 – Land at Maxwell Road, SG1 2EW
Proposal	Retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.
Reference	23/00313/FP
ADDENDUM INFORMATION	

Local Plan Partial Review and Update

The Council is currently carrying out a partial review and update of the local plan (LP Review). On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report. In order to view an updated tracked change copy of the Local Plan Partial Review (LPPR), please see the link below:

<https://democracy.stevenage.gov.uk/documents/s37641/4%20Appendix%20A%20LPPR%202024%20-%20Track%20Changes%20Reg%2018%20to%20Reg%2019.pdf>

As a result of the aforementioned LP Review, the Council is required to ensure that the proposed development would comply with the revisions made. The following report sets out only the areas of the main report which require further assessment. Where no policy changes have occurred, the assessment of the application as set out in the main committee report is considered up to date.

Land Use Policy Considerations

With regard to the acceptability of the proposed development in land use policy terms, the following policies have been updated in the LP Review:

- EC4: Remainder of Gunnels Wood (only change relates to use classes)

Taking into account the aforementioned, it is considered that the assessment of the proposed development as set out in the main committee report remains unaltered in this regard.

Character and Appearance

Policy SP8 has been amended to include a requirement for developments to be safe, secure, reduce crime and the fear of crime. All other aspects of this policy remain unaltered. Policy GD1 has been amended at criterion (e) to replace “adverse impact” with “unacceptable impact”.

Taking into account the aforementioned, it is considered that the assessment of the proposed development as set out in the main committee report remains unaltered in this regard.

Neighbouring Amenities

The assessment of the application as set out in the main report is not considered to have changed as a result of the updates to policies SP8 and GD1 (set out above). There is no change to wording of Policy FP7: Pollution.

Highway Safety

Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport. Policy IT4: Transport assessments and travel plans has been amended to align the travel plan threshold with HCC Highways policy.

Taking into account the aforementioned, it is considered that the assessment of the proposed development as set out in the main committee report remains unaltered in this regard.

Sustainable Construction and Climate Change

Policy FP1 has been revised to cover sustainable drainage and Policy SP1: climate change, is the new relevant policy in this regard. The fundamental objective of Policy SP1 remains the same as previous, however, policy SP1 sets out in more detail the objectives to adapting to climate change. This policy requires, amongst other things off-setting of emissions targets if not met on site, water usage targets, rainwater harvesting, grey water recycling, use of sustainable materials and practices on site, ultra-low and zero carbon combined heat and power systems and urban greening (green roofs and walls). This policy is further supported by a suite of new climate change policies, CC1 through CC7 which cover a broad range of topics. However, it should be noted that Policies CC1 and CC2 only relate to major planning applications and as such, the requirement of these policies to provide an Energy Statement is not applicable in this instance.

With regard to the new policies, CC1 and CC2 only apply to major applications and so are not relevant to this application; policies CC4, CC6, and CC7 are not mandatory and therefore the

applicant is not required to adhere to them or receive a refusal on that basis. Policy CC3 requires water efficiency to be considered, however as this is a change of use application with no physical changes other than the erection of a fence it is not considered relevant to this proposal. Policy CC5 relates to carbon sinks of which the site is not.

In summary, the assessment of the application as set out in the main report is not considered to have changed as a result of the updates to climate change policies and therefore remains acceptable in this regard.

Flood Risk and Drainage

The application is for minor development and the site is located wholly within Flood Zone 1, outside of any critical drainage area. As such, at the time of submission of the application, there was no policy requirement for a site-specific flood risk assessment to be carried out or for the scheme to incorporate SuDS. However, the flood risk and drainage policies as outlined in the emerging local plan partial review and update, are significantly revised. The existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge and now requires all major and minor applications to incorporate SuDS unless there are clear and convincing reasons for not doing so.

Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Policy SP11 encourages direction of development to low-risk areas, where possible to utilise SuDS features and to overall protect watercourses and ensure developments do not result in acceptable harm to human health or the natural environment as a result of pollution.

