



PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday, 27 May 2021

Time: 6.30pm,

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact: Lisa Jerome

committees@stevenage.gov.uk

Members: To be appointed at the Annual Council Meeting on 26 May 2021

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 31 MARCH 2021

To approve as a correct record the Minutes of the previous meeting held on 31 March 2021.

Pages 3 – 12

3. TERMS OF REFERENCE

To note the Terms of Reference for the Planning and Development Committee.

Pages 13 – 14

4. 21/00148/FP - MISYA MEZE & GRILL, 125 HIGH STREET, STEVENAGE

To consider the proposed change of use from parking bays to highway forecourt and use for ancillary seating area associated with Misya Restaurant.

Pages 15 – 28

5. 21/00260/FPM - UNIT 5, ROARING MEG RETAIL PARK

To consider the variation of Condition 1 Approved Plans and removal of Condition 8 Food Sales Restriction of Planning Permission 14/00111/FPM to allow for minor external alterations to the building and the sale of food not associated with a café or restaurant use in store.

Pages 29 – 40

6. 21/00130/S106 85 - 103 QUEENSWAY, TOWN CENTRE, STEVENAGE

To consider the modification of section 106 agreement to facilitate change of affordable housing tenure (from affordable rent to affordable build to rent) approved under planning permission reference 18/00268/FPM.

Pages 41 – 48

7. INFORMATION REPORT - DELEGATED DECISIONS

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

Pages 49 – 86

8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

87 – 96

9. URGENT PART I BUSINESS

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

10. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

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

11. URGENT PART II BUSINESS

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

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Wednesday, 31 March 2021

Time: 6.30pm

Place: Zoom

Present: Councillors: Simon Speller (Chair), Maureen McKay (Vice Chair), Doug Bainbridge, Sandra Barr, Laurie Chester, Michael Downing, Michelle Gardner, Jody Hanafin, Lizzy Kelly, Graham Lawrence, John Lloyd and Graham Snell

Start / End Time: Start Time: Time Not Specified
End Time: Time Not Specified

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor Tom Wren.

There were no declarations of interest.

2 MINUTES - 2 MARCH 2021

It was **RESOLVED** that the minutes of the Planning and Development Committee meeting held on Tuesday 02 March 2021 be approved as a correct record and signed by the Chair.

3 20/00736/FPM - THE BRAGBURY CENTRE

The Committee received an application for variation on conditions. The Development Manager explained that the Committee was entitled to consider only conditions to which planning permission would be granted and left the original permission intact. In this instance, the conditions imposed on the originally granted planning permission for this application remained relevant, and that the only issues for Committee to consider for this application was how the variation of the conditions referred in the officers report would impact on the approved scheme and whether any additional conditions were warranted.

The application sought variation on the following conditions attached to planning permission 18/00398FPM:

- 1. Approved drawings
- 3. Materials
- 11. Bird boxes
- 12. Bat boxes
- 14. Construction Management Plan
- 16. Site Waste Management Plan

- 21. Surface Water Drainage
- 25. Site investigation
- 27. Remediation scheme

The application site was currently designated as a neighbourhood centre. The Officer report set out the planning history of the site. Two objections had been received and these were summarised in the Officer's report.

Members debated the application, taking into account the Officer report.

Members were pleased to see improvement had been made on cladding and fire and building regulations.

Members discussed the Environment Officer's concerns regarding bird boxes. The Development Manager clarified that constructive negotiation had been held with the applicant, and the conditions were reworded to comply with the regulations. The new conditions clarified that the bird and bat boxes should be installed prior to the occupation of those relevant dwellings. The Herts and Middlesex Wildlife Trust were satisfied with the new proposed conditions.

The Development Manager assured Members that the variation on conditions were robust and safe and taking in to account the updated Fire Regulations.

It was **RESOLVED:**

That planning permission be GRANTED subject to the applicant having first entered into and completed a Deed of Variation to the S106 legal agreement to secure:-

- Provision of a fire hydrant;
- Securing on-site provision of affordable housing;
- Secure provision of CCTV cameras.

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor and subject to the following conditions:-

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

19063.wd2.01; 19063.A1.wd2.01; 19063.A1.wd2.02; 19063.A1.wd2.03;
 19063.A1.wd2.04;
 19063.A1.wd2.05; 19063.A1.wd2.06; 19063.A1.wd2.101; 19063.A1.wd2.102;
 19063.A2.wd2.01; 19063.A2.wd2.02; 19063.A2.wd2.03; 19063.A2.wd2.04;
 19063.A2.wd2.05; 19063.A2.wd2.06; 19063.A2.wd2.101; 19063.A2.wd2.102;
 19063.A2.wd2.103; 19063.A4.wd2.02; 19063.A4.wd2.03; 19063.A4.wd2.04;
 19063.A4.wd2.05; 19063.A4.wd2.101; 19063.A4.wd2.102; 19063.A4.wd2.103;
 19063.A4.wd2.104; 19063.A5.wd2.01; 19063.A5.wd2.101

- 2 The external surfaces of the buildings (including the dwellings) hereby permitted shall be carried out in accordance with the approved Materials Palette as specified in application reference 20/00736/FPM as received on 02 December 2020.

- 3 Notwithstanding the details specified in the application submission, no public realm landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.
- 4 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 5 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
- 6 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
- 7 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
- 8 No development, including site clearance, shall commence until the trees as specified on drawing numbers 9575 TPP 02 Rev A (1/3) A; 9575 TPP 02 Rev A (2/3) A; 9575 TPP 02 Rev A (3/3) A (Arboricultural Impact Assessment, prepared by Aspect Arboriculture, Report reference 9575_AIA.001 dated October 2018) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Arboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment.
- 9 Within the areas to be fenced off in accordance with condition 9, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.

- 10 Prior to the first occupation of each dwelling hereby permitted the bird (Manthorpe Swift Brick) as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.
- 11 Prior to the first occupation of each dwelling hereby permitted any bat (Schwegler 1FR Bat Tube) boxes associated with that dwelling detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.
- 12 Prior to the first occupation of the dwellinghouses hereby permitted, the parking areas as shown on drawing number 16059.01.wd2.01 B shall be surfaced (in either a porous material or provision shall be made for surface water drainage to be contained within the site) and marked out accordingly and shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.
- 13 The Construction Management Plan/Method Statement as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be carried out in accordance with the approved details, or any such scheme that is submitted to and approved in writing by the Local Planning Authority, which cover the following requirements:-
 - (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
 - (ii) Hours or operations including times of deliveries and removal of waste;
 - (iii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
 - (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
 - (v) Details of the provisions for temporary car parking during construction;
 - (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
 - (vii) Screening and hoarding;
 - (viii) End of day tidying procedures;
 - (ix) Construction and storage compounds (including areas designated for car parking);
 - (x) Siting and details of wheel washing facilities;

- (xi) Cleaning of site entrances, site tracks and the adjacent public highway;
and
 - (xii) Disposal of surplus materials.
- 14 The development hereby permitted shall not be occupied until the proposed accesses have been constructed as identified on drawing number 16059.01.wd2.01 B the existing accesses have been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
- 15 The Site Waste Management Plan (SWMP) which details how waste materials as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level of soil to be imported to the site as submitted with application reference 20/00736/FPM dated 02 December 2020 shall be strictly adhered too during the course of construction of the development hereby permitted, or any such scheme that is submitted to and approved in writing by the Local Planning Authority.
- 16 Prior to the first occupation of each dwelling hereby permitted the approved secure cycle parking areas and public cycle parking for the relevant dwelling shall be constructed in accordance with the details approved under Condition 1 and shall be permanently retained in that form thereafter.
- 17 Prior to the first occupation of each dwelling hereby permitted the approved refuse and recycle stores for the relevant dwelling shall be constructed in accordance with the details approved under condition 1 and shall be permanently retained in the form.
- 18 The design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed, the following noise levels are not exceeded:
- (i) An average of 35 decibels (dB) (LAeq) during the daytime (07:00 – 23:00) within bedrooms and living rooms
 - (ii) An average of 40 dB (LAeq) during the daytime (07:00 – 23:00) within dining rooms
 - (iii) An average of 30 dB (LAeq) during the night (23:00 – 07:00) within bedrooms
 - (iv) A maximum of 45 dB (LAmax,F) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms.
- 19 No development shall take place, above slab level, until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Council as the Local Planning Authority. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and

thereafter permanently retained.

- 20 The development permitted by this planning permission shall be carried out in accordance with the approved submitted Surface Water drainage Strategy Rev. final v2.0, dated November 2018, prepared by JBA, and the following mitigation measures detailed within the FRA:

1. Implementing an appropriate drainage strategy based on infiltration, using appropriate SuDS measures as shown on drawing No. 2017s6007-001 Rev.P01, No.2017s6007-002 Rev. P01 and No.2017s6007-003 Rev.P01.

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

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

- 21 The detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles as submitted and approved by Hertfordshire County Council as Lead Local Flood Authority under discharge of condition application 20/00707/COND which demonstrated the surface water run off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run off from the existing site following the corresponding rainfall event. The approved scheme shall subsequently be implemented in accordance with the following approved details before the development is completed.

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

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for both site drainage

- 23 Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

- 24 The remediation measures as detailed in Phase 2 Geo-environmental Assessment (Prepared by MLM Group, document reference:- 724476-MLM-ZZ-XX-RP-J-0001, dated August 2020) and remediation strategy and verification report (Prepared by MLM Group, document reference 724476-MLM-ZZ-XX-RP-J-0002, dated September 2020) to remediate the contaminants which have been identified shall be implemented in order to render the site suitable for the development hereby permitted. The site shall be remediated in accordance with the approved measures before the properties are occupied.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this

- contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 25 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 26, 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 27.
- 26 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.
- 27 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.
- 28 Prior to the first occupation of the ground floor retail units as detailed on drawing numbers 16059.01.wd2.01 B and 16059.01.A1.wd2.01 B, a scheme for the installation of equipment to control the emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 29 Prior to first occupation of the dwellings hereby permitted, details of all boundary treatment which includes walls, fences or other means of enclosure, including any retaining walls, have been submitted to and approved in writing by the Council as the Local Planning Authority. The boundary treatment, including any retaining wall, shall be constructed in accordance with the approved details. Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained.

INFORMATIVE

Environmental Health

The ventilation system for each dwelling shall incorporate continuous mechanical supply and extract with heat recovery conforming to the current edition of Approved Document F to the Building Regulations and designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling.

Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

In the car parking areas, it is recommended that a petrol/oil interceptor be fitted to ensure that local watercourses are not polluted from potential oil polluted discharges.

Hertfordshire Constabulary Crime Prevention Design Advisor.

The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227 or by email on mark.montgomery@herts.pnn.police.uk.

Hertfordshire County Council as Highways Authority.

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Hertfordshire County Council as Lead Local Flood Authority

The applicant has not carried out ground contamination investigation for this site. Contamination on site can condition the suitability of the entire drainage strategy which is based in infiltration. We therefore recommend the LPA to contact the Environment Agency in respect to this.

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

4 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

6 **URGENT PART I BUSINESS**

The Chair thanked Councillors John Lloyd and Laurie Chester for their service to the Planning Committee. Both Councillors were retiring at the end of the Municipal year 2021. The officers joined the Chair in appreciating the excellent service they provided to the Planning and Development Committee.

7 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

8 **URGENT PART II BUSINESS**

None.

CHAIR

This page is intentionally left blank

PLANNING AND DEVELOPMENT COMMITTEE

1. Membership – 14
2. Quorum - 4
3. Terms of Reference
 - 3.1 To advise the Executive on the following:
 - (i) Identification of consumer needs for services related to planning and development services and facilities functions of the Committee, and recommendations on the development of services and facilities to meet them, including:

Land use plans and policy, including local plans
Employment and economic development
Development management services

and advising the Leader / Executive / Council accordingly;
 - (ii) Management and maintenance of planning and development related facilities and services in item (i), including employment and training facilities and services;
 - (iii) Monitoring and review of performance in relation to the provision and development of planning and development services and facilities, including employment and training facilities and services, whether provided by the Development and Regeneration Division, other Council Service Delivery Units, or outside contractors and advising the Leader/Executive/Council accordingly;
 - (iv) The promotion of the economic development of Stevenage, and of specific industrial/commercial land and premises within Stevenage, as to use and development and, where appropriate, about monitoring negotiations for development and redevelopment;
 - (v) Development and encouragement of local businesses, employment and training initiatives, with co-ordination and implementation by the Leader / Executive as appropriate.
 - (vi) The allocation and monitoring of grant aid and loans to local employment and training initiatives.
 - 3.2 Responsibility for Development Management, including Listed Building Control - determination of planning applications, and enforcement matters under planning regulations.

- 3.3 Responsibility for Building Control - determination of applications under the Building Regulations, and enforcement matters under planning and building legislation.
- 3.4 Responsibility for the determination of Countryside Management and Tree Preservation matters, including the making of Tree Preservation Orders and related matters, and including consultation with appropriate outside bodies.
- 3.5 Matters imposed or permitted by legislation in relation to the functions of the Committee.
- 3.6 Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations as amended (see Table 2 of Part 3 of this Constitution); as clarified by regulations, subject to them being dealt with, as appropriate, by officers under delegated powers. This is to include the making of charges for any approval, licence or registration etc., in relation to the powers referred to.
- 3.7 Insofar as they are not already referred to in these terms of reference, those local choice functions set out at Table 3 of Part 3 of the Council's Constitution.
- 3.8 Any other appropriate matter referred.

Meeting: Planning and Development Agenda Item:
Committee

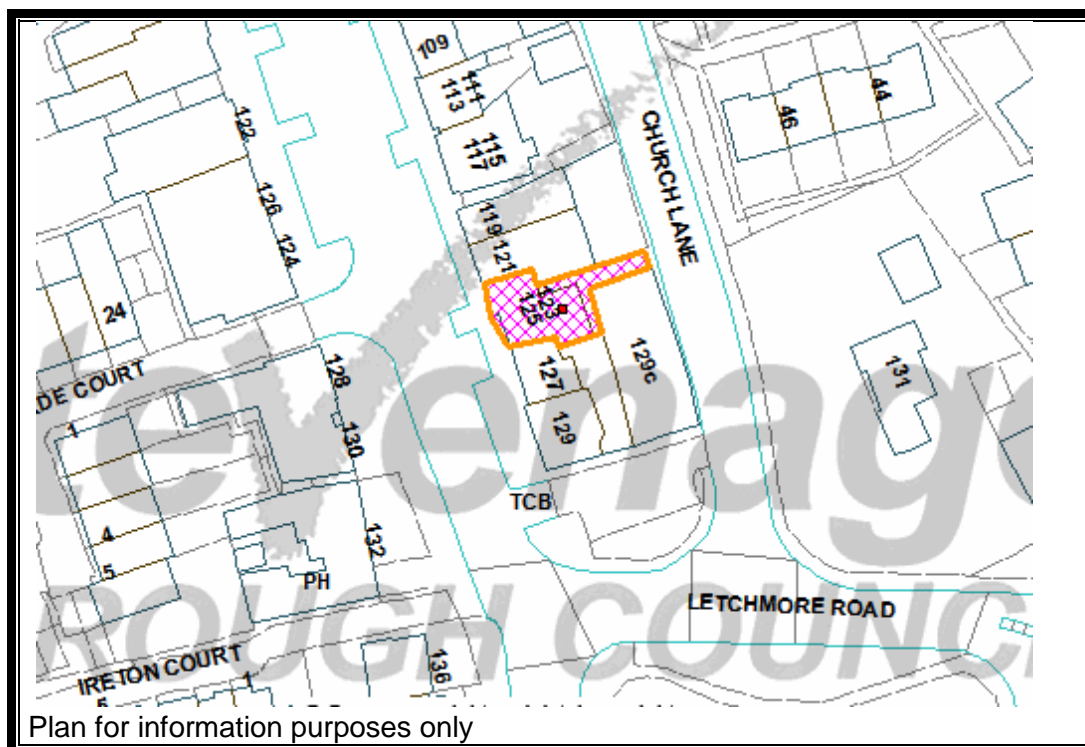
Date: 27 May 2021

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	21/00148/FP
Location:	Misya Meze and Grill, 123-125 High Street Stevenage
Proposal:	Change of use from parking bays to highway forecourt and use for ancillary seating area associated with Misya Restaurant.
Drawing Nos.:	Site Location Plan; 26121/01A.
Applicant:	Misya Restaurant
Date Valid:	23 February 2021
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 123-125 High Street is a Grade II Listed Building located on the eastern side of the High Street, which falls within the Old Town Conservation Area, and is occupied by Misya Meze and Grill. The southern end of the High Street, close to the roundabout junction with

Letchmore Road is characterised by restaurants and retail uses, with the Marquis of Lorne pub to the south west of the site. Residential properties are located to the east off Church Lane, and to the west/south west within Ireton and Howarde Court. There are also residential properties above some of the High Street properties.

- 1.2 The High Street is served by parking bays along both sides of the highway. The bays allow for parking of vehicles perpendicular to the footpath and in places include sloping upwards from the vehicular highway to the footpath. The area is contained within the High Street Conservation Area and there are many of the town's Listed Buildings located along the High Street. Pavements and kerbing include more traditional materials, including small conservation kerb stones. Parking areas are broken up by small island areas some of which contain trees, or by vehicular entrances to rear land development.
- 1.3 The bays have been temporarily closed and decking put in place to allow for tables and chairs to be provided in line with the temporary relaxations for COVID.