The application was not accompanied by a drainage strategy because, at the time of submission, it was not required, and the policy requirement to provide one only gained weight after the application had been assessed for determination at this Committee. Further, whilst the policies relevant to flood risk and drainage now carry significant weight in the assessment of applications, as of 21 November 2024, it is not considered appropriate to require the applicant to incorporate SuDS in this instance. This is because the proposal is retrospective and for a change of use of the land only with minor alterations to incorporate boundary fencing to the eastern carpark. As the site is in a very low risk area for flooding, the flood risk is considered within acceptable levels not to warrant the submission of a drainage strategy in this instance.

Summary

In light of the above, it is not considered that the progression of the Local Plan Review, and the amendments to the policies contained therein, results in any other conclusion than that which is set out in the main committee report.

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Supplemental Memorandum

Date	26 November 2024
Officer	Linda Sparrow
Address	330-336 Ripon Road, Stevenage, SG1 4NG
Proposal	Erection of three storey side extension, two storey extensions above existing single storey rear extensions, three storey rear extension and addition of third floor to existing dwellings to facilitate creation of 3no. one-bed and 6no. two bed apartments with associated car parking and landscaping and the regularisation of the change of use of Nos.332 and 336 as Houses of Multiple Occupation (Use Class C4).
Reference	24/00490/FP
ADDENDUM INFORMATION	

Local Plan Partial Review and Update

The council is currently carrying out a partial review and update of the local plan (LP Review). On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report.

In order to view an updated tracked change copy of the Local Plan Partial Review (LPPR), please see the link below:

<https://democracy.stevenage.gov.uk/documents/s37641/4%20Appendix%20A%20LPPR%202024%20-%20Track%20Changes%20Reg%2018%20to%20Reg%2019.pdf>

As a result of the aforementioned LP Review, the Council is required to ensure that the proposed development would comply with the revisions made. The following report sets out only the areas of the main report which require further assessment. Where no policy changes have occurred, the assessment of the application as set out in the main committee report is considered up to date.

Principle of Development

With regard to the acceptability of the proposed development in land use policy terms, the following policies have been updated in the LP Review

- HO5 – only removes duplication of other policies;
- SP2 – criterion (f) updated to require a mix of homes, jobs, and facilities to meet the needs of all sectors of the community, including those of an aging population;
- HO14 – to allow houses of multiple occupation (HMO) where they would have an acceptable impact on housing supply and comply with other relevant policies.

Taking into account the aforementioned, it is considered that the assessment of the proposed development as set out in the main committee report remains unaltered in this regard. The assessment takes into account the impact of the existing dwellings already being in use as HMOs and the development being a flatted development which, if approved, could potentially provide future accommodation for older persons wishing to downsize from larger family dwellings as their needs and priorities change. It will also help to meet the Objectively Assessed Need (OAN) as identified in the LP review where there is a continual demand to deliver smaller properties.

Design and Visual Amenities

Policy SP8 has been amended to include a requirement for developments to be safe, secure, reduce crime and the fear of crime. All other aspects of this policy remain unaltered. Policy GD1 has been amended at criterion (e) to replace “adverse impact” with “unacceptable impact”. New Policy GD2: Design Certification, sets out that residential developments that can demonstrate to be designed to BRE Home Quality Mark will be strongly supported.

In this regard, as set out in paragraph 7.3.15 of the main report, the applicant is working with the Herts Police Crime Design Advisor to achieve Secured By Design which will ensure compliance with the updated element of Policy SP8. Further, it is considered that the assessment of the development as set out in the main report complies with the updated wording of Policy GD1. The application has not included evidence of being designed to the BRE Home Quality Mark, but, this is not a mandatory compliance and therefore not a reason for refusal.

Impact on Neighbouring Amenity

The assessment of the application as set out in the main report is not considered to have changed as a result of the updates to policies SP8 and GD1 (set out above).

Car Parking and Cycle Provision and Highway Implications

Policy SP6: Sustainable Transport, has been significantly updated. This policy requires, amongst other things, for developments to demonstrate they are in a sustainable location and will promote active travel by non-car modes of transport by providing appropriate cycle parking and prioritise public transport.

As set out in the main committee report, the application site has been assessed to be in good sustainable location, close to local facilities and bus routes. The cycle storage has been assessed to fall short of the required amount, but this can be adequately provided through the imposition of a planning condition. All other aspects of car parking and highways implications are considered to remain as assessed in the main report.