2. RELEVANT PLANNING HISTORY

- 2.1 16/00479/AD - Installation of 2no. externally illuminated individual letter signs. Application granted consent on 8 September 2016.
- 2.2 16/00619/FP and 16/00620/LB - Retrospective planning permission and listed building consent for the erection of extraction flue. Planning permission and Listed Building consent granted on 1 November 2016.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks the change of use of the parking bays located immediately in front of Misya Meze and Grill for use as highway forecourt to facilitate ancillary seating associated with Misya restaurant.
- 3.2 The works would see the removal of some of the parking bays to the front of the business for a maximum width of 8.1m, with 2.6m wide amount located north of the island division projection and 5.5m located to the south of this island projection. The bays measure 2.6m in depth and have a visible gradient change sloping upwards towards the footpath. The area would be finished with new kerbs and block paved with Marshall Tegula or similar to match the existing footpath and area.
- 3.3 The application comes before committee following a call-in from Councillor Hanafin in respect of the impact on car parking and given the level of public comment.

4. PUBLIC REPRESENTATIONS

- 4.1 Notification of the application was undertaken via letter to 53 properties within the immediate area of the site. A site notice was also erected and the application was also advertised in the local press. At the time of drafting this report, there have been 43 third party observations to date, 9 in support, 1 representation and 33 objections. Below is a brief summary of the points raised. This is not a defacto list and full comments are available on the Council's website for view.

Support –

- Outside seating would be a nice addition to the Old Town;
- The benefits for pedestrians and Old Town users of local shops should be a priority of the loss of parking spaces for collection of nearby takeaways;
- Existing seating areas are well used in this area of the High Street;

- Support for hospitality businesses in the High Street is needed;
- The loss of local businesses is more worrying than the loss of a few parking spaces;
- The High Street will be greatly enhanced by more outside seating;
- Support of the retail mix in the High Street;
- The spaces in question are not well presented for parking being at angles where cars scrape their bumpers;
- Rather a pedestrianised High Street than a car park, use of the car parks off Primett Road should be encouraged.

Representation –

- The bays are too short to allow for parking but the creation of pedestrian space should be in the public realm;

Objection –

- Historic importance of the bays and siting in the Conservation Area. Removal of the bays would harm the conservation area and historic High Street;
- Old Town historic importance and heritage being lost following various developments over the years and the Council's agreement to loss of historic fabric is affecting the High Street;
- Expecting older people to park in Primett Road and walk to and from the shops with shopping is unreasonable and could contravene the Disability Discrimination Act;
- A means to attract government funding to the detriment of the character and ambience of the High Street;
- The Independent retailers who are unique in what they offer will not attract custom - particularly amongst the older and disabled members of the community who are not able to park close by;
- Re-Opening of High Streets Safely Fund - Throughout, this document states, 'The action plan must be focused on activities that help to ensure that Small and Medium size enterprises are able to build their resilience and adaptability in the context of economic impact' It does not only apply to Hospitality but independent retailers as well;
- It is to be applauded, in the short term, that these businesses can apply for licences to put removable tables, chairs, heaters, barriers etc on the highway and existing free parking areas in order to comply with existing Government Covid regulations. However, safe passage for passing pedestrians and pushchairs, wheelchairs must be maintained with safe distancing;
- Loss of the parking spaces will have a greater impact on non-hospitality independent businesses in the High Street;
- The character and historic importance of the High Street has already been harmed by the introduction of garish cycle parking solutions and street furniture, with little public consultation;
- The loss of the parking spaces takes away 'freedom of choice' for the disabled and elderly to park close to a shop;
- The proposals do not meet the requirements of the relevant licenses;
- People will shop elsewhere when they are unable to park in close proximity of High Street businesses;
- Insufficient parking in the High Street currently;
- The proposal will affect the economy of the High Street and many struggling businesses after 3 lockdowns;
- The loss of free parking proposed by the Council has not been properly consulted on;
- Pavement in this area is too narrow leading to significant highway safety issues;
- Will lead to the displacement of parking to surrounding streets to the detriment of local residents;
- Lack of a thorough inspection at a time when the High Street has been severely affected by lockdown restrictions;
- People won't walk from the Primett Road car parks just for a paper or coffee;
- Will set a precedent for other businesses;

- Kerb height needed will be too high contravening Health and Safety;
- Operation of the business, with hot food and drinks being transported across a public footpath has not been given due consideration;
- As a temporary measure the use of these spaces to help with the pandemic is supported, but permanent loss of these spaces will greatly impact the High Street businesses and its users;
- Outside seating will be wasted most of the year;
- Changes are being made or proposed to the Old Town without right and proper consultation with businesses or residents;
- The Local Plan says that the history of Stevenage goes back to prehistoric times and that it grew around what is now the Old Town High Street. It follows on to say under "Conservation Areas - Old Town High Street" that the objective is to preserve the core of the Old Town along the route of the former Great North Road;
- At 8.47 The Local Plan says that the rear of the Old Town High Street provide opportunities for more development suggesting the overall parking for the Old Town is under threat if the High Street parking is removed.

Objection made on behalf of Stevenage Old Town Business & Community Partnership (SOTBCP) -

This objection is submitted by the current chair of the Stevenage Old Town Business & Community Partnership (SOTBCP) on behalf of the members of that group in respect of planning application reference 21/00148/FP.

First and foremost, we would like to clarify that this objection is made on the principle that granting this application will set a precedent in favour of the change of use from public parking public realm space to a commercial use benefitting a business, rather than against this application in particular. As a group, we have sympathy with assisting the hospitality offering on our High Street through the current restrictions with temporary access to outdoor seating, but this will not be necessary in the long term as a permanent provision removing areas for the exclusive use of one businesses to the detriment of others.

Whilst we are aware that the Use Classes were amended on 01.09.20, for convenience we will use the old terminology when making reference to the planning policies where appropriate.

Turning to specific objections:-

Policy TC10 c. of the adopted local plan

This says that planning applications will be granted provided that any additional use class A3 or A4 will not adversely affect the character of the centre or otherwise result in a detrimental over-concentration of such uses in the vicinity of the applicant site. We would argue that the change of use would adversely affect the character of the High Street by removing an area out of public use to one auxiliary to a business.

In addition, prior to the temporary provisions of "safe spaces" and the temporary provisions within the Business and Planning Act 2020 as a response to the Covid-19 pandemic, there has historically not been any outdoor seating save within a premises' own curtilage or on the pavement. To now change parking to outdoor seating for a business is unprecedented and, therefore, necessarily affects the character of the High Street. Whilst it is arguable whether this change is detrimental or not is, of course, subjective but as a group our view is that it would be.

We would also argue that there is already a concentration of A3 use within the vicinity of the site and to allow an additional one would indeed be an over-concentration.

There is provision for exceptions to these policies, but one of the requirements is that the unit has been unsuccessfully marketed for a normally acceptable A-class use or has remained vacant for a considerable amount of time, neither of which applies here.

In passing, we note that the general reasoning behind Policy TC10 is to ensure that at least

60% of 70-92a High Street, 35 -75 High Street, and Middle Row should remain A1 use. It is not known by the group the percentage splits between the uses, but to grant a new A3 use will inevitably impact on them.

Policy IT5 c. and d. of the adopted local plan

This says that planning permission for development which results in the loss of formally defined on-street bays will be granted where the lost parking 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.

The supporting text at 8.33 states that existing parking provision in the town is a valuable asset, that even small schemes can have a big impact, but that where it can be demonstrated that the existing provision is simply no longer able to accommodate modern vehicles, the loss of spaces will be allowed.

We note from the details on the planning application that there is no provision for displacement parking spaces so will assume that the exception relating to the parking spaces not being suitable or required is being relied upon here. However, we reserve the right to make further representations on that point if that assumption is incorrect.

Turning to the argument that the spaces are not suitable or required because they cannot accommodate modern vehicles, whilst it is true that some of the larger modern vehicles overhang the pavement and road when parked in these spaces, that is not to say that they are unsuitable for the majority of modern vehicles. A notice saying that only vehicles of a certain size can park there, or making those parking bays for parallel parking only, would remedy the situation.

Alternatively, reserving those spaces for motorbikes, moped, push bikes would also address any perceived problems whilst retaining the current use and keeping them within the public realm.

In passing, we note that it is within the Highways Authority's own gift to re-purpose this area if it is felt to be a safety concern, in the same way as the area outside Costa Coffee has been.

Policy IT8 of the adopted local plan

This states that planning permission which results in the loss of existing public car or cycle parking provision will be granted where there is displacement parking either within the new development or nearby, or where it can be robustly evidenced that the parking is no longer required.

The supporting text at 8.45 states that there will be a general presumption against the loss of existing spaces unless the criteria of IT8 are satisfied.

As stated above, we have seen nothing within the planning application for provision of displacement parking spaces so will assume that it is the exception relating to the parking spaces not being required that is being relied upon. However, we reserve the right to make further representations on that point if that assumption is incorrect.

We have seen no evidence at all, let alone robust evidence, that these parking spaces are no longer required. We would therefore argue that the applicant has not met the criteria of IT8 and the presumption against the loss of spaces must be applied.

In passing, we note that pre-pandemic, all on-street parking spaces would be in use. During the pandemic, even given the limitations of these spaces and the fact that there are longer spaces available nearby, they are regularly being used.

Old Town High Street Conservation Area Management Plan Supplementary Planning

Document adopted 19.07.12

At point 8.6 of the above, it says that clusters of food and drink uses undermine the primary retail function of the historic centre, and that this would be addressed through the local plan. At that end of the High Street there is already a cluster of food and drink uses, adding another would further add to the cluster and tip the balance further away from the primary retail function.

It may be that, since publication of this document and the now adopted local plan, the vision for High Streets has moved on away from a primary retail function towards experience offerings, but the policies applicable for our High Street state that it is still to be primarily retail unless and until these are revised.

Point 9.6 of the above states that parking is a key issue within the conservation area, and that the width of the High Street means that it can accommodate parking on both sides of the carriageway. We agree that parking is a key issue on our High Street, and that historically parking has been on both sides of the carriageway. This therefore supports our contention above in relation to TC10 c. that to allow the change of use would change the character of the High Street.

Point 9.7 of the above says that the (then) new parking regime was to enhance the vibrancy of the Old Town and to ensure the economic wellbeing of the retail area. This acknowledges the importance of having easily accessible, free, and available parking on the High Street for the viability of the High Street. Given the importance attributed to parking on the High Street, and in the wider Old Town, it would be contrary to this management plan to permit the loss of these parking spaces.

In addition to specific planning policies, wider safety concerns are:-

- a. having people seated for protracted periods of time so close to vehicles on the highway where there is no permanent safety barrier, especially where alcohol is being served; and
- b. in a period where so high a percentage of women are victims of assault, abuse, and harassment (let alone other vulnerable people) it is less safe to have people walking from car parks either side of the High Street through routes which are badly lit, secluded, and poorly visible.

We have endeavoured to limit our objections to planning grounds, but to speak to the wider feelings of our members for a moment, there is real concern and disquiet that this is metered parking and/or pedestrianisation by stealth. It has been well evidenced in other towns which introduced such measures that it was the death-knell to their High Street. We would welcome a wider discussion on how we want our High Street and Old Town to look going forward.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 The outdoor seating area is proposed to be located adjacent to a section of public highway currently used as parking bays which are offset at ninety degrees from the High Street which is a local access road and subject to a speed limit restricted to 30 mph.
- 5.1.2 It should be noted that regardless of any consent that may be issued under the Town and Country Planning Act the placement of any tables, chairs or other apparatus on or within the public highway cannot occur until such time as a licence under the provisions of Section 115E of the Highways Act 1980 has been secured with the highway authority or its Agents.
- 5.1.3 In order that Planning Permission is considered, the closure of the Parking Bays is a matter for an Extinguishment of Vehicular Rights Order under Section 249 Town and Country Planning Act 1990 this is subject to the above recommended planning condition and highway informative.

- 5.1.4 Hertfordshire County Council as highway authority has considered that, subject to the above highway informative and recommended planning condition, the proposal would not have an unreasonable impact on the safety and free flow of highway users passing the site.

5.2 Environmental Health

- 5.2.1 If planning permission is granted it is recommended that the following conditions are attached:

Noise Impacts

Noise is a material planning consideration that can have a significant impact not only on the amenity of residential occupiers, but can also have commercial implications for businesses if not suitably considered and controlled at the planning and development stage. It is therefore essential to ensure that any significant noise sources that could have an adverse noise impact on the amenity of residential occupiers or potentially restrict commercial operations are robustly considered and assessed as appropriate. In considering the potential impacts of noise on the proposed development, the Environmental Health Service will have due regard to relevant policy, standards and guidance, which include:

- The National Planning Policy Framework (NPPF);
- The Noise Policy Statement for England (NPSE);
- Planning Policy Guidance - Noise.
- Pro-PPG Guidance 2017
- BS4142:2014
- BS8233:2014

Please note that this is not an exclusive list and other standards and guidance may be appropriate in given situations. As part of the planning process you will be required to provide a Noise Impact Assessment report.

5.3 BEAMS

- 5.3.1 Misya Meze and Grill occupies a grade II listed property on the east side of Stevenage's historic High Street, near its southern end. The site lies within the Stevenage Old Town Conservation Area - conservation areas are defined as being 'areas that are of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.' Both statutory listed buildings and Conservation Areas are considered to be 'designated heritage assets' under the NPPF.
- 5.3.2 The application proposes removing the existing area of parking bay to the front of the restaurant and its replacement with hard surfacing (to match existing to pavement). The purpose of this is to provide an enlarged external seating area to the front of the restaurant. A similar scheme has already occurred further up the High Street, in front of Costa Coffee.
- 5.3.3 The existing parking bays (which provide free parking for a period of time) are a characteristic of the southern end of the High Street and are subdivided by trees set in raised hard surfaced areas. BEAMS is concerned that the incremental loss of the parking bays on a permanent basis, along with the introduction of new hard surfacing / block paving and kerbs added on an ad hoc basis etc will detract from the character and appearance of the Conservation Area.
- 5.3.4 The applicants wish for increasing the amount of outside seating possible for the restaurant during the Covid-19 pandemic is understood. However, it is recommended a less permanent solution, for example timber decking for a seating area set within a parking bay, granted consent on a more temporary basis (ie 6 months to 1 year) would help the restaurant in the short term but without permanent loss of parking areas and without changing the existing

character of the High Street. BEAMS recommend a more reversible / temporary solution is explored.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 Central Government Advice

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

6.3 Planning Practice Guidance

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)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP8 Good Design
- TC9 High Street Shopping Area
- IT5 Parking and Access
- IT8 Public Parking Provision
- NH10 Conservation Areas

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.
Old Town Conservation Area Management Plan 2012

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 The main issues to consider in the determination of this application are the impact of the loss of the parking spaces and the impact of the works on the character and appearance of the conservation area.
- 7.2 It is emphasised that the application is only seeking permission for the change of use of the parking spaces to highway forecourt for the use of outside seating. The provision of the outside seating itself is assessed and controlled by the Local Highways Authority under the relevant Pavement Licence. The following assessment does not therefore take account of the actual proposed seating/table and chairs, just to the proposal to allow for seating within the proposed highway forecourt area.

7.3 Loss of Parking Spaces

- 7.3.1 The proposed site plan shows two areas of parking bays affected by the proposal, one area north and one area south of an existing projecting island which has a single tree planted in it. The northern area measures 2.6m in width by 2.6m in depth. The southern area measures 5.5m in width and 2.6m in depth. This would include the area directly in front of and the full width of the premises 123-125 High Street, Misya Meze and Grill.
- 7.3.2 Given the measurements above, the proposed change of use of the parking bay area would see the loss of approximately three parking bays only, and short term spaces at that, with only a depth of 2.6m measured before meeting the main carriageway. The spaces also have a change in gradient from the carriageway sloping up to the footpath edge.
- 7.3.3 The proposed works would see the area levelled and finished with kerbing stones, similar to that carried out to the front of Costa Coffee further north along the High Street. Details of levels and the finished works have not been provided and could be reasonably sought through the imposition of a condition on any approval. The proposed materials would also be conditioned to ensure they are appropriate to the Conservation Area setting and the setting of the listed building.
- 7.3.4 There has been several letters of objection to the proposal based on the loss of parking and the impact this has on shoppers having to walk further from other nearby parking, and the impact on local businesses. Letters of support have identified a need for outdoor seating associated with such uses that keep the area alive outside normal shop trading hours over the need for the retention of the parking bays.
- 7.3.5 Looking firstly at the loss of the parking bays in terms of parking, the Council adopted its new Parking Provision and Sustainable Transport SPD in October 2020 which outlines the Council's prescribed standards for parking based on development type for new proposals. The SPD also summarises the Council's aims to reduce private car use and work towards a modal shift to promote non-car modes of transport. This is in line with the aspirations of the NPPF, Hertfordshire County Council's Local Transport Plan 4 and the adopted Local Plan (2019) to promote sustainable development and to locate new development where it is highly accessible by passenger transport, walking and cycling.
- 7.3.6 The High Street is served by parking bays along both the eastern and western sides of the highway, with vehicles parking perpendicular, at a 90 degree angle to the footpath. The parking bays extend from the south close to the roundabout junction with Letchmore Road northwards to Middle Row and then further parking is provided north of Middle Row on the

western side to the front of Tesco and nearby shops. Parking is then also available off Church Lane, with two surface level car parks in close proximity of the High Street to the west, and also two large car parks off Primett Road, referred to as the old Waitrose car park and one further south which is currently being partially used for a COVID testing site and is often used for parking of vehicles when the State Fair is held in Stevenage each year.

- 7.3.7 The Council's adopted Policies IT5 and IT8 refer to parking provision and mention specifically public parking provision, the loss of which should be justified or displaced elsewhere. The proposal clearly does not allow for the lost parking to be provided as part of the development, as Policy IT8 requires, and this refers more to larger scale development where provision can be re-sited.
- 7.3.8 In this case, whilst a robust argument has not been made about the parking loss or demand, the sustainable location of the parking bays and the limited number of spaces (three) being lost is heavily in favour of the proposal. Objections highly emphasise the loss of parking and likely inability for people to park closely to existing shops. However, given the level of parking available along the rest of the High Street and the close proximity of the surface level car parks both to the east and west of the site it is argued that with the prominence of shops being to the north of the High Street and thereby unaffected by this proposal, the loss of three spaces is negligible in this location.
- 7.3.9 The loss of the parking spaces is not considered to prevent elderly and disabled drivers from accessing facilities in the High Street. The bays in question are below standard in size and given their physical attributes may be difficult to use for those who are disabled or who have poor mobility due to age. These bays are not designated disabled bays, of which there are some further north of the site along the High Street. Furthermore, they are sited to the south of the High Street away from those businesses mentioned in objections and are therefore unlikely to be parked in by the demographic groups mentioned in the objections.
- 7.3.10 The temporary measures in place to allow the business to operate during restrictions of lockdown and COVID measures has been working well, despite mixed reviews from the public. It is noted nearby restaurant businesses have undertaken similar temporary measures and these may also result in applications for permanent closing off of bays on the western side of the road. However, no such application have currently been made and we can only consider the proposals put towards us in this application.
- 7.3.11 The Local Highway authority has assessed the application in respect of the impact on highway safety and has no objections subject to the imposition of conditions and informatives.
- 7.3.12 Given the proposal would only result in the loss of three bays, the location is highly sustainable and there is a good level of alternative parking in close proximity of the site, it is considered the loss of three parking spaces is acceptable in this case.
- 7.3.13 The second area of objections raised in respect of the loss of the spaces is the knock on affect for local businesses. This issue stems from the people not being able to park so closely to their destination and businesses being affected as a result. As mentioned previously, the businesses noted in this regard are located further north along the High Street and with parking bays still available in closer proximity than those the subject of this application. Furthermore, the future impact on businesses is not surmountable to this specific application, given the retail industry as it is at present, and also following the COVID pandemic.
- 7.3.14 Whilst, the retention of businesses is an important factor in ensuring the vitality of the Old Town, this also stems to the continued use of non-retail premises including uses that provide night time and entertainment within a mixed use area. It is not considered therefore that the loss of three parking spaces can be accounted for any future impact on local businesses when adequate parking provision is still available in the locality.

7.4 Impact on the Character and Appearance of the Conservation Area

- 7.4.1 The High Street is located within the Old Town Conservation Area, of which there is a Management Plan (MP) highlighting the key buildings and areas that have historic and architectural value as Heritage Assets. Both the MP and the Local Plan make note of the significance of the High Street as the former A1/Roman road linking London to the North of England. This includes the provision of these parking bays on both sides of the road adding to the character and visual appearance of the High Street.
- 7.4.2 The NPPF outlines the need to assess the impact of development on a Heritage Asset and to 'take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Furthermore, Paragraph 192 of the NPPF goes on to suggest LPA's 'take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'.
- 7.4.3 In this case there are two factors, the loss of an area of parking that forms part of the Conservation Area as a Heritage Asset against the contribution of the area being available as a forecourt area to allow the provision of outside seating for a local business, in a sustainable location. The Council's Listed Building and Conservation Area consultants BEAMS have provided comment and have raised concerns over the loss of the parking bays permanently. A temporary measure is considered acceptable with re-instatement after the temporary period. The incremental loss of the parking bays on a permanent basis, along with the introduction of new hard surfacing / block paving and kerbs added on an ad hoc basis etc will in BEAMS opinion detract from the character and appearance of the Conservation Area.
- 7.4.4 It is the opinion of officer's, on balance, that the works to remove the three parking bays and create the forecourt area, to be completed with agreed and sympathetic materials would be at the lower end of 'less than substantial harm' to the historic character and appearance of the Conservation Area or the historic importance of this Heritage Asset given the majority of the parking bays along the High Street being retained and still available for use, such that a refusal is warranted.
- 7.4.5 Whilst it is noted that there is harm the consideration of the public benefits have to be taken account of. The PPG states that –
In considering the public benefits that may be derived from the proposed development, the Planning Practice Guide (PPG) advises that they should be of a nature and scale that will be of benefit to the public at large and not just be a private benefit. Whilst a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:
- Sustaining or enhancing the significance of a heritage asset and the contribution to its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimum viable use of a heritage asset in support of its long terms conservation.
- The existing business operates from a Grade II Listed building and whilst it is a private business, the proposal would help protect the viability of this business and therefore the listed building also. This is especially given the impact of the COVID pandemic. The use of the proposed highway forecourt area would reduce the risk of the heritage asset becoming vacant which could potentially impact its long term preservation.
- 7.4.6 Furthermore, if any future applications are submitted for further reduction in parking areas they would be considered on their own merits and in respect of their impact on the historic character and possible erosion of the Conservation Area.

- 7.4.7 Further commentary has been provided as part of objections around the overconcentration of restaurant uses in this southern part of the High Street and that the additional seating would present a further unacceptable former A3 use class. However, this approach is considered to be a mis-interpretation of this policy in the Local Plan as the proposed seating area use would not be providing a whole new A3 (former) use but would allow an existing business to provide outdoor seating.
- 7.4.8 Additionally, it is important to recognise the recent changes made by Central Government to the use classes order which affects retail and other former A Use Classes, The newly adopted E Use Class allows for greater flexibility between mixed uses in High Street and Town Centre areas to promote occupation of vacant units, and to diversify these retail areas for future use. As such, the arguments relating to the business itself and the additional seating failing to accord with Town Centre Policies are not held by Officers.

7.5 Human Rights and Equalities

- 7.5.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.5.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers
- 7.5.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.5.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal does not comprise the removal of disabled parking spaces and there would be sufficient space on the public footpath for person(s) who are disabled to safely pass the outdoor seating area without hindrance.

7.6 Other Matters

- 7.6.1 The proposal has been looked at by Environmental Health and due to the proposed use of tables and chairs it has been advised a Noise Report be provided. However, as prescribed at the beginning of this report, the proposal is not in determining the impact of the seating itself on the locality, but assessing the change of use to allow for seating to be placed on the proposed highway forecourt. The impact of the seating areas is controlled through separate licence by Environmental Health or Hertfordshire County Council Highways. It is not therefore considered reasonable to impose a condition seeking this information.
- 7.6.2 It has been suggested in the objections raised that the proposal has not adequately consulted with local businesses on the proposals to allow for an informed view. The application has undergone the relevant consultation process in accordance with the Town and Country planning (General Management Procedure) Order having sent letters to neighbouring properties, a site notice being posted at the site and an advert being placed in the local newspaper.

- 7.6.3 In respect of the CIL charging scheme the proposed development would fall within the criteria for CIL but would not be a liable scheme.

8 CONCLUSIONS

- 8.1 The proposal to remove areas of existing parking along the eastern side of the High Street to the front of 123-125 High Street to allow for the creation of a highway forecourt to allow for ancillary seating for Misya meze and Grill is considered acceptable. The loss of three parking spaces approximately would not adversely impact the current parking provision along the High Street and within the Old Town generally, and the impact on the Conservation Area is not considered to be harmful to its character of historic significance.

9 RECOMMENDATION

- 9.1 That permission is granted subject to the conditions listed in section 9.2, and, any minor changes to the conditions listed in 9.2 to be delegated to the Assistant Director of Planning and Regulation and the Chairman of the Planning and Development Committee
- 9.2 The proposal be subject to the following conditions:-
1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 26121/01A.
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 development shall take place until details have been submitted to and approved by the Local Planning Authority of the existing and proposed levels of the parking bay areas and the proposed western elevation finish of the forecourt as seen from the highway edge. Details should also include all proposed materials, including kerbing and block paving finishes. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance and preserves the character and appearance of the Conservation Area.
 4. The development hereby approved shall not commence until such a time as the applicant has secured the written authorisation of the Extinguishment of Vehicular Rights Order under Section 249 of the Town and Country Planning Act 1990 and to obtain a licence under the provisions of Section 115E of the Highways Act 1980 for the public highway on which the development is proposed as shown on the submitted drawing in conjunction with the Local Planning Authority and the Highway Authority.
REASON:- To ensure construction of a satisfactory development, in the interests of highway safety.

INFORMATIVES

Notwithstanding the consent issued under the Town and Country Planning Act 1990, a licence issued under the provisions of Section 115E of the Highways Act 1980 is required prior to the placement of any tables, chairs or other apparatus in the public highway. Before proceeding with the proposed development, the applicant is advised to contact Street Café Licences StreetCafeLicences@hertfordshire.gov.uk or call 0300 1234 to obtain the requirements on the procedure to enter into the necessary licence agreement with the highway authority, Hertfordshire County Council. The applicant is further advised that the licence may or may not be issued with or without amendment to the scheme granted planning permission.

Notwithstanding the consent issued under the Town and Country Planning Act 1990, the applicant is advised that further public consultation will be carried out which may deem the above order/licence being unsuccessful and may not be granted due to the highway authority requiring the land for its own use.

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

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

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport adopted October 2020; Stevenage Design Guide 2009.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.
7. Responses to third party consultations referred to in this report.

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

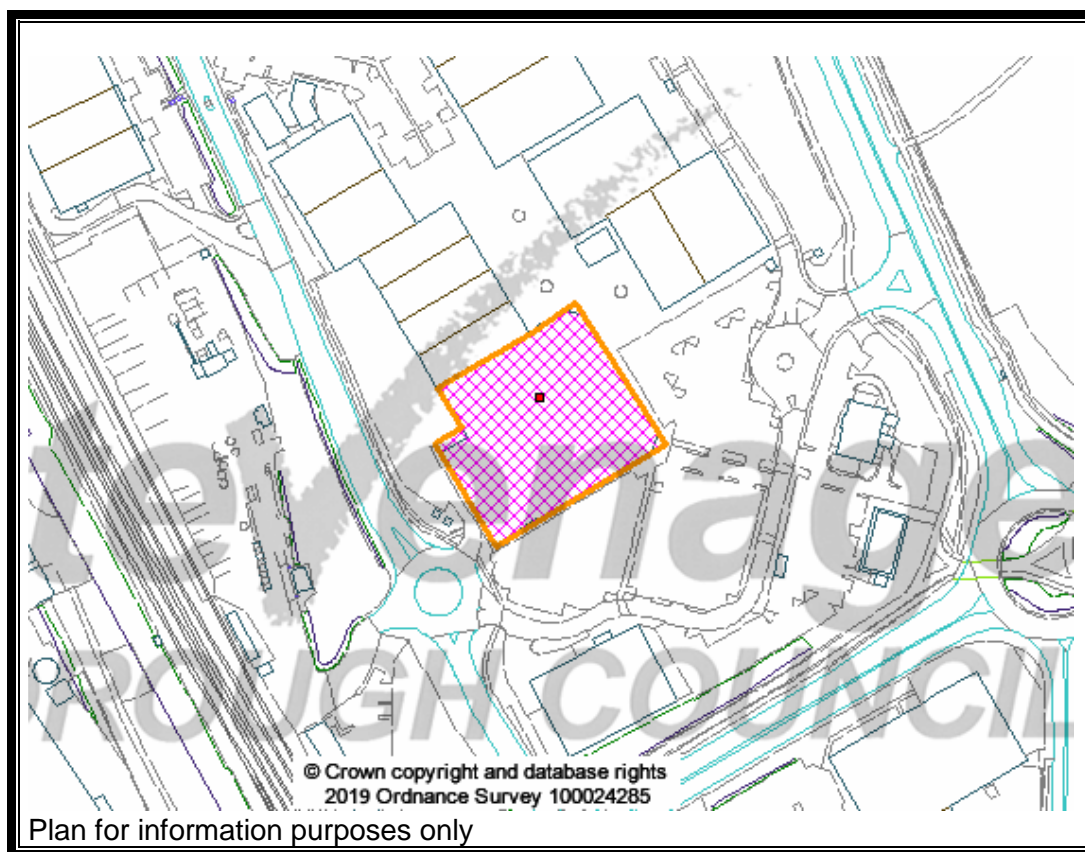
Date: 27 May 2021

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	21/00260/FPM
Location:	Unit 5 Roaring Meg Retail Park, London Road, Stevenage
Proposal:	Variation of Condition 1 (Approved Plans) and removal of Condition 8 (Food Sales Restriction) of Planning Permission 14/00111/FPM to allow for minor external alterations to the building and the sale of food not associated with a café or restaurant use in store.
Drawing Nos.:	2264-U5-L01; 2264-U5-P01; 2264-U5-P02; 2264-U5-P03; 2264-U5-X01; 2264-U5-X02; 2264-U5-X03; 2264-U5-X04.
Applicant:	Stevenage Retail Ltd
Date Valid:	18 March 2021
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 Unit 5 Roaring Meg Retail Park is the former Debenhams site located to the south of the retail park. The Roaring Meg Retail Park is divided into two distinct areas to the north and south, with a pedestrian area centrally located and separating the two parking areas associated with each half of the park. Unit 5 was redeveloped and extended as a Debenhams flagship store following permission being granted in 2014. The unit included various café/restaurant uses including Nandos and Patisserie Valerie. The retail park also includes businesses such as Smyths Toys Superstore, Boots, Hobbycraft, Currys PC World, Furniture Village and Argos. Buildings to the south east house fast food eateries like Burger King and Pizza Hut.
- 1.2 The site is accessed by vehicles and pedestrians from the south west off London Road and also from the east off Monkswood Way. Pedestrian access is also from the northern car park, with the rear service yard accessed from London Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted under reference 14/00111/FPM for the partial redevelopment and extension of Unit 5 to provide additional floorspace including ancillary cafe and amendments to car park and landscaping. Various amendments have been approved relating to car parking, pedestrian routes and elevational treatments/glazing of the building.
- 2.2 Application reference 15/00308/FP was approved for the provision of a sub-station, sprinkler pump, 2 nos. sprinkler tanks, staff cycling, new fencing, enclosed waste and recycling bin and replacement lighting columns.
- 2.3 Advertisements have been approved for various signage including fascia signs, hanging/projecting signs and totem poles under references 16/00674/AD, 17/00244/AD, 17/00409/AD, 17/00515/AD and 17/00735/AD.
- 2.4 External seating areas associated with the restaurant uses at the site were approved under reference 17/00377/FP.
- 2.5 Running alongside the current application, application reference 21/00364/FP seeks permission for alterations to the South Car Park including a new link road, creation of new cycle parking facilities, landscaping works, provision of 6 no. electric vehicle charging spaces, provision of additional parent and child and disabled parking, and provision of 6 no. trolley bays. This application is still under assessment and pending consideration.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks to vary condition 1 (Approved plans) and remove condition 8 (Food Sales Restrictions) of permission 14/00111/FPM to allow for external alterations to the building and the sale of food and drink from the unit not associated with a restaurant or café use.
- 3.2 The proposed external alterations include replacement of existing glazed entrance doors at both entrances with bi-parting doors and new glazed screens to side, removal of existing glazed doors associated with ground floor restaurants and replacement with glazed curtain walling, new light weight screen to loading bay area, and new louvres at first floor height within existing cladding to rear. In terms of the removal of condition 8, this would allow for the provision of up to 1,674 sq.m of Unit 5 to be utilised for the sale of food and drink goods.
- 3.3 The application comes before committee as it is classed as a major application.

4. PUBLIC REPRESENTATIONS

- 4.1 This application has been advertised in the Local Press, Site Notices have been erected and neighbouring properties were notified about the application via letter. There have been 132 third party observations to date, all in support of the application proposal.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 No objection raised subject to the following condition being imposed following satisfactory agreement of the Travel plan submitted.

The development shall be carried out in accordance with the Travel Plan R07-ADM-Travel Plan dated May 2021. The Plan shall be implemented in full thereafter.

REASON:- To promote sustainable travel measures to the development, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework (2019), Policies SP6 and IT4 of the Local Plan 2011-2031 (2019) and Hertfordshire County Council's LTP4 Policies 1, 3, 5, 6, 7, 8, 9, 10.

5.2 Hertfordshire County Council as Lead Local Flood Authority

- 5.2.1 The proposed development site lies within Flood Zone 2 and 3. The Lead Local Flood Authority (LLFA) note that there are no changes being proposed to the ground floor and the footprint of the building will remain unchanged. Therefore, in relation to this variation of conditions, the LLFA has no comment to make, as it does not impact on surface water management on the site previously approved.
- 5.2.2 However, the LLFA would advise the Local Planning Authority (LPA) that at detailed design stage and pre-commencement of any development on the site the applicant should provide a detailed drainage strategy scheme to clarify how the entire development site will be drained not to increase floor risk on or off site.