Trees and Landscaping

As set out in paragraph 7.8.1 of the main committee report, in the emerging local plan partial review and update, policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 53 of the NPPF.

Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application, and this has not changed as a result of the progression of the review to Regulation 9 stage on 21 November 2024.

The submitted Biodiversity Assessment includes a plan which sets out that 1 of the 4 trees existing on site will be retained but it also sets out that 8 new trees would be provided. There are no details of the trunk sizes of the lost trees so an assessment against Policy NH5a in terms of the replacement strategy is not possible. However, the replacement equates to nearly 3:1 (which would result in 9 trees rather than 8).

Whilst this strategy is not fully compliant with Policy NH5a, this policy does only carry limited weight and therefore a refusal on this basis cannot be substantiated, nor would it be defensible at appeal. Further, the aforementioned replacement trees are included in the Biodiversity Net Gain assessment and will therefore be secured through the Biodiversity Net Gain Condition as set out in paragraph 7.9.4 of the main committee report.

Sustainable Construction and Climate Change

Policy FP1 has been revised to cover sustainable drainage and Policy SP1: climate change, is the new relevant policy in this regard. The fundamental objective of Policy SP1 remains the same as previous, however, policy SP1 sets out in more detail the objectives to adapting to climate change. This policy requires, amongst other things off-setting of emissions targets if not met on site, water usage targets, rainwater harvesting, grey water recycling, use of sustainable materials and practices on site, ultra-low and zero carbon combined heat and power systems and urban greening (green roofs and walls). This policy is further supported by a suite of new climate change policies, CC1 through CC7 which cover a broad range of topics. However, it should be noted that Policies CC1 and CC2 only relate to major planning applications and as such, the requirement of these policies to provide an Energy Statement is not applicable in this instance.

Paragraph 7.10.2 of the main committee report set out that these new policies had little weight due to the early stages of the LP Review. However, since the review is now at Regulation 19 stage, these new policies attract much more weight and, where applicable to application type, are now pertinent to the assessment of the application.

Paragraph 7.10.4 set out the ways in which the developer would sustainably build the development and how they plan to adapt to climate change, and condition 12 will ensure that this is complied with. With regard to the new policies, CC1 and CC2 only apply to major applications and so are not relevant to this application; policies CC4, CC6, and CC7 are not mandatory and therefore the developer is not required to adhere to them or receive a refusal on that basis. However, policy CC6 says applications that include features such as green roofs will be strongly supported, and the developer has included a green roof and therefore this weighs in favour of the application. Policy CC3 requires water efficiency to be considered, which the developer has complied with and is therefore considered acceptable, and policy CC5 relates to carbon sinks of which the site is not.

In summary, the assessment of the application as set out in the main report is not considered to have changed as a result of the updates to climate change policies and therefore remains acceptable in this regard.

Flood Risk and Drainage

The application is for minor development and the site is located wholly within Flood Zone 1, outside of any critical drainage area. As such, at the time of submission of the application, there was no policy requirement for a site-specific flood risk assessment to be carried out or for the scheme to incorporate SuDS. However, the flood risk and drainage policies as outlined in the emerging local plan partial review and update, are significantly revised. The existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge and now requires all major and minor applications to incorporate SuDS unless there are clear and convincing reasons for not doing so.

Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Policy SP11 encourages direction of development to low-risk areas, where possible to utilise SuDS features and to overall protect watercourses and ensure developments do not result in acceptable harm to human health or the natural environment as a result of pollution.

The application was not accompanied by a drainage strategy because, at the time of submission, it was not required, and the policy requirement to provide one only gained weight after the application had been assessed for determination at this Committee. Further, whilst the policies relevant to flood risk and drainage now carry significant weight in the assessment of applications, as of 21 November 2024, it is not considered appropriate to seek a re-design of the development to incorporate SuDS in this instance. This is because the proposed development includes an extension to the existing buildings on the existing hard surfaced car parking area with only a small footprint covering soft landscaped areas, and, as the site is in a very low risk area for flooding, the flood risk is considered within acceptable levels not to warrant the submission of a drainage strategy in this instance.

Summary

In light of the above, it is not considered that the progression of the Local Plan Review, and the amendments to the policies contained therein, results in any other conclusion than that which is set out in the main committee report.