5.3 The Council's Business Relationship Manager

- 5.3.1 The Council's Business Relationship Manager is fully supportive of the application which meets a number of key Economic Growth aims for Stevenage: It supports investment into Stevenage through a great anchor store, a much sort after quintessentially British Brand, which is primarily great news for the town and wider economy. The investment by M&S would relay a number of messages to both the wider town and investment community that Stevenage is a prime location for new and future investment. This could inevitably encourage and land other anchors to Stevenage, to support a superb retail offer for both its residents and visitors to the town. The investment also brings an additional quality component to the retail offer, to the already successful Roaring Meg Retail Park, complementing existing businesses located there, as well as bringing additionality to the national chains and independents located in the town centre and the distinct and unique Historic Old Town offer. Furthermore, the investment would enable Stevenage to support an attractive proposition for future investment to all three of these retail centres and raise its profile as a business destination.
- 5.3.2 The investment would also support existing businesses in the town through supply chain activities relating to M&S landing at the Retail Park. The investment would also support a sustainable location, as currently shoppers who choose to shop at M&S have to travel outside of the town to Welwyn Garden City and Biggleswade and therefore, this would go towards reducing the local carbon footprint. The investment by M&S will also encourage more shoppers to shop local and support the local economy and jobs.

- 5.3.3 The investment by M&S could also act as an enabler to assist in attracting new investment in retail and other industries in the town, supporting long term vibrancy and buoyancy of the area. The investment would also support additional foot fall into the town centre and commercial centres from discerning customers on other complimentary offers including food and beverage to support the wider visitor economy. The application builds on recent investment at the Science Park in Stevenage, through its world class Cell and Gene Therapy activities placing Stevenage on a global map for life sciences, along with the additional commitments by many of the towns global key players, including; Airbus Defence and Space and MBDA, who have made considerable investment at their respective sites, and the recent investments in the town centre through its multi-million regeneration programme.
- 5.3.4 The application will also go towards safeguarding current employment land, as well as ensuring the existing unit does not remain empty but support the landing of the anchor store. The investment by M&S into the Retail Park would go towards replacing the jobs lost in the town through the departure of Debenhams and will provide an opportunity for those skilled in this sector to reenter the workplace, as well as provide an opportunity for local residents to enter the labour market to access direct employment opportunities, therefore growing the current skills base. The investment will also create much needed job opportunities for young people and women in retail, who have been adversely impacted by the current pandemic. The investment would also support a number of indirect employment opportunities through activities to support the adjustments to the building.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- The Stevenage Borough Council Local Plan 2011-2031
 - Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

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

6.3 Planning Practice Guidance

- 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)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP3 A Strong Competitive Economy
- SP4 A Vital Town Centre
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP8 Good Design
- SP11 Climate Change, Flooding and Pollution
- TC13 Retail Impact Assessments
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- GD1 High Quality Design
- FP3 Flood risk in Flood Zone 2 and Zone 3

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020.
Stevenage Design Guide Supplementary Planning Document January 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 The main issues to consider in the determination of this application are the visual impact of the external alterations proposed and the impact of the proposed sale of food and drink from within the unit on the retail hierarchy and highways and parking.

7.2 Impact of External Alterations

- 7.2.1 The variation of condition 1 Approved Plans seeks to allow for various external alterations, predominantly to existing entrances to the shop by either replacing the main doors with a different type of glazed bi-fold door, and with the closing off of the existing glazed doors which serve the multiple restaurants/eateries on site. These openings would be replaced with glazed curtain walls. The changes would not materially affect the appearance of the building.
- 7.2.2 Further alterations include a screen by the rear loading bay and two new louvres at roof level at the rear of the building. These alterations would not harm the appearance of the building or the wider area.

7.3 Impact of the Sale of Food and Drink

- 7.4.1 The NPPF reaffirms the Government's objectives for ensuring the vitality and viability of town centres. For proposals that are not in an existing centre, the NPPF states that a sequential test must be undertaken giving preference to town centre sites and then edge of centre sites before consideration is given to out of centre sites. For reference, under Annex 2: Glossary of the NPPF identifies that retail development is a main town centre use. Additional to this, the NPPF states that for proposals of this nature (above the default threshold of 2,500m² – if there is no locally set threshold) an impact assessment must be undertaken which has to consider the following:-

- a) the impact of the development on existing, committed and planning public investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the development on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
- 7.4.2 The Planning Practice Guidance (PPG) (2014) reaffirms the ‘town centre first’ principle, that compliance with the sequential and impact tests does not guarantee that permission will be granted and that the Local Planning Authority will have to take into account all material considerations in reaching a decision. With regards to the sequential test, the PPG states that the applicant must demonstrate flexibility. A town centre site does not have to accommodate precisely the scale and form of the proposed development and consideration should be given to the contribution that more central sites are able to make.
- 7.4.3 Policy TC13: Retail impact assessments of the adopted Local Plan (2019) states that for main town centre uses, an impact assessment is required for any proposal in excess of 300m² for main town centre uses located outside of the town centre. This policy goes on to state that this should include an assessment of:
- i. The impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area; and
 - ii. The impact of the proposal on town centre vitality and viability, including consumer choice and trade in the Town Centre and wider area, up to five years from the time that the application is made. For major schemes, where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time that the application is made.
- 7.4.4 To address the two tests, the applicant has submitted a Planning Statement and Retail Statement. This document contains a significant amount of technical information and judgements on the suitability and availability of alternative sites and the likely impacts from the proposed development. These have been carefully assessed in the following sections of this report.

The principle of development

- 7.4.5 The 2014 application that permitted the extension of the original unit 5 and its occupation by Debenhams imposed a condition restricting the sale of food and drink where it was not associated with a café/restaurant use. Condition 8 specifically stated –
- The range of goods to be sold from the development shall expressly prohibit food sales other than for consumption in the café on the premises and ancillary sales off the premises.*
REASON: - The impact of the development has been modelled on the basis of a department store on this site.
- 7.4.5 As stated in the condition reason, the Retail Impact Assessment provided with the 2014 application looked very closely at the impact of the store as a ‘typical’ department store and it was through the advice of an independent Retail Consultant that the Council took the view it could reasonably limit food sales given the retail market at the time.
- 7.4.6 Paragraph 80 of the National Planning Policy Framework (NPPF) states that ‘policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity’. Furthermore, the NPPF in Chapter 7 highlights the importance of the Town Centre and a need for LPA’s to ensure a retail hierarchy and the requirement for a sequential test for town centre uses out of town.

Sequential Test

- 7.4.7 In considering the suitability of alternative sites, it is necessary to have regard to the characteristics of any site that must be met in order to satisfy the applicant's business model. The definition of "suitability" is pertinent in the consideration on flexibility of format and scale. This definition has been clarified by the Supreme Court in *Tesco Stores v Dundee City Council*. Since this time, the judgement has been recognised by the High Court, Secretary of State and Inspectors as being applicable to the NPPF. In the Dundee judgment, it identifies that provided the applicant has demonstrated flexibility with regard to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site.
- 7.4.8 The aforementioned is important in the case of this application, as there is no requirement in either the NPPF or Planning Practice Guidance for applicants to demonstrate scope of disaggregation. This was confirmed in the *Warner Retail (Moreton) Ltd v Cotswold District Council* Court of Appeal Decision in 2016 as well as by the Secretary of State in his appeal decisions. The *Mansfield Judgment (Aldergate V Mansfield DC & Anor 2016)* affirms that, in applying the sequential test, the decision maker will generally be required to consider the type and format of the proposed development, rather than the requirements of any specific named operator. It identifies that the area and sites covered by the sequential test search should not vary from applicant to applicant according to their identify, but from application to application based on their content.
- 7.4.9 In accordance with the above case law and with the requirements of paragraph 87 of the Framework, the applicant is required to look at the format and space requirements of the new store so that opportunities to utilise suitable town centre or edge-of-centre sites are fully explored. The applicant has advised that firstly, the store would require a floor space of between 8,528 sq.m and 10,423 sq.m (showing a degree of flexibility) in order to meet the business model of M&S. Further, the format, space requirements and need for adjacent car parking are all key factors for the out-of-town store. Given the requirements of the proposed store, the applicant is only required to consider sites which can accommodate the entirety of the floor space required by TWF, i.e. at a minimum of 8, 258 sq.m.
- 7.4.10 The sequential assessment when considering available sites would have to take into account the following Guidance Principles:
- 1) Availability – whether a site is currently available or are likely to become available for development within an acceptable timeframe.
 - 2) Suitability – with due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the need or demand which the proposal is intended to meet.
 - 3) Viability – whether there is a reasonable prospect that development will occur on a site at a particular point in time. However, the importance of demonstrating viability of alternative depends in part on the nature of the need and timescale over which is to be met.
- 7.4.11 Further to the above, the Guidance states that if the applicant asserts that the proposal by virtue of its nature is locationally specific and cannot be accommodated in a more central location, or that it is not possible to adopt a flexible approach to accommodate any need/demand more centrally to justify the applicant's position, then this has to be taken into consideration in the determination of the application.

- 7.4.12 The sequential test undertook a comprehensive assessment of vacant properties within Stevenage Town Centre. The applicant also assessed the Matalan application and the BHS applications in terms of suitability to accommodate the development. The applicant also undertook an assessment of the town centre regeneration scheme SG1. The sequential assessment identified the vacant premises as well as the town centre regeneration scheme would not be sequentially preferable for the proposed development. In addition, the applicant also undertook an assessment of vacant premises within the Town's neighbourhood centre and none of these centres could accommodate the proposal.
- 7.4.13 The applicant also undertook an assessment of the six Major Opportunity Areas (MOAs) which are detailed in the Local Plan (2019). These areas include the following:-
- Southgate Park;
 - Centre West;
 - Station Gateway;
 - Central Core;
 - Northgate; and
 - Marshgate.
- 7.4.14 The more relevant area which could accommodate the proposed development is Northgate Major Opportunity Area (Policy TC6) as it makes reference to the delivery of a new foodstore. For reference, this policy states that planning permission will be granted where it included, but not limited to, new Class A1, A3 and A4 uses and the replacement Use Class A1 major food store. The supporting text of PolicyTC6 makes reference to the Tesco Extra Store, but, it does set out that this site is unlikely to come forward until the end of the plan period, transitioning into the post 2031 period. Consequently, as the application site is currently vacant and available for occupation, the Northgate MOA is not considered to be a sequentially preferable site on the basis of availability.
- 7.4.15 With regards to the Old Town, the only vacant premises of notable size is 74 and 74a High Street which is the former Waitrose. This property was vacated in October 2019 with the two units comprising 600 sq.m and 760 sq.m. The unit is being marketed as two separate units as the intention is for it to be split, combined with the fact the unit is under two separate ownerships. Consequently, these units would not be of a sufficient size to accommodate the proposed development as they are significantly below the stores requirements. In addition, whilst there is a pay and display car park to the rear, this is not suitable to a value food operator and would not satisfy the requirements of the business model. As such, whilst the units are vacant, they are not deemed sequentially preferable on the basis of suitability or viability.
- 7.4.16 Given the aforementioned assessment, the Sequential Test which has been submitted by the applicant sufficiently demonstrates that there are no sequentially available sites within the town centre. In addition, the supporting documentation provided as part of this application emphasises the fact that the existing unit could be occupied by M&S now without the provision of a food hall. However, it has been made clear that the model on which M&S are proposing their re-instatement in Stevenage only works with the provision of a food hall, and that having separate Food Hall and retail units in Stevenage would not work for the company.
- 7.4.17 The LPA also recognises that the current retail and economic market is very different from the original 2014 application, especially considering the global Coronavirus pandemic that has seen many businesses close due to the necessitated lockdowns in the UK. Furthermore, it is important to note that there is no prospect of the Debenhams Store re-opening since its closure. This is due to the company in terms of its website and brand being purchased by "Boohoo" which operates as an online retailer only. Therefore, it can be deduced that the application site is the only sequentially preferable site to support this development, the

sequential test is as such, considered to be acceptable and in accordance with the NPPF (2019) and the Council's adopted Local Plan (2019).

Retail Impact Assessment

7.4.18 Paragraph 89 of the NPPF identifies that planning applications for retail development outside a town centre, not in accordance with an up to date Local Plan, should be assessed in terms of the following impacts on centres:

1. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
2. The impact of the proposal on town centre vitality

7.4.19 Confirmation of how the retail impact test should be used in decision taking is set out in paragraph 17 of the 'Planning for Town Centre Vitality and Viability' section of the NPPG. The guidance states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. The NPPF also advises that when assessing applications for *inter alia* retail outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if a development is over a proportionate, locally set floorspace threshold. As set out under paragraph 7.2.4 Stevenage Borough Council has a locally set threshold set threshold of 300m².

7.4.20 It is not considered a full Retail Impact Assessment is required as part of the application as the retail use of the unit is already established, in line with Policy TC13 of the Local Plan. However a Retail Statement has been submitted with the application specifically looking at the impact of the proposed food hall, at a floor area of 1,674 square metres within the 9,475 square metre unit, to give a like for like comparison. Looking then at the impact on the Town Centre as the nearest relevant centre, the conclusion is that there would be a likely 3% and 2% reduction in the anticipated impact on Benchmark Turnover of Tesco The Forum and Iceland respectively.

7.4.21 The PPG advises that a judgement of the impacts can only be reached in light of local circumstances. On balance, whilst there is likely to be an impact on the Tesco and Iceland stores identified in the town centre, the impact is not considered to be significant in this case. The LPA places great weight on the benefits of M&S occupying the large vacant Debenhams store, especially given the current economic market and retail sector struggles. In addition, the assessment identifies the town centre is relatively vital and viable centre, with a good mix of national and independent retailers. Moreover, the proposal would not have a discernible impact on any future investments in the town centre which include its wider regeneration.

7.4.22 The removal of condition 8 from the 2014 permission 14/00111/FPM is therefore considered acceptable on balance, with the M&S model to provide a 1,647 square metre food hall within the unit unlikely to have significant impacts on the named food shops, and bringing a positive and welcomed large high street business to the town. It can therefore, be demonstrated that the proposal will not have any discernible impact on existing shopping patterns by virtue of its limited scale.

7.5 Highways and Parking

7.5.1 The application is accompanied by a Transport Statement (TS) and Travel Plan (TP). The Local Highways Authority has assessed the proposal and raise no objections to the information contained in the TS and have advised of the requirement to impose a condition in respect of the TP.

7.5.2 The TS looks specifically at the impact of the introduction of food sales at the unit on the impact on the local highway network, including trip generations above the existing retail non-food use. An additional 108 two-way new trips have been calculated using comparable TRICS

data. These have been considered reasonable by the Local Highways Authority, with the conclusion that the introduction of food sales at the store would not adversely impact the local highway network capacity.

- 7.5.3 In terms of parking, the proposal would see a likely increase in demand for spaces in particular on a Saturday afternoon by 56 spaces. However, the current parking provision at the Retail Park is sufficient to consume this demand increase. The proposed food sales use would require 118 spaces, with non-food retail parks being determined on their merits. Given the site can accommodate a total of 1,016 cars (north and south car parks) the additional likely need of 56 spaces is considered to be absorbed in the existing provision acceptably.

7.6 Other Matters

7.6.1 SuDs and Flooding

- 7.6.1.1 The site is located in Flood Zones 2 and 3 on the Environment Agencies map. The Lead Local Flood Authority has been consulted and they have no comments to make as the proposal does not see an increase in floor space.

- 7.6.1.2 The Environment Agency have recently updated their matrix for consulting on applications and whilst the floor space of the site constitutes the proposal as a major application and it is located in Flood Zone 2 and 3, as the main use as retail is not changing, and there is no increase in Gross Floor Area (GFA) they have confirmed they would not wish to be consulted on the application.

7.7 Human Rights and Equalities

- 7.7.1 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.
- 7.7.2 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
- 7.7.3 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.
- 7.7.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal does not comprise the removal of disabled parking spaces and there would be sufficient space on the public footpath for person(s) who are disabled to safely pass the outdoor seating area without hindrance.

8 CONCLUSIONS

- 8.1 The variation of condition 1 and removal of condition 8 of permission reference 14/00111/FPM are considered acceptable. The external changes would not materially impact the appearance

of the building or wider retail park. The provision of food and drink sales not associated with a café or restaurant use are considered acceptable in light of the information provided and on balance in respect of the wider positive economic and viability impacts the proposed occupation of the unit by Marks and Spencer would have for the town.

9 RECOMMENDATION

9.1 That permission is granted subject to the conditions listed in section 9.2, and, any minor changes to the conditions listed in 9.2 to be delegated to the Assistant Director of Planning and Regulation and the Chairman of the Planning and Development Committee

9.2 The proposal be subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2264-U5-L01; 2264-U5-P01; 2264-U5-P02; 2264-U5-P03; 2264-U5-X01; 2264-U5-X02; 2264-U5-X03; 2264-U5-X04.

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

2. The development shall be carried out in accordance with the Travel Plan R07-ADM-Travel Plan dated May 2021. The Plan shall be implemented in full thereafter.

REASON:- To promote sustainable travel measures to the development, in accordance with paragraphs 108 and 110 of the National Planning Policy Framework (2019), Policies SP6 and IT4 of the Local Plan 2011-2031 (2019) and Hertfordshire County Council's LTP4 Policies 1, 3, 5, 6, 7, 8, 9, 10.

3. The sale of convenience products on site shall not exceed a total of 1,647 square metres of floor space within the total 9,475 square metre unit without the written agreement of the Local Planning Authority by way of submitting a planning application for consideration of the impact of the increased area of food sales on retail and highways.

REASON:- The impact of the provision of convenience product sales has been assessed on the basis of 1,647 square metres of floor space only.

INFORMATIVES

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

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage 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.

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.

2. Stevenage Borough Local Plan 2011-2031.

3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020; Stevenage Design Guide 2009.

4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.
7. Responses to third party consultations referred to in this report.

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

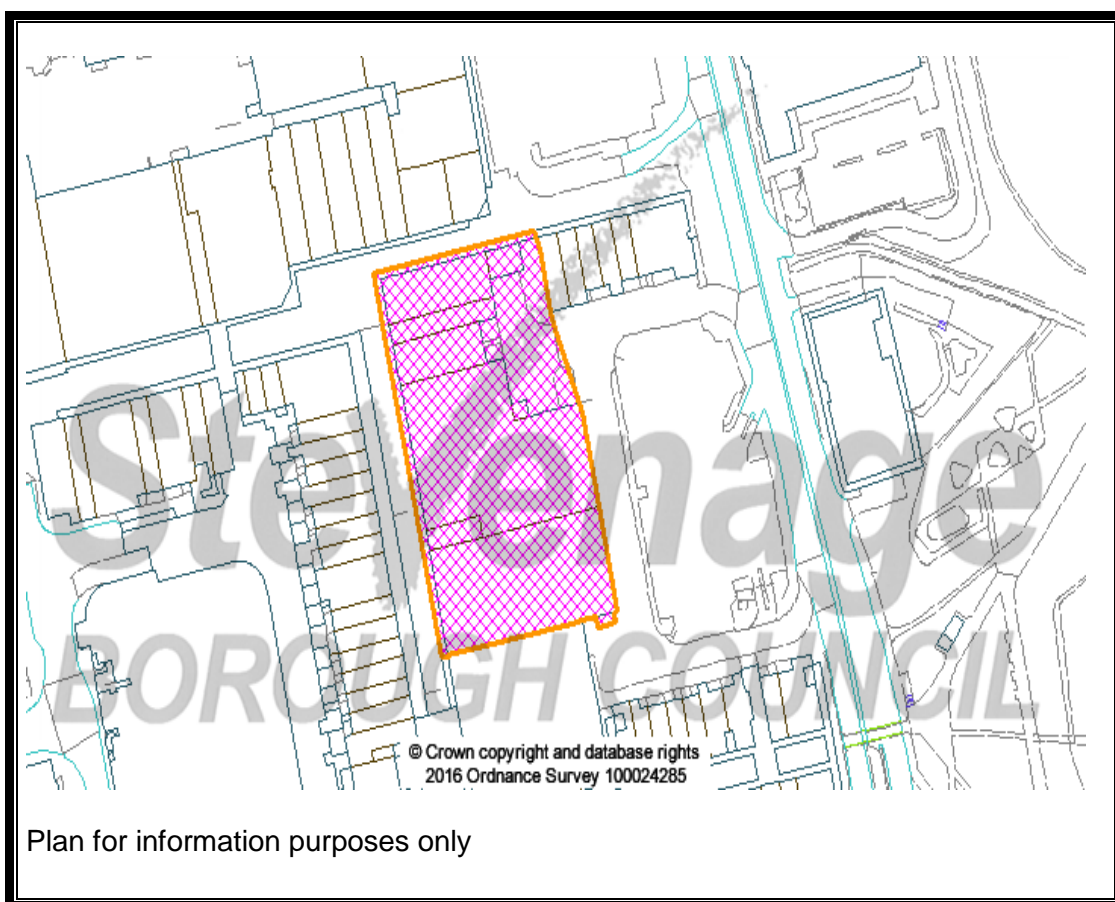
Date: 27 May 2021

Author: Linda Sparrow 01438 242837

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Linda Sparrow 01438 242837

Application No:	21/00130/S106
Location:	85-103 Queensway, Town Centre, Stevenage, Herts
Proposal:	Modification of section 106 agreement to facilitate change of affordable housing tenure (from affordable rent to affordable build to rent) approved under planning permission reference 18/00268/FPM
Drawing Nos.:	N/a
Applicant:	Reef Group
Date Valid:	22 February 2021
Recommendation:	Agree variation of S106 Agreement



1. SITE DESCRIPTION

- 1.1 The application site is located at the northern end of Queensway which falls within Stevenage Town Centre. The site comprises numbers 85 (The former M&S store) to 103 (The former Poundland store) Queensway and is part three-storey, part four storeys in height with a shopping parade at ground floor level with offices and ancillary retail floorspace located above. However, the building drops down to single-storey where it turns the corner into The Forum with this part of the building occupied by “Kaprys Polish Delicatessen”. The building itself across all of the levels is flat roofed. The Queensway elevation is predominantly constructed from concrete panels with a textured pebble dash finish, with some crittall windows and green tiles. Construction works under planning permission 18/00268/FPM are now significantly advanced where the new ground floor shopping parade comprising of full height glazed shop frontages. There are also modernised canopies which have been re-clad with a perforated underside with stop lighting. These overhang the ground floor shopping parade. The additional floor above the former M&S store also appears to be nearing completion. The majority of improvement works have taken place where the existing brickwork has been cleaned and refurbished along with replacement of existing cladding. In addition, modern first and second floor windows have also now been installed.
- 1.2 The Marshgate elevation (rear) of the application site has been completely re-developed with the construction of a new five storey residential building which comprises of under croft parking. The rear elevation of the former M&S unit has been modernised and refurbished
- 1.3 To the east of the application site (rear) is the Marshgate Car Park and service road and beyond this is St George’s Way, Bowes Lyon and Town Centre Gardens. To the north of the development site is “The Forum” which is a modern two ½ storey building comprising of retail units and to the north-east is a modern, brick built, two-storey building comprising a tanning salon, hot food takeaway, a mattress store and the Job Centre. To the south/south east of the application site is Park Place which is currently undergoing extensions and external modernisation works in order to create a new residential development with ground floor retail units. To the west of the application (the front) is the main Queensway pedestrianised area of the town centre beyond which is the other part of the shopping parade with retail premises at ground floor level with ancillary retail floorspace above. To the front of the building is a metal framed, painted white, glazed canopy which over-sails the public footpath.

2. RELEVANT PLANNING HISTORY

- 2.1 There is a varied and lengthy history associated with this site. The most relevant applications are set out below:
- 2.2 18/00268/FPM Partial demolition of existing buildings to facilitate erection of new residential building comprising 39no. studio, 54no. one bed and 1no. two bed flats with under-croft car parking; retention of existing office use (Use Class B1) on upper floors; change of use of existing retail units (Use Class A1) to a mixed use development of Use Classes A1 (Shops), A2 (Professional & Financial Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and D2 (Gym) with associated enhancements to shop frontages; replacement canopies; public realm improvements and associated car parking and highway works. Planning permission granted 20.12.2018.
- 2.3 18/00386/CPA Prior approval for Change of use of the second floor from use Class B1(a) (offices) to Use Class C3 (residential) to provide 11 flats. Prior Approval granted 30.08.2018.
- 2.4 18/00390/FP Change of use of part of the second floor from retail (Use Class A1) to form 8 residential flats (7 x studio flats and 1 x 1 bed) including upgrade and refurbishment to stair

- and access to residential flats, a new lift and formation of bin and cycle store areas at ground floor. Planning permission granted 05.09.2018.
- 2.5 18/00393/CPA Prior approval for the change of use of part of second floor from use class A1 (shop) and class A2 (financial & Professional) to 2no. dwelling units (use class C3). Prior Approval granted 09.08.2018.
 - 2.6 18/00508/FP Change of use of part of the first floor from retail (Use Class A1) to Offices (Use Class B1(a)) and external improvement works. Planning permission granted 03.10.2018.
 - 2.7 18/00735/FP Change of use of part of the second floor from Retail (Use Class A1) and Financial and Professional Services (Use Class A2) to offices (Use Class B1(a)) and external improvement works. Planning permission granted 09.01.2019.
 - 2.8 19/00012/COND Discharge of condition 12 (Drainage Strategy) attached to planning permission reference 18/00268/FPM. Conditions discharged 20.05.2019.
 - 2.9 19/00086/COND Discharge of conditions 8 (construction management); 14 (noise assessment); 15 (dust control); 17 (plant machinery); and 25 (demolition plan) attached to planning permission reference number 18/00268/FPM. Conditions Discharged 15.07.2019.
 - 2.10 19/00168/COND Discharge of condition 18 (Site Waste Management Plan) attached to planning permission reference 18/00268/FPM. Conditions discharged 12.04.2019.
 - 2.11 19/00284/FPM Change of use of 24-26 The Forum from A1 (Retail) to either A1 (retail), A2 (Financial and professional services), A3 (Restaurants and Cafes) or B1 (Business), conversion of part of 85 Queensway ground floor from A1 (Retail) to either A1, A2, A3 or A4 (Drinking Establishment) and change of use of ground floor of 87 Queensway and ground and first floor 91 Queensway from A1 (Retail) to either A1, A2 or A3. Planning permission granted 17.07.2019.
 - 2.12 19/00289/COND Discharge of Condition 19 (Site Investigation) attached to planning permission 18/00268/FPM. Conditions Discharged 23.05.2019.
 - 2.13 19/00374/COND Discharge of condition 3 (Sample Materials) attached to planning permission reference number 18/00268/FPM. Conditions Discharged 05.08.2019
 - 2.14 19/00641/FP Variation of condition 1 (approved plans) attached to planning permission 18/00268/FPM. Planning permission granted 23.12.2019.
 - 2.15 20/00003/COND Discharge of condition 9 (Travel Plan) attached to planning permission 18/00268/FPM. Conditions Discharged 05.08.2019.
 - 2.16 20/00005/COND Discharge of condition 16 (external lighting) attached to planning permission number 18/00268/FPM. Condition Discharged 31.01.2020.
 - 2.17 20/00007/COND Discharge of condition 21 (Remediation Works) attached to planning permission number 18/00268/FPM. Conditions Discharged 07.02.2020.
 - 2.18 20/00040/COND Discharge of condition 4 (Landscaping) attached to planning permission reference 18/00268/FPM. Conditions discharged 31.07.2020.
 - 2.19 20/00179/AD 2 x Internally illuminated fascia sign, 1 x internally illuminated projecting sign, 6 x vinyl window graphics. Advertisement Consent Granted 06.02.2020.
 - 2.20 20/00535/COND Discharge of condition 6 (Ventilation and ducting) attached to planning permission reference 18/00268/FPM. Conditions discharged 14.10.2020.

- 2.21 21/00324/COND Discharge of condition 13 (Drainage Strategy) attached to planning permission reference 18/00268/FPM. Pending determination
- 2.22 20/00664/AD Installation of 3no. non-illuminated fascia signs and 3no. internally illuminated fascia signs. Advertisement Consent Granted 11.12.2020.

3. THE CURRENT APPLICATION

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (As amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference 18/00268/FPM in respect of affordable rented units under Schedule 3.
- 3.2 This application seeks permission to modify Schedule 3 by way of replacing “affordable rented units” with “affordable build to rent units” only. The number of affordable units is unchanged.
- 3.3 The Queensway scheme is to be leased by Queensway LLP, as a long term income generating asset in the model of a Build to Rent scheme. It was envisaged that the Queensway residential units would be managed by a managing agent with residents on Assured Shorthold Tenancies. The Affordable Rent tenure nominations are drawn from the Local Authority Housing Register and require a Registered Provider to manage the units which was not the original intention.

4. PUBLIC REPRESENTATIONS

- 4.1 A site notice has been erected in accordance with Section 5 (1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulation 1992. At the time of drafting this report, no comments or representations have been received.

5. CONSULTATIONS

- 5.1 The Council’s Housing and Regeneration department were consulted. At the time of drafting this report, no comments or representations have been received.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:
- The Stevenage Borough Council Local Plan 2011-2031
 - Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
 - Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

6.2 Central Government Advice

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

6.3 Planning Practice Guidance

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration which has to be taken into account when determining all planning related matters.

6.4 Central Government Legislation

- Town and Country Planning Act 1990 (as amended);
- Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992;

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP4: A vital town centre;
Policy TC1: Town Centre;
Policy TC3: Centre West Major Opportunity Area;
Policy TC4: Station Gateway Major Opportunity Area;
Policy TC5: Central Core Major Opportunity Area;
Policy TC6: Northgate Major Opportunity Area;
Policy TC7: Marshgate Major Opportunity Area;

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.
- 6.6.2 It should be noted that as this application is not seeking to amend the approved planning permission reference number 18/00268/FPM then it will not result in a CIL levy charge.

7. APPRAISAL

- 7.1 The main issue for consideration in the determination of this application is whether the proposed variation of Schedule 3 for the provision of affordable build to rent units attached to the S106 agreement of outline planning permission 18/00268/FPM are acceptable in policy terms set out in the NPPF (2019) and adopted Local Plan (2019).

7.2 Planning Policy Considerations

7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act (1990), an application can be made to the Local Planning Authority to determine whether a planning obligation, in this case Schedule 3 (Affordable Rented Units). This application has therefore been submitted, in accordance with the Town and Country Planning (Modifications and Discharge of Planning Obligations) Regulation 1992, to seek to vary Schedule 3 of the agreed terms of the S106, to allow for the provision of Affordable Build to Rent units.

7.2.2 The existing legal agreement seeks to provide 24 units on an affordable rent basis. The NPPF glossary of terms defines affordable rent as follows:

“Affordable housing for rent: meets all of the following conditions:

- a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);*
- b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and*
- c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)”.*

7.2.3 Affordable rented units are defined as ‘low cost’ rental accommodation and are therefore classified as ‘social housing’. This means that they are regulated by the Regulator of Social Housing and as such remain more affordable than renting on the private rental market.

7.2.4 The number of affordable units will not be altered under the proposed modification, only the tenure will be changed to affordable build to rent. The NPPF glossary of terms defines affordable build to rent as follows:

“Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control”.

7.2.5 As shown in point 7.2.4 above, developers will as a norm offer longer tenancy agreements of 3 years or more to all new tenants who want one. These are sometimes referred to as ‘family friendly tenancies’ since they provide longer term security and stability for those who wish to settle down within a community.

7.2.6 At the heart of build to rent is the professional management of buildings. As the objective of such development is to generate income through high occupancy and to retain existing tenants for the long-term to minimise voids, the simple way to help achieve this is by providing excellent management and customer service to support the high-quality buildings and public spaces. In this regard, the move to build to rent tenures offers more positive impacts on the site and surrounding areas as management companies seek to retain tenants for longer periods of time.

7.2.7 The units would be managed by the same management company as the private units as opposed to being nominated to a social registered landlord. Professional management enables much greater control over unauthorised short-term subletting.

7.2.8 Single ownership of a building and its associated public realm provides a strong ability and incentive to create, manage and maintain good quality places. Build to rent operators (and those who ultimately own the building) rely on the strength of their reputation and brand and

this is directly associated with the quality of the homes and the places they create and maintain. Build to rent operators will invest in the maintenance and renewal of their schemes covering everything from the accommodation itself through to the public realm and any commercial uses in the development such as cafés or restaurants to ensure they remain attractive for tenants and the wider community.

- 7.2.9 There are no specific policies within the adopted Local Plan (2019) regarding build to rent tenures so the Local Authority must weigh up the acceptability against the national guidance. Build to rent can offer affordable housing tenures to meet different housing needs, demographics and social groups and not just those on the Council's register for social housing.

7.3 Human Rights and Equalities

- 7.3.1 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.
- 7.3.2 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
- 7.3.3 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.
- 7.3.4 It is not considered the proposed modifications sought to the Section 106 Agreement would impact upon the protected characteristics under the Equality Impact.

8. CONCLUSIONS

- 8.1 The application proposes to amend Schedule 3 of the agreed S106 and, in accordance with the above, the modification is considered to be acceptable. There will be no loss to the number of affordable units provided on the site and the provision of build to rent tenures will give tenants greater stability with longer tenancy agreements and the whole building remains under single ownership as opposed to varying owners for different units/tenures.

9. RECOMMENDATION

- 9.1 That the Committee agree to the variation to Schedule 3 (affordable rented units) of the S106 agreement, to delegate authority to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed Solicitor, to agree the precise wording of the variation to the S106 agreement.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Local Plan 2011-2031 (adopted May 2019).
3. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Policy Guidance 2014, as amended.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 19/00685/COND
Date Received : 21.11.19
Location : 65 Queensway Town Centre Stevenage1 Herts
Proposal : Discharge of condition 4 (Gate Security Spec) attached to planning permission reference number 19/00433/FP
Date of Decision : 31.03.21
Decision : **The discharge of Condition(s)/Obligation(s) is REFUSED**

For the following reason(s);

Insufficient information has been provided to the Local Planning Authority to discharge condition 4 Security Gate Specification of approval 19/00433/FP. With an agreement for an extension of time, the information was requested by email on 05/12/19, 13/01/20, 20/01/20, 14/07/20 and 07/01/21.
2. Application No : 20/00591/COND
Date Received : 12.10.20
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of Condition 29 (servicing and delivery plan) attached to planning reference number 19/00123/FPM
Date of Decision : 12.05.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

3. Application No : 20/00629/LB
Date Received : 27.10.20
Location : Coreys Cottage Coreys Mill Tates Way Stevenage
Proposal : Replacement roof and windows
Date of Decision : 30.04.21
Decision : **Listed Building Consent is GRANTED**
4. Application No : 20/00636/COND
Date Received : 29.10.20
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of Condition 12 (Landscape and Ecological Management Plan) attached to planning permission 19/00123/FPM
Date of Decision : 08.04.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
5. Application No : 20/00747/AD
Date Received : 07.12.20
Location : 74 High Street Stevenage Herts SG1 3EH
Proposal : Externally illuminated individual lettering and new logo signage installed on existing white masonry
Date of Decision : 20.04.21
Decision : **Advertisement Consent is GRANTED**
6. Application No : 20/00753/FP
Date Received : 09.12.20
Location : Land To The Rear Of 1 Aspen Close Stevenage Herts SG2 8SJ
Proposal : Variation of conditions 1 (Approved plans) attached to planning permission reference number 19/00113/FP
Date of Decision : 19.04.21
Decision : **Planning Permission is GRANTED**

7. Application No : 21/00009/FPH
Date Received : 11.01.21
Location : 4 Spencer Way Stevenage Hertfordshire SG2 8GD
Proposal : Part two storey, part single storey side extension
Date of Decision : 26.03.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed two storey side extension by virtue of its location on the shared boundary with the neighbouring property would be contrary to Policy GD1 of the Stevenage Borough Local Plan 2011 - 2031 (2019) and the advice contained within the Stevenage Design Guide SPD (2009). This seeks to resist the erection of such extensions which would otherwise result in the loss of the existing gap between properties and to prevent a terracing effect or the ability of an adjacent property to similarly extend. The proposal would also fail to meet the aims of the NPPF (2019) and NPPG (2014) which seeks to achieve high quality design.
8. Application No : 21/00010/FPH
Date Received : 11.01.21
Location : 185 Valley Way Stevenage Herts SG2 9BX
Proposal : Single storey rear extension
Date of Decision : 18.03.21
Decision : **Planning Permission is GRANTED**
9. Application No : 21/00013/FPH
Date Received : 12.01.21
Location : 3 Cornfields Stevenage Herts SG2 7RB
Proposal : Proposed garage conversion
Date of Decision : 23.03.21
Decision : **Planning Permission is GRANTED**

10. Application No : 21/00018/FPH
Date Received : 14.01.21
Location : 44 Burymead Stevenage Herts SG1 4AY
Proposal : Part two storey, part single storey rear extension, single storey side extension and front porch
Date of Decision : 22.03.21
Decision : **Planning Permission is GRANTED**
11. Application No : 21/00020/FP
Date Received : 14.01.21
Location : 18 Julians Road Stevenage Herts SG1 3ET
Proposal : Change of use of the ground floor physiotherapy clinic to a two bedroom residential flat
Date of Decision : 19.03.21
Decision : **Planning Permission is GRANTED**
12. Application No : 21/00040/FPH
Date Received : 21.01.21
Location : 52 Shephall Green Stevenage Herts SG2 9XS
Proposal : Retrospective permission for the erection of the ground floor extension. Proposed erection of a first floor rear extension
Date of Decision : 15.04.21
Decision : **Planning Permission is GRANTED**
13. Application No : 21/00042/COND
Date Received : 24.01.21
Location : Stevenage FC Training Facility Aston Lane Aston Stevenage
Proposal : Discharge of condition 3 (materials) attached to planning permission reference number 17/00882/FP
Date of Decision : 19.03.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

14. Application No : 21/00048/CLPD
Date Received : 26.01.21
Location : 43 Brunel Road Stevenage Herts SG2 0AD
Proposal : Certificate of lawfulness for a detached garage in rear garden
Date of Decision : 22.03.21
Decision : **Certificate of Lawfulness is APPROVED**
15. Application No : 21/00053/FP
Date Received : 30.01.21
Location : Unit 11A And 11B Roaring Meg Retail Park London Road Stevenage
Proposal : Internal reconfiguration of units, including reconfiguration of mezzanines of Units 11a and 11b.
Date of Decision : 18.03.21
Decision : **Planning Permission is GRANTED**
16. Application No : 21/00054/FP
Date Received : 30.01.21
Location : Unit 11A And 11B Roaring Meg Retail Park London Road Stevenage
Proposal : External alterations, refurbishment of Units 11A and 11B, and the widening of the existing use restriction facilitate occupation for Class E(a) retail uses
Date of Decision : 19.03.21
Decision : **Planning Permission is GRANTED**
17. Application No : 21/00055/FPH
Date Received : 30.01.21
Location : 44 Taywood Close Stevenage Herts SG2 9QP
Proposal : Erection of 1no. outbuilding in rear garden
Date of Decision : 23.03.21
Decision : **Planning Permission is GRANTED**

18. Application No : 21/00059/HPA
Date Received : 01.02.21
Location : 20 Elder Way Stevenage Herts SG1 1SD
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.30 metres, for which the maximum height will be 3.30 metres and the height of the eaves will be 2.25 metres
Date of Decision : 15.04.21
Decision : **Prior Approval is NOT REQUIRED**
19. Application No : 21/00061/FPH
Date Received : 02.02.21
Location : 140 Fairview Road Stevenage Herts SG1 2NS
Proposal : Proposed first floor side extension to provide a one bedroom annexe and front porch with associated new roof
Date of Decision : 09.04.21
Decision : **Planning Permission is GRANTED**
20. Application No : 21/00062/FPH
Date Received : 02.02.21
Location : 33 Whitney Drive Stevenage Herts SG1 4BQ
Proposal : Proposed construction of an outbuilding (garden room)
Date of Decision : 29.03.21
Decision : **Planning Permission is GRANTED**
21. Application No : 21/00068/FPH
Date Received : 03.02.21
Location : 11 North Road Stevenage Herts SG1 4BD
Proposal : Conversion of garage into habitable space
Date of Decision : 24.03.21
Decision : **Planning Permission is GRANTED**

22. Application No : 21/00073/COND
Date Received : 05.02.21
Location : Abbington Hotel, 23 Hitchin Road And 28 Essex Road
Stevenage Herts
Proposal : Discharge of condition 14 (Cycle Parking) attached to planning permission reference number 20/00346/FP
Date of Decision : 11.05.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
23. Application No : 21/00074/COND
Date Received : 05.02.21
Location : Abbington Hotel, 23 Hitchin Road And 28 Essex Road
Stevenage Herts
Proposal : Discharge of condition 15 (EV Charging Points) attached to planning permission reference number 20/00346/FP
Date of Decision : 30.03.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
24. Application No : 21/00075/AD
Date Received : 05.02.21
Location : Vincent Motorcycle 16 The Hyde Stevenage Herts
Proposal : Installation of 1no. externally illuminated lettering sign, 1no. externally illuminated logo, 2no. externally illuminated fascia signs, 1no. externally illuminated totem sign, 3no. non-illuminated amenity signs, and 2no. externally illuminated amenity boards on totem pole and 7x floodlights and 3x lantern lights
Date of Decision : 24.03.21
Decision : **Advertisement Consent is GRANTED**

25. Application No : 21/00077/FPH
Date Received : 07.02.21
Location : 81 Nodes Drive Stevenage Herts SG2 8AH
Proposal : Single storey rear and side extension
Date of Decision : 01.04.21
Decision : **Planning Permission is GRANTED**
26. Application No : 21/00078/FPH
Date Received : 08.02.21
Location : 21 Rowland Road Stevenage Herts SG1 1TF
Proposal : Single storey front extension
Date of Decision : 25.03.21
Decision : **Planning Permission is GRANTED**
27. Application No : 21/00079/FP
Date Received : 08.02.21
Location : The Vincent Motorcycle PH The Hyde Stevenage Herts
Proposal : Erection of pergola with roof and fixed seating in the rear yard area, together with minor external alterations to the rear elevation, fencing and bin store
Date of Decision : 29.03.21
Decision : **Planning Permission is GRANTED**
28. Application No : 21/00080/FPH
Date Received : 08.02.21
Location : 1 Enjakes Close Stevenage Herts SG2 8BG
Proposal : Single storey side extension
Date of Decision : 29.03.21
Decision : **Planning Permission is GRANTED**

29. Application No : 21/00081/CLPD
Date Received : 09.02.21
Location : 51 Boxfield Green Stevenage Herts SG2 7DR
Proposal : Certificate of lawfulness for a garage conversion
Date of Decision : 23.03.21
Decision : **Certificate of Lawfulness is APPROVED**
30. Application No : 21/00082/CLPD
Date Received : 09.02.21
Location : 51 Boxfield Green Stevenage Herts SG2 7DR
Proposal : Certificate of lawfulness for proposed single storey rear extension
Date of Decision : 26.03.21
Decision : **Certificate of Lawfulness is REFUSED**

For the following reason(s);

The proposed single storey rear extension would extend beyond a wall forming a side elevation of the original dwellinghouse (the garage) and would have a width greater than half the width of the original dwellinghouse. Therefore, the proposed development would fail to accord with Schedule 2, Part 1, Class A (j) (iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore, requires planning permission.
31. Application No : 21/00083/HPA
Date Received : 09.02.21
Location : 566 York Road Stevenage Herts SG1 4ES
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 5.51 metres, for which the maximum height will be 3.00 metres and the height of the eaves will be 2.65 metres
Date of Decision : 23.03.21
Decision : **Prior Approval is NOT REQUIRED**

32. Application No : 21/00084/TPCA
Date Received : 09.02.21
Location : 21 Rudd Close Stevenage Herts SG2 9SP
Proposal : Felling of 1no: dead tree (T1) Species unknown
Date of Decision : 23.03.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
33. Application No : 21/00086/CLPD
Date Received : 10.02.21
Location : 171 Wisden Road Stevenage Herts SG1 5NP
Proposal : Certificate of lawfulness for proposed Conversion of garage into home office and the creation of a double pitched roof.
Date of Decision : 31.03.21
Decision : **Certificate of Lawfulness is APPROVED**
34. Application No : 21/00087/TPCA
Date Received : 10.02.21
Location : 6 High Street Stevenage Herts SG1 3EJ
Proposal : Remove to ground level 2 no: 25ft Yew trees T1 and T2
Date of Decision : 22.03.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
35. Application No : 21/00091/FPH
Date Received : 11.02.21
Location : 53 The Pastures Stevenage Herts SG2 7DF
Proposal : First floor front extension
Date of Decision : 09.04.21
Decision : **Planning Permission is GRANTED**

36. Application No : 21/00093/FPH
Date Received : 11.02.21
Location : 368 Broadwater Crescent Stevenage Herts SG2 8HG
Proposal : Erection of porch to front of the property, featuring one window and one external door.
Date of Decision : 07.04.21
Decision : **Planning Permission is GRANTED**
37. Application No : 21/00096/FP
Date Received : 11.02.21
Location : Knebworth Park Old Knebworth Knebworth Herts
Proposal : Temporary use of land for film-making with associated temporary set and supporting facilities vehicles, access, parking and storage for 23 weeks (Cross Boundary Application with North Hertfordshire District Council)
Date of Decision : 08.04.21
Decision : **Planning Permission is GRANTED**
38. Application No : 21/00097/FPH
Date Received : 12.02.21
Location : 235 Ripon Road Stevenage Herts SG1 4LR
Proposal : Single storey rear extension
Date of Decision : 07.04.21
Decision : **Planning Permission is GRANTED**
39. Application No : 21/00098/FP
Date Received : 12.02.21
Location : Strathmore Wing Lister Hospital Coreys Mill Lane Stevenage
Proposal : Single storey front and side extensions, together with reconfiguration of existing car park to the front of the building
Date of Decision : 08.04.21
Decision : **Planning Permission is GRANTED**

40. Application No : 21/00101/FPH
 Date Received : 12.02.21
 Location : 11 Dryden Crescent Stevenage Herts SG2 0JG
 Proposal : Two storey side and rear extension and single storey front extension
 Date of Decision : 09.04.21
 Decision : **Planning Permission is GRANTED**
41. Application No : 21/00102/FPH
 Date Received : 15.02.21
 Location : 136 Letchmore Road Stevenage Herts SG1 3PT
 Proposal : Single storey rear extension.

 Date of Decision : 08.04.21
 Decision : **Planning Permission is GRANTED**

42. Application No : 21/00108/FP
Date Received : 15.02.21
Location : 2 Whitesmead Road Stevenage Herts SG1 3LB
Proposal : Single storey side extension, first floor side and rear extensions and alterations to fenestration, following demolition of detached garage to convert existing dwelling into 1no. 3 bed dwelling and 1no. 2 bed dwelling
Date of Decision : 30.04.21
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
- The proposed access and dropped kerb as shown on drawing number 5064-OS2 Rev E cannot be implemented as it is within 15m of a highway junction, contrary to Herts County Council's Dropped Kerb Terms and Conditions. As such, the proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Planning Document (2020). The proposal would, therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Parking Provision and Sustainable Transport SPD (2020), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).
- The proposed layout of No.2 Whitesmead Road fails to provide reasonable pedestrian access, accessible waste storage and safe, secure and lockable cycle storage which can be accessed past the proposed two parking spaces for the existing three bedroom dwelling as shown on Drawing number 5064-OS2 Rev E.. The proposal would therefore be contrary to Policies GD1 and IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Parking Provision and Sustainable Transport SPD (2020), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).
43. Application No : 21/00111/FPH
Date Received : 17.02.21
Location : 26 Marlborough Road Stevenage Herts SG2 9HW
Proposal : First floor front extension
Date of Decision : 09.04.21
Decision : **Planning Permission is GRANTED**

44. Application No : 21/00115/TPCA
Date Received : 17.02.21
Location : 8 Orchard Road Stevenage Herts SG1 3HD
Proposal : Felling of 1no. Oak tree
Date of Decision : 22.03.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
45. Application No : 21/00120/FP
Date Received : 18.02.21
Location : 28 Essex Road Stevenage Herts SG1 3EX
Proposal : Change of use from hotel (Use Class C1) to residential accommodation (Use Class C3)
Date of Decision : 15.04.21
Decision : **Planning Permission is GRANTED**
46. Application No : 21/00123/FPH
Date Received : 19.02.21
Location : 1 The Noke Stevenage Herts SG2 8LH
Proposal : Two storey rear extension and front porch
Date of Decision : 14.04.21
Decision : **Planning Permission is GRANTED**
47. Application No : 21/00127/FPH
Date Received : 20.02.21
Location : 10 East Reach Stevenage Herts SG2 9AU
Proposal : First floor extension over existing single storey rear extension
Date of Decision : 19.04.21
Decision : **Planning Permission is GRANTED**

48. Application No : 21/00128/FPH
Date Received : 20.02.21
Location : 15 Kessingland Avenue Stevenage Herts SG1 2JR
Proposal : Single storey rear extension, first floor side extension over existing garage and alterations to garage roof
Date of Decision : 14.04.21
Decision : **Planning Permission is GRANTED**
49. Application No : 21/00129/FPH
Date Received : 21.02.21
Location : 14 Jupiter Gate Stevenage Herts
Proposal : First floor extension over existing rear extension
Date of Decision : 19.04.21
Decision : **Planning Permission is GRANTED**
50. Application No : 21/00135/FPH
Date Received : 22.02.21
Location : 15 St. Davids Close Stevenage Herts SG1 4UZ
Proposal : Front porch extension and conversion of garage
Date of Decision : 15.04.21
Decision : **Planning Permission is GRANTED**
51. Application No : 21/00140/FPH
Date Received : 23.02.21
Location : 30 Knights Templars Green Stevenage Herts SG2 0JY
Proposal : Single storey side extension and alterations to front driveway to provide additional parking
Date of Decision : 24.03.21
Decision : **Planning Permission is GRANTED**

52. Application No : 21/00141/FPH
Date Received : 23.02.21
Location : 16 Thurlow Close Stevenage Herts SG1 4SD
Proposal : Two storey rear extension and first floor front extension
Date of Decision : 15.04.21
Decision : **Planning Permission is GRANTED**
53. Application No : 21/00142/FPH
Date Received : 23.02.21
Location : 12 Shephall View Stevenage Herts SG1 1RL
Proposal : Single storey rear and side extension and erection of front porch
Date of Decision : 20.04.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed side and rear extension by virtue of its excessive depth, bulk and flat roof design would cause it to appear overdominant and incongruous in the street scene when viewed from Shephall View, harmful to the visual amenity of the area. The proposal is therefore contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the NPPF (2019) and PPG (2014).
54. Application No : 21/00146/FP
Date Received : 23.02.21
Location : 419 Broadwater Crescent Stevenage Herts SG2 8HB
Proposal : Change of use of land from public amenity land to residential use and erect a boundary fence
Date of Decision : 16.04.21
Decision : **Planning Permission is GRANTED**

55. Application No : 21/00147/COND
Date Received : 23.02.21
Location : Plot 2000 Arlington Way Gunnels Wood Road Stevenage
Proposal : Discharge of conditions 8 (piling risk assessment) and 19 (electric vehicle charging) attached to planning permission reference number 19/00673/FPM
Date of Decision : 12.04.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
56. Application No : 21/00149/COND
Date Received : 24.02.21
Location : Land Bordered By Ashdown Road, Malvern Close And Hertford Road Stevenage Herts SG2 8BG
Proposal : Discharge of conditions 4 (Landscaping) attached to planning permission reference number 18/00401/FP
Date of Decision : 22.04.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
57. Application No : 21/00155/FPH
Date Received : 25.02.21
Location : 60 Whitney Drive Stevenage Herts SG1 4BJ
Proposal : Single storey front and two storey side extension
Date of Decision : 22.04.21
Decision : **Planning Permission is GRANTED**
58. Application No : 21/00159/FPH
Date Received : 26.02.21
Location : 71 Walkern Road Stevenage Herts SG1 3RB
Proposal : Demolition of existing conservatory and car port to facilitate the erection of a part single storey, part two storey rear extension, including insertion of roof lights and alterations to openings on existing front and side elevations.
Date of Decision : 21.04.21
Decision : **Planning Permission is GRANTED**

59. Application No : 21/00165/TPCA
 Date Received : 28.02.21
 Location : Crofton Cottage Rectory Lane Stevenage Herts
 Proposal : Removal of 3 no. Yew Trees and reduction in Yew Tree T7.
 Date of Decision : 09.04.21
 Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
60. Application No : 21/00167/FPH
 Date Received : 01.03.21
 Location : 11 Dawlish Close Stevenage Herts SG2 8UQ
 Proposal : Two storey side extension, single storey front and rear extensions and alterations to the existing access and car parking provision
 Date of Decision : 22.04.21
 Decision : **Planning Permission is GRANTED**
61. Application No : 21/00170/COND
 Date Received : 01.03.21
 Location : 55 Hertford Road Stevenage Herts SG2 8SE
 Proposal : Discharge of condition 3(materials) attached to planning permission reference number 19/00212/FPH
 Date of Decision : 16.04.21
 Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
62. Application No : 21/00175/TPTPO
 Date Received : 02.03.21
 Location : Ross Court Mobbsbury Way Stevenage Herts
 Proposal : Crown reduction in height by up to 4m and spread by up to 2m and deadwood removal of 3no Acer Maple Trees (T36, T37 and T38) protected by TPO 19.
 Date of Decision : 20.04.21
 Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

63. Application No : 21/00176/TPTPO
Date Received : 02.03.21
Location : 59 Sparrow Drive Stevenage Herts SG2 9FB
Proposal : Reduction of crown by 1.5 metres to 1no. oak tree (T6)
protected by Tree Preservation Order 38
Date of Decision : 20.04.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE
SUBJECT OF A TREE PRESERVATION ORDER**
64. Application No : 21/00177/FPH
Date Received : 02.03.21
Location : 2 School Close Stevenage Herts SG2 9TY
Proposal : Single storey front extension
Date of Decision : 07.04.21
Decision : **Planning Permission is GRANTED**
65. Application No : 21/00179/CLPD
Date Received : 03.03.21
Location : 58 Wychdell Stevenage Herts SG2 8JD
Proposal : Certificate of lawfulness for proposed single storey rear
extension
Date of Decision : 04.05.21
Decision : **Certificate of Lawfulness is APPROVED**

66. Application No : 21/00183/FP
Date Received : 04.03.21
Location : 168 Fairview Road Stevenage Herts SG1 2NE
Proposal : Erection of 1no. 2 bed detached dwelling
Date of Decision : 10.05.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

By virtue of its location within a private residential garden, the proposed dwelling would not constitute development on previously developed land as defined by the National Planning Policy Framework (2019) and is unacceptable in principle. The proposal is therefore contrary to the National Planning Policy Framework (2019) and Policy HO5 of the Stevenage Borough Local Plan 2011 to 2031 (2019).

By virtue of its single storey, shallow pitched roofed nature in a plot significantly smaller than surrounding and prevailing plot sizes, the proposed dwelling would be at significant variance to the form, character and appearance of the surrounding dwellings and their plots. The proposed development would therefore represent an incongruous form of development, out of keeping with the prevailing character of the area. The proposal is therefore contrary to the National Planning Policy Framework (2019), Policies SP8, GD1 and HO5 of the Stevenage Borough Local Plan 2011 to 2031 (2019) and Chapter 5 of the Stevenage Design Guide Supplementary Planning Document (2009).

By virtue of the sub- standard separation distance between the proposed and existing dwellings at 168 Fairview Road, the proposed development would result in a poor outlook and level of amenity for the future occupiers of the development. The proposed development is therefore contrary to the National Planning Policy Framework (2019). Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 to 2031 (2019) and Chapter 5 of the Stevenage Design Guide Supplementary Planning Document (2009).

By virtue of the length of the proposed driveway and the distance between Fairview Road and the proposed bin store for the development, the proposal would exceed the standard maximum refuse carrying distance of 30m. The proposed development is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2011 to 2031 (2019) and Chapter 5 of the Stevenage Design Guide Supplementary Planning Document (2009).

67. Application No : 21/00184/FPH
Date Received : 04.03.21
Location : 173 Chells Way Stevenage Herts SG2 0LU
Proposal : Single storey front extension
Date of Decision : 08.04.21
Decision : **Planning Permission is GRANTED**
68. Application No : 21/00186/TPCA
Date Received : 04.03.21
Location : Austins Funeral Directors 74A High Street Stevenage Herts
Proposal : Reduction of crown by 20% on 1no. Pine tree
Date of Decision : 15.04.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
69. Application No : 21/00191/FPH
Date Received : 05.03.21
Location : 53 Broadwater Crescent Stevenage Herts SG2 8EJ
Proposal : Single storey front extension
Date of Decision : 14.05.21
Decision : **Planning Permission is GRANTED**
70. Application No : 21/00192/FPH
Date Received : 05.03.21
Location : 2 Whitney Drive Stevenage Herts SG1 4BG
Proposal : Single storey side and rear extensions, first floor side extension, hipped roof to existing garage and front canopy.
Date of Decision : 30.04.21
Decision : **Planning Permission is GRANTED**

71. Application No : 21/00198/FPH
Date Received : 06.03.21
Location : 23 Park View Stevenage Herts SG2 8PU
Proposal : Two storey side extension
Date of Decision : 30.04.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

By virtue of its size, scale, bulk, massing and prominence, the proposed extension would be visually intrusive in the street scene. The extension and the resulting dwelling would have an adverse impact upon the street scene and would fail to respect or make a positive contribution to the area. The proposed development would fail to respect the character and spaciousness of this part of the road and would accordingly have a detrimental impact on the amenities of the wider street scene. The proposed development is therefore contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011- 2031, the guidance contained in Chapter 6 of the Stevenage Design Guide Supplementary Planning Document 2009, the National Planning Policy Framework 2019 and the Planning Policy Guidance 2014.

72. Application No : 21/00202/FPH
Date Received : 08.03.21
Location : 149 Hydean Way Stevenage Herts SG2 9YA
Proposal : Two story rear extension
Date of Decision : 30.04.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The rear extension by virtue of its scale and massing would result in an unacceptable outlook for the occupiers of No. 151 Hydean Way, having a harmful and overbearing impact on the rear habitable room windows and their immediate garden area. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

The rear extension, by virtue of its proximity to the rear elevation of Nos. 53 and 54 Hyde Green South fails to meet the required minimum back to side separation distance as laid out in Chapter 6 of the Council's adopted Design Guide (2009) and would therefore likely result in an unacceptable outlook for the occupiers of this neighbouring property, having a harmful and overbearing impact on the habitable room windows and private rear gardens. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

The proposal would, by virtue of its scale, massing and overall design, result in a form of development which would not be proportionate to the existing dwelling, to the detriment of the architectural form of the dwelling and would be unduly prominent when viewed in the street scene from Hydean Way to the detriment of the character and appearance of the area. The development would, therefore, be contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

73. Application No : 21/00207/FP
Date Received : 09.03.21
Location : Unit B6 Cockerell Close Stevenage Herts
Proposal : Installation of external canopy and rapid roller door
Date of Decision : 29.04.21
Decision : **Planning Permission is GRANTED**
74. Application No : 21/00208/COND
Date Received : 09.03.21
Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts
Proposal : Discharge of condition 7 (piling) attached to planning permission reference number 19/00736/FP
Date of Decision : 30.04.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
75. Application No : 21/00213/CLPD
Date Received : 10.03.21
Location : Broom Barns School Homestead Moat Stevenage Herts
Proposal : Certificate of lawfulness development for Proposed new ground floor extension after demolishing of existing conservatory.
Date of Decision : 29.04.21
Decision : **Certificate of Lawfulness is APPROVED**
76. Application No : 21/00214/FPH
Date Received : 10.03.21
Location : 19 Cabot Close Stevenage Herts SG2 0ES
Proposal : Retrospective planning permission to raise ground levels in rear garden
Date of Decision : 30.04.21
Decision : **Planning Permission is GRANTED**

77. Application No : 21/00220/FPH
Date Received : 10.03.21
Location : 8 Foster Close Stevenage Herts SG1 4SA
Proposal : Retention of existing games room
Date of Decision : 21.04.21
Decision : **Planning Permission is GRANTED**
78. Application No : 21/00222/COND
Date Received : 11.03.21
Location : Sala Thong 112 High Street Stevenage Herts
Proposal : Discharge of condition 5 (Samples of Materials) attached to planning permission 20/00418/FP
Date of Decision : 22.04.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
79. Application No : 21/00223/COND
Date Received : 11.03.21
Location : Sala Thong 112 High Street Stevenage Herts
Proposal : Discharge of condition 3 (Materials) attached to listed building consent 20/00419/LB
Date of Decision : 22.04.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
80. Application No : 21/00229/FPH
Date Received : 11.03.21
Location : 47 Skegness Road Stevenage Herts SG1 2HS
Proposal : Single storey front extension
Date of Decision : 06.05.21
Decision : **Planning Permission is GRANTED**

81. Application No : 21/00234/FPH
Date Received : 12.03.21
Location : 42 Fishers Green Stevenage Herts SG1 2JA
Proposal : Single storey front and side extensions and loft conversion involving raising the height of the roof and 2no. dormer windows.
Date of Decision : 30.04.21
Decision : **Planning Permission is GRANTED**
82. Application No : 21/00238/HPA
Date Received : 12.03.21
Location : 188 Chertsey Rise Stevenage Herts SG2 9JQ
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 5 metres, for which the maximum height will be 3.90 metres and the height of the eaves will be 3.80 metres
Date of Decision : 22.04.21
Decision : **Prior Approval is REQUIRED and REFUSED**

Prior Approval is refused as the eaves height exceeds 3m as required by Schedule 2, Part 1, Class A (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Prior Approval is refused as the materials do not match the existing brick dwelling required by Schedule 2, Part 1, Class A, condition A.3(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
83. Application No : 21/00235/FPH
Date Received : 13.03.21
Location : 34 Roebuck Gate Stevenage Herts SG2 8DL
Proposal : First floor side extension.
Date of Decision : 19.04.21
Decision : **Planning Permission is GRANTED**

84. Application No : 21/00246/FPH
 Date Received : 15.03.21
 Location : 2 Letchmore Villas Letchmore Road Stevenage Herts
 Proposal : Erection of 1no. one bedroom annexe in rear garden
 Date of Decision : 30.04.21
 Decision : **Planning Permission is GRANTED**
85. Application No : 21/00247/FPH
 Date Received : 16.03.21
 Location : 46 Skegness Road Stevenage Herts SG1 2HS
 Proposal : Single storey front extension
 Date of Decision : 06.05.21
 Decision : **Planning Permission is GRANTED**
86. Application No : 21/00249/FPH
 Date Received : 16.03.21
 Location : 34 Chalkdown Stevenage Herts SG2 7BG
 Proposal : Garage conversion and first floor side extension.
 Date of Decision : 06.05.21
 Decision : **Planning Permission is GRANTED**
87. Application No : 21/00251/FP
 Date Received : 16.03.21
 Location : 108 Oaks Cross Stevenage Herts SG2 8LT
 Proposal : Change of use from Class C3 (dwellinghouse) to Class C4
 (house in multiple occupation)
 Date of Decision : 07.05.21
 Decision : **Planning Permission is GRANTED**

88. Application No : 21/00255/CLPD
Date Received : 16.03.21
Location : 54 Angotts Mead Stevenage Herts SG1 2NJ
Proposal : Certificate of lawfulness for proposed Single storey rear extension
Date of Decision : 29.04.21
Decision : **Certificate of Lawfulness is APPROVED**
89. Application No : 21/00259/FPH
Date Received : 17.03.21
Location : 7 Badminton Close Stevenage Herts SG2 8SR
Proposal : Demolition of existing garage and store and erection of a single-storey side and rear extension.
Date of Decision : 10.05.21
Decision : **Planning Permission is GRANTED**
90. Application No : 21/00263/TPCA
Date Received : 18.03.21
Location : Southend Farm (131) High Street Stevenage Herts
Proposal : Re-pollard back to previous pollard points 1no: Crack Willow (T1), Fell to ground level 1no: Cherry tree (T2), fell to ground level 1no: Lawson Cypress (T3) and reduce height and spread to 1no: Plum tree (T4)
Date of Decision : 20.04.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
91. Application No : 21/00266/CLPD
Date Received : 19.03.21
Location : 23 Four Acres Stevenage Herts SG1 3PL
Proposal : Certificate of lawfulness for proposed single storey rear extension
Date of Decision : 06.05.21
Decision : **Certificate of Lawfulness is APPROVED**

92. Application No : 21/00269/FPH
Date Received : 19.03.21
Location : 1 Minerva Close Stevenage Herts SG2 7RA
Proposal : Replacement and re-positioning of boundary wall
Date of Decision : 07.05.21
Decision : **Planning Permission is GRANTED**
93. Application No : 21/00274/FPH
Date Received : 19.03.21
Location : 3 Pepsal End Stevenage Herts SG2 8LW
Proposal : Single storey front extension.
Date of Decision : 21.04.21
Decision : **Planning Permission is GRANTED**
94. Application No : 21/00275/FPH
Date Received : 19.03.21
Location : 51 Brixham Close Stevenage Herts SG1 2RZ
Proposal : Single storey side extension
Date of Decision : 19.04.21
Decision : **Planning Permission is GRANTED**
95. Application No : 21/00279/CLPD
Date Received : 20.03.21
Location : 136 Letchmore Road Stevenage Herts SG1 3PT
Proposal : Certificate of lawfulness for a loft conversion including rear dormer and 2no. rooflights on front roofslope
Date of Decision : 12.05.21
Decision : **Certificate of Lawfulness is APPROVED**

96. Application No : 21/00280/FPH
Date Received : 22.03.21
Location : 57 Bronte Paths Stevenage Herts SG2 0PG
Proposal : Part single storey front extension and single storey rear infill extension
Date of Decision : 30.04.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

By virtue of its size, bulk, massing and in particular, its depth, the proposed front extension would appear incongruous within the street scene. The visual impact would be exacerbated by the simple and uniform nature of the nearby and surrounding dwellings, their architecture and their lack of enclosing nature. The proposed front extension would therefore be at significant variance to the simple form of the surrounding dwellings and would detract from the pleasant openness of the enclosed street scene. The proposed extension is therefore contrary to Policies SP8 and GD1 of the Adopted Stevenage Borough Local Plan (2019), the guidance in the Council's Design Guide Supplementary Planning Document (2009), the National Planning Policy Framework (2019) and the Planning Policy Guidance (2014).

The proposed front extension would, as a result of its depth and proximity to 55 Bronte Paths, result in a loss of outlook and amenity for the occupiers of that dwelling. It is therefore contrary to Policy GD1 of the Adopted Stevenage Borough Local Plan (2019), the guidance in the Council's Design Guide Supplementary Planning Document (2009), the National Planning Policy Framework (2019) and the Planning Policy Guidance (2014).

97. Application No : 21/00288/FP
Date Received : 23.03.21
Location : 135 Torquay Crescent Stevenage Herts SG1 2RJ
Proposal : Change of use of public amenity land to residential land
Date of Decision : 12.05.21
Decision : **Planning Permission is GRANTED**

98. Application No : 21/00289/FPH
Date Received : 23.03.21
Location : 116 Sefton Road Stevenage Herts SG1 5RN
Proposal : Single storey front extension, together with first floor side and single storey rear extension with partial garage conversion
Date of Decision : 14.05.21
Decision : **Planning Permission is GRANTED**
99. Application No : 21/00292/TPTPO
Date Received : 24.03.21
Location : 153 Fairview Road Stevenage Herts SG1 2NE
Proposal : Reduce by 30% 1no: Oak Tree (T8) protected by TPO 79
Date of Decision : 12.05.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
100. Application No : 21/00293/TPTPO
Date Received : 24.03.21
Location : 131 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Reduce by 20% 1no: Oak Tree - T1 Protected by TPO 22
Date of Decision : 14.05.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
101. Application No : 21/00295/CLPD
Date Received : 24.03.21
Location : 4 Windsor Close Stevenage Herts SG2 8UD
Proposal : Certificate of lawfulness for proposed Single storey rear extension
Date of Decision : 07.05.21
Decision : **Certificate of Lawfulness is APPROVED**

102. Application No : 21/00296/CLPD
Date Received : 24.03.21
Location : 190 Mildmay Road Stevenage Herts SG1 5SZ
Proposal : Certificate of lawfulness for proposed single storey rear extension
Date of Decision : 07.05.21
Decision : **Certificate of Lawfulness is APPROVED**
103. Application No : 21/00299/FPH
Date Received : 25.03.21
Location : 70 Collenswood Road Stevenage Herts SG2 9HA
Proposal : Single storey front extension
Date of Decision : 10.05.21
Decision : **Planning Permission is GRANTED**
104. Application No : 21/00301/TPTPO
Date Received : 25.03.21
Location : 1 Higgins Walk Stevenage Hertfordshire SG1 4YP
Proposal : Crown raise to 3m and deadwood 2no. Oak trees (T4 and T5) protected by TPO 57
Date of Decision : 14.05.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
105. Application No : 21/00307/FPH
Date Received : 25.03.21
Location : 22 Frobisher Drive Stevenage Herts SG2 0HH
Proposal : Single storey side and rear extension and new porch
Date of Decision : 10.05.21
Decision : **Planning Permission is GRANTED**

106. Application No : 21/00314/HPA
Date Received : 29.03.21
Location : 73 Lonsdale Road Stevenage Herts SG1 5DD
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.57 metres, for which the maximum height will be 3.20 metres and the height of the eaves will be 2.60 metres
Date of Decision : 05.05.21
Decision : **Prior Approval is NOT REQUIRED**

107. Application No : 21/00318/FPH
Date Received : 30.03.21
Location : 9 Shephall Lane Stevenage Herts SG2 8DH
Proposal : Single storey front extension and part single storey part two storey rear extension
Date of Decision : 30.04.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

By virtue of its size, scale, bulk and massing, the proposed rear extension would represent a substantial addition to the dwelling. Together with the existing two storey rear extension at the dwelling, it would fail to represent a subordinate addition to the dwelling. It would instead mask the original character of the building in a harmful manner and would fail to respect its character and proportions. The extension would represent overdevelopment of the site as a consequence of the harm to character that would arise from it. The proposed extension is therefore contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan (2019), the Stevenage Design Guide Supplementary Planning Document (2009), the National Planning Policy Framework (2019) and the Planning Policy Guidance (2014).

By virtue of its size, scale, bulk and massing and in particular, its depth on the boundary with 11 Shephall Lane, the proposed rear extension would result in a sense of enclosure for that dwelling and would have a detrimental impact upon the outlook and residential amenities of that property. The extension would also result in a loss of sunlight and daylight for that property for much of the day. The proposed extension is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan (2019), the Stevenage Design Guide Supplementary Planning Document (2009), the National Planning Policy Framework (2019) and the Planning Policy Guidance (2014).

108. Application No : 21/00321/TPCA
Date Received : 30.03.21
Location : Stevenage Enterprise Centre Orchard Road Stevenage Herts
Proposal : Reduce conifer trees to approximately 3m in height and reduce in width all round away from public footpath
Date of Decision : 07.05.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
109. Application No : 21/00333/HPA
Date Received : 31.03.21
Location : 2 Grace Way Stevenage Herts SG1 5AA
Proposal : Enlargement of the dwellinghouse by construction of an additional storey for which the maximum height will be 9.504m
Date of Decision : 10.05.21
Decision : **Prior Approval is REQUIRED and REFUSED**

The proposal would be a significantly harmful addition in design and character terms, including in relation to the principal elevation of the property that clearly represents poor design and is entirely inappropriate for its context, contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the paragraphs 124, 127, 128 and 130 of the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).

The applicant has failed to submit a report for the management of the construction of development which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated as required by paragraph AA.2 subsection (3)(b) of the aforementioned Order.
110. Application No : 21/00334/FPH
Date Received : 01.04.21
Location : 182 Archer Road Stevenage Herts SG1 5HJ
Proposal : Single storey front extension
Date of Decision : 11.05.21
Decision : **Planning Permission is GRANTED**

111. Application No : 21/00338/FPH
Date Received : 02.04.21
Location : 23 Wansbeck Close Stevenage Herts
Proposal : Single storey front extension
Date of Decision : 12.05.21
Decision : **Planning Permission is GRANTED**
112. Application No : 21/00339/CLPD
Date Received : 02.04.21
Location : 23 Wansbeck Close Stevenage Herts
Proposal : Single storey rear extension
Date of Decision : 06.05.21
Decision : **Certificate of Lawfulness is APPROVED**
113. Application No : 21/00346/FPH
Date Received : 06.04.21
Location : 27 Carters Close Stevenage Herts SG2 9QA
Proposal : Single storey side extension
Date of Decision : 10.05.21
Decision : **Planning Permission is GRANTED**
114. Application No : 21/00363/PADEMO
Date Received : 07.04.21
Location : Glaxo SmithKline Research And Development Ltd Gunnels Wood Road Stevenage Herts
Proposal : Prior approval for the demolition Buildings B13, B13C and B18
Date of Decision : 26.04.21
Decision : **Prior Approval is NOT REQUIRED**

115. Application No : 21/00372/HPA
Date Received : 09.04.21
Location : 28 The Dell Stevenage Herts SG1 1PH
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 6.00 metres, for which the maximum height will be 3.00 metres and the height of the eaves will be 2.85 metres
Date of Decision : 10.05.21
Decision : **Prior Approval is NOT REQUIRED**
116. Application No : 21/00398/NMA
Date Received : 14.04.21
Location : Land At Webb Rise Stevenage Herts SG1 5QU
Proposal : Non material amendment to planning permission reference number 19/00485/FPM to change brick colour
Date of Decision : 12.05.21
Decision : **Non Material Amendment AGREED**
117. Application No : 21/00414/FPH
Date Received : 16.04.21
Location : 51 Stanmore Road Stevenage Herts SG1 3QA
Proposal : Single storey rear extension and proposed front porch extension
Date of Decision : 14.05.21
Decision : **Planning Permission is GRANTED**
118. Application No : 21/00517/NMA
Date Received : 07.05.21
Location : 108 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Non material amendment to planning permission reference number 20/00657/FPH for additional 3no roof windows and new soil vent pipe to west elevation, omission of 1 no sun tunnel window, 1 no ground floor window to west elevation.
Date of Decision : 12.05.21
Decision : **Non Material Amendment AGREED**

BACKGROUND PAPERS

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

This page is intentionally left blank

Meeting: Planning and Development
Committee

Agenda Item:

Date: Thursday 27 May 2021

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

1. APPEALS RECEIVED

- 1.1 20/00370/FP, Land Adjacent 39 Jessop Road. Appeals against refusal of permission for the demolition of 4 no. garages, removal of on street parking and alterations to service road to facilitate the erection of a 3 storey block of 6 x 1 bed flats with associated parking and 8 replacement public parking spaces.
- 1.2 20/00661/FP, 40 Burymead. Appeal against refusal of permission for the erection of 1no. one bedroom end of terrace dwelling.

2. DECISIONS AWAITED

- 2.1 20/00384/FP, 8A Magellan Close. Appeal against refusal of permission for the Variation of condition 11 (no new windows and doors) attached to planning permission 16/00791/FP to allow insertion of a roof light and gable window to be added to the dwellings.
- 2.2 19/00474/FPM, Land West of Lytton Way. Appeal against refusal of planning permission for the demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.

3. DECISIONS RECEIVED

- 3.1 20/00146/FP, 330 Canterbury Way. Appeal against refusal of permission for the erection of 1no. one bedroom dwelling.

Main issues

- 3.1.1 The main issues are the impact on the character and appearance of the area, amenity of future occupiers, car parking provision and neighbour amenity.

Reasons

- 3.1.2 The inspector agreed that the design would emphasise the narrow width of the proposed development and result in an incongruous appearance which is at odds with the unified feel of the area. The narrow private amenity space would result in the property appearing overly large for the plot, harmfully detracting from the prevailing unified pattern of development. Consequently the Inspector concluded that the

development would be contrary to policies SP8, HO5 and GD1 of the adopted Local Plan and the NPPF.

- 3.1.3 The Inspector found that the internal floor area did not meet the Technical Housing Standards and therefore would result in an oppressive environment which would have limited usability, contrary to policy SP8 of the Local Plan.
- 3.1.4 On outdoor amenity space, the Inspector concluded that whilst the area should be 50sqm as required in the Design Guide SPD, the proposal is not for a family and does not therefore directly conflict with this SPD, further whilst the depth would be less than 10m, the Inspector felt that given the number of occupiers, the space would be fit for purpose.
- 3.1.5 With regards to car parking provision, the Inspector agreed that as the proposed parking space falls outside the red line area, there is no mechanism to secure the use of that space for future occupiers of the dwelling. Accordingly, He concluded that the scheme would fail to provide adequate car parking in line with policy IT5 of the Local Plan, the Parking Provision SPD and the NPPF.
- 3.1.6 Lastly, the Inspector stated that as there are no windows in the flank elevation, the reduced separation distance between the development and No. 326 would not directly conflict with the requirements of the Design Guide SPD on separation distances. There would be a reasonable distance between the two properties so as to not impact on the outlook. As such, the development would be acceptable in this regard and accord with policies SP8, HO5 and GD1 of the Local Plan.

Other matters

- 3.1.7 The inspector noted the evidence regarding the sustainability of the location. However, due to the harms identified, this did not alter their overall decision.

Conclusion

- 3.1.8 Appeal dismissed; copy of the decision notice attached.
- 3.2 20/00697/FPH, 10 Gorleston Close. Appeal against refusal of planning permission for the erection of first floor cantilevered rear extension.

Main Issues

- 3.2.1 The main issue is the effect of the proposed development on the living conditions of the occupiers of No.20 Kessingland Avenue with particular regard to privacy and outlook.

Reasons

- 3.2.2 The rear of the proposed extension would be approximately 18m from the rear of No.20 which is significantly below the 25m back to back separation distance in the Design Guide SPD. The scheme would include two large windows on the rear elevation which would result in views into the rear garden and upper rear windows of No.20, which would unduly diminish their privacy.
- 3.2.3 The Inspector noted the extension next door had a reduced separation distance but agreed with the Council that the scheme was not directly comparable as they have one small obscure glazed window and a shorter depth of extension.
- 3.2.4 The Inspector agreed with the Council that the use of obscure glazing on the sole window of a habitable bedroom would result in a poor outlook and be unreasonable.

- 3.2.5 The Inspector stated that whilst the proposed extension would be visible from upper floor windows of No.20, the lack of other projections on other properties would mean there is sufficient uninterrupted outlook from No.20 so as to not be unduly harmful.
- 3.2.6 The Inspector concluded that the proposed development would be harmful to the living conditions of No.20 with particular regard to privacy would therefore contravene policies GD1 and SP8 of the Local Plan, and the Design Guide SPD.

Other matters

- 3.2.7 Whilst concerns regarding the service provided by the Council are noted, the Inspector has assessed the scheme based on its merits and this has not altered their overall decision.

Conclusion

- 3.2.8 Appeal dismissed; copy of the decision notice attached.

This page is intentionally left blank



Appeal Decision

Site Visit made on 9 March 2021

by R Sabu BA (Hons), BArch, MA, Pg Dip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/K1935/W/20/3264328

330 Canterbury Way, Stevenage, SG1 4DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jean Hayden against the decision of Stevenage Borough Council.
 - The application Ref 20/00146/FP, dated 10 March 2020, was refused by notice dated 11 June 2020.
 - The development proposed is new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the name on the application form, since one name is stated on the appeal form, the appeal proceeds on this basis.

Main Issue

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would provide a suitable living environment for future occupiers with particular regard for internal amenity space and external private amenity space;
 - whether the proposal would provide adequate parking provision; and
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of No 326 Canterbury Way (No 326) with particular regard for outlook.

Reasons

Character and appearance

4. The area surrounding the site is characterised by two storey terraced dwellings with similar widths, forms, materials, height and roof pitch such that the area has a pleasant unified feel.
5. The site lies at the end of a terrace and is occupied by one of two joined garages. The proposal consists of the demolition of the garage on the site and erection of a dwelling which would have a significantly reduced width compared to the surrounding dwellings. The building would also have a staggered plan,

resulting in a stepped elevation and roof, further emphasising the narrow width of the proposal resulting in an incongruous appearance. While the form and style may appear domestic, given its narrow width and staggered roof form, the scheme would appear at odds with the unified feel of the area.

6. In addition, the scheme would have narrow private amenity spaces at the front and rear of the property which would be roughly half the width of the proposed building. As such, the proposed building would appear overly large for the size of the plot, thereby harmfully departing from the prevailing unified pattern of development.
7. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies SP8, HO5 and GD1 of the Stevenage Borough Local Plan 2011-2031 Adopted May 2019 (LP) which together require the highest standard of design, development that respects and makes a positive contribution to its location and surrounds and results in no detrimental impact on the environment. It would also conflict with the National Planning Policy Framework (Framework) in this particular regard.

Living environment

8. The floor area of the proposed dwelling would fall short of the requirements of the Technical housing standards – nationally described space standard March 2015 (NDSS). As such, it would conflict with LP Policy SP8 which requires developments to implement the Government's optional Technical Standards.
9. I acknowledge that the bedroom would exceed the requirements, and the dwelling may meet the standards had it been a flat. However, the ground floor area would be likely to be occupied for substantial parts of the day and given the restricted dimensions of the ground floor spaces, it would result in a living environment that would feel oppressive. Therefore, the space would have limited usability and would not be adaptable for changing needs.
10. The external amenity spaces would be split between the front and rear of the property. The Stevenage Design Guide: Supplementary Planning Document September 2009 (SPD) states that the minimum standard garden space for a terraced or semi-detached family dwelling should normally be 50 square metres. Since the proposal includes only one bedroom, it would not be a family dwelling and therefore does not directly conflict with the SPD in this particular respect. While the rear garden depth would be less than 10m and not particularly spacious, given the limited number of future occupiers, the space would be fit for purpose.
11. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard for internal amenity space. Therefore, it would conflict with LP Policy GD1 which requires, among other things, developments to meet the NDSS.

Parking provision

12. The Parking Provision and Sustainable Transport SPD Adopted 2020 requires that one-bedroom properties provide one parking space. While the submitted drawings indicate a parking space, this lies outside the red line and the Appellant has confirmed that it lies outside their ownership.

13. While I note the Appellant's evidence regarding the parking space, there is no mechanism before me which secures the use of the parking space for the future occupiers of the development. As such, there is no certainty that the parking space would be dedicated to the proposed development.
14. Accordingly, it is likely that the scheme would result in on-street parking. Given the lack of on street parking spaces in the area, the narrow width of the road, and the position of the site at a turning head, the proposal would result in increased instances of dangerous and obstructive parking, such as on footways or across driveways, to the detriment of the free and safe flow of traffic. As such, the proposal would result in an unacceptable impact on highway safety.
15. Consequently, the proposed development would not provide adequate parking provision. Therefore, it would conflict with LP Policy IT5 which seeks, among other things, developments that comply with the requirements of the Parking Provision Supplementary Planning Document. It would also conflict with the Framework in this particular regard.

Living conditions

16. The separation distance between the flank wall of the proposed scheme and the rear of No 326 would be less than the figure stated within the SPD. However, the SPD states that the minimum distances should be achieved unless the design of the new buildings mitigates against any overlooking. Since there are no windows proposed in the flank wall, no overlooking to No 326 would occur. Accordingly, the scheme would not directly conflict with this requirement.
17. The proposal would be visible from the rear windows of No 326 and would result in a flank wall appearing closer to this property than the existing arrangement. However, there would still be a reasonable distance between the properties such that the neighbouring occupiers would continue to benefit from outlook in other directions. As such, the proposal would not unduly affect the outlook of these neighbouring occupiers.
18. Consequently, the proposed development would not harm the living conditions of the neighbouring occupiers of No 326 with particular regard for outlook. Therefore, it would not conflict with LP Policies SP8, HO5 and GD1 in this particular respect which seeks, among other things, development that would not lead to an adverse impact on neighbouring uses and surrounding properties and to have regard to Supplementary Planning Documents.

Other Matters

19. I note the evidence regarding the sustainability of the location. However, given the harms identified above, this has not altered my overall decision.

Conclusion

20. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site Visit made on 9 March 2021

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 18th March 2021

Appeal Ref: APP/K1935/D/20/3263519

10 Gorleston Close, Stevenage, SG1 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Garry Brown against the decision of Stevenage Borough Council.
 - The application Ref 20/00496/FPH, dated 3 September 2020, was refused by notice dated 27 October 2020.
 - The development proposed is first floor cantilevered extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers at No 20 Kessingland Avenue with particular regard for outlook and privacy.

Reasons

3. The rear wall of the proposed first floor extension would be around 18m from the rear wall of the dwelling to the rear of the dwelling at No 20 Kessingland Avenue (No 20). This would fall significantly short of the requirement within the Stevenage Design Guide Supplementary Planning Document Adopted October 2009 (SPD) which seeks a separation distance of 25m.
4. The depth of the rear gardens of the appeal property and No 20 are moderate, with existing separation distances being less than that stated within the SPD. Given the width and depth of the proposed extension, the scheme would result in two large rear windows being brought much closer to the rear of the building of No 20. As such the occupiers of the appeal scheme would be likely to have views into the rear garden and upper rear windows of No 20 at a significantly closer proximity than existing. Accordingly, the scheme would unduly diminish the privacy of the neighbouring occupiers of No 20.
5. I note the rear extension at the adjacent property which may also have resulted in a separation distance less than that required in the SPD. However, from the evidence, that rear two storey extension has one small obscure glazed window which serves a bathroom and a smaller projection from the rear elevation. As such, the extension at the adjacent dwelling is not directly comparable to this appeal scheme and has not altered my overall finding on this issue.

6. I have considered a condition requiring the windows to have obscured glazing. However, given that the windows would be the only windows to the respective bedrooms, such a condition would adversely affect the outlook from these rooms and would not be reasonable.
7. While the proposed extension would be visible from the rear upper floor of No 20, the adjacent properties are arranged in a linear pattern of development and the adjacent properties lack significant projections such that there would continue to be outlook in other directions from these windows. Accordingly, the scheme would not unduly affect the outlook of the neighbouring occupiers at No 20.
8. Consequently, the proposed development would harm the living conditions of the occupiers at No 20 with particular regard for privacy. Therefore, it would conflict with Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011-2031 Adopted May 2019 which together seek, among other things, development that complies with the separation distances for dwellings set out in the plan and Supplementary Planning Documents.

Other Matters

9. While I note concerns regarding the service provided by the Council, I have necessarily assessed the scheme based on its planning merits and this point has not altered my overall decision.

Conclusion

10. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR