



PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday, 25 May 2023

Time: 6.30pm,

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact: Abbie Hamilton (01438) 242587

committees@stevenage.gov.uk

Members: Councillors: M Downing (Chair), C Parris (Vice-Chair), J Ashley-Wren, R Broom, F Chowdhury, N Chowdhury, C Howells, G Lawrence CC, M McKay, A Mitchell CC, E Plater, G Snell, C Veres and A Wells.

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 4 APRIL 2023

To approve as a correct record the Minutes of the previous meeting of the Committee held on 4 April 2023.

3 - 20

3. UPDATE - NORTH OF STEVENAGE RM COUNTRY PARK

The Assistant Director (Planning & Regulatory) to give a verbal update on the timings for North of Stevenage RM Country Park.

4. PLANNING APPLICATIONS - DEALING WITH LATE REPRESENTATIONS

New procedure on dealing with late representations.

21 - 24

5. 22/00245/FPM - ALBANY HOUSE, CARTWRIGHT ROAD, STEVENAGE

Demolition of the existing building and construction of a new food store, petrol filling station, commercial unit, together with associated car parking, servicing and landscaping.

25 - 76

6. 23/00239/FPM - LAND TO THE WEST OF LYTTON WAY

Variation of condition number 2 (approved plans) attached to planning permission reference number 19/00474/FPM to provide additional lifts, stair cores and amend balconies to provide metal balustrading.

77 - 108

7. 23/00006/FP - COREYS MILL LANE

Conversion of existing parking 7 no. layby bays into 15 no. end on parking bays with additional footpaths and associated works.

- 109 - 116
8. 23/00147/FP - 62 FERRIER ROAD

Change of public amenity land to residential and single-storey rear and side extension.
117 - 128

9. 22/00674/FP - LAND AT CONIFER WALK/CONIFER CLOSE

Proposed 3 bedroom detached dwelling and alterations to existing parking area.
129 - 158

10. INFORMATION REPORT - DELEGATED DECISIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.
159 - 180

11. 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.
181 - 190

12. URGENT PART I BUSINESS

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

13. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions:

1. That under Section 100A 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.

14. URGENT PART II BUSINESS

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

NOTE: Links to Part 1 Background Documents are shown on the last page of the individual report, where this is not the case they may be viewed by using the following link to agendas for Executive meetings and then opening the agenda for Thursday, 25 May 2023 – <http://www.stevenage.gov.uk/have-your-say/council-meetings/161153/>

Public Document Pack Agenda Item 2

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 4 April 2023

Time: 6.30pm

Place: Council Chamber

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

Start / End Time: Start Time: 6.30pm
End Time: 8.29pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received by Councillors Claire Parris and Graham Snell.

There were no declarations of interest.

2 MINUTES - 14 MARCH 2023

It was **RESOLVED:** That the Minutes of the Meeting of the Committee held on 14 March 2023 be approved as a true record of the proceedings and be signed by the Chair.

At this juncture, Councillor Graham Lawrence enquired when the applications for the North of Stevenage would be returning to the Committee. The Assistant Director advised that Officers were meeting with the developer and the Committee would be updated when they had an answer. Another Member suggested the update could be sent to the current members of the Committee as well as any new members after the elections.

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

The Committee considered an application for the proposed telecommunications installation for the erection of an 18.0m Phase 8 Monopole and associated ancillary works.

The Planning Officer advised that a previous application that was approved in 2021 was almost identical but the location was just moved closer to the bus shelter. They presented the application which included visuals of the location and mast which would be 18m high with a wraparound cabinet at the bottom and three smaller cabinets to the side. The previous application was displayed in the site image included in the agenda. They advised that the applicant had not given a reason why

it was moving, however speculated that after conducting trial holes there could have been a reason why that original location was not suitable. There was a provision where the Council can give permission to move the site slightly without a new application, however Planning Officers felt the relocation of 20m was too far.

The Chair invited Councillor Jackie Hollywell, Ward Councillor for Symonds Green, to address the Committee.

Cllr Hollywell advised that she requested the call in due to concerns from the residents in the local area. This application was rejected previously, and the planning inspector overturned the Council's decision on appeal. Paragraph 5.1.1 in the agenda details the Hertfordshire County Council (HCC) Highways Authority's objections due to insufficient information supplied. Paragraph 6.2.17 of the agenda details other positions that were discounted due to proximity to dwellings. She believed this application had a detrimental effect on residents in Fishers Green.

The Chair thanked Councillor Hollywell for her contribution to the meeting.

The Planning Officer informed the Committee that central Government expected Local Governments to respond positively to telecommunication infrastructures and that decisions should allow fair competition between suppliers. For example, if one company constructed a telecommunications pole in one area, the Committee could not refuse another company from placing another pole in the same area just because there was already one there.

The Planning Officer stated that Section 10 of the National Planning Policy Framework (NPPF) states that communications infrastructure was important for social wellbeing. Additionally, Public Health England have stated 5G was safe and developments should comply with the guidelines published by the International Commission of Non-Ionizing Radiation Protection (ICNIRP). Ofcom would carry out audits once it was installed to ensure ICNIRP guidelines are being met.

The cell areas of 5G are smaller and proportionate to users due to the higher frequencies with faster data rates, therefore a greater number of masts are needed. Base stations needed to be located in or close to residential areas due to the rising number of people using mobiles in their homes for personal and business purposes. The Government stated that 5G was the next generation of mobile internet and therefore it was vital that the infrastructure was in place to meet the needs of the public and maintaining and enhancing mobile networks was in the national interest. A report found 88% of UK adults use a smartphone daily to access messaging and social media apps. The Planning Officer advised that lower income households are less likely to have a fixed broadband service so relied on mobile services. Additionally, Wi-Fi and mobile data services were crucial to the NHS and schools.

The Planning Officer advised Members of the previous applications refusal reasons and the advice given from the Inspector and Officers, which included:

- Refusal due to the site being of archaeological importance was not an acceptable reason as the application has a small footprint and therefore wouldn't have an impact.
- The area of Fishers Green was deemed to be essentially urban in nature due

to roads, etc. therefore a telecommunications pole, which would have a neat and streamlined appearance, was acceptable in an urban setting not out of keeping of the area.

- The previous application was refused on the grounds it would harm the visuals of the Green Link and Common Land, but the Inspector deemed this an unacceptable reason for refusal.
- The objections from HCC Highways Authority were due to them wanting a service and maintenance plan prior to approval, however this isn't a requirement before approval and will be submitted to HCC after approval.
- Environmental Health wanted conditions imposed on the application, however applications like this could not have conditions.
- Refusal based on distance from dwellings was unacceptable as there was no legislative or policy means to do so. Additionally, property values were not a planning consideration to take into account.
- Members were reminded of the importance of mobile connection and better access to broadband, as not everyone has connection so this would improve this for the area and the town.
- There were concerns from the Essex and Herts Air Ambulance as the application was located in the flight path, however the Inspector stated the air ambulances would not be flying at 18m close to the trees therefore the mast would not need to be lit.

A Member asked why the current site was not appropriate and whether there had been testing of the proposed new site to ensure that was appropriate. The Planning Officer advised that the applicant had not provided correspondence as to why the current site was not appropriate and the suggestion the site was not appropriate due to the trial holes was just an assumption. The applicant was unable to complete more trial holes in the new proposed site until they have planning permission. If this site was also unsuitable then a third application would be made.

Another Councillor highlighted paragraph 6.2.2 in the agenda which details that the NPPF states equipment should be sympathetically designed and camouflaged where appropriate and asked whether it could be blended into the trees rather than being white. The Planning Officer advised that conditions can't be put on this application. She advised in an urban setting white was often better as it blends from a distance and also with lampposts etc.

A Member asked whether the maintenance plan would answer the Highway Authority's concerns. It was advised that the service and maintenance plan told HCC where vehicles would be parked, how long for, whether they required road closures or traffic lights, etc.

Another Member asked whether another provider could put a mast on another part of this land. The Assistant Director advised that providers could put another mast up and the Council could not refuse the competition.

A Member asked how much it cost the Council when the previous application was taken to appeal. The Assistant Director advised that this wasn't kept track of, but

didn't cost the appellant, but cost Officers time. If they determined the Council was acting unreasonably, they could challenge for costs on this.

Another Member was concerned with how much impact the pole could withstand if hit by something. The Planning Officer advised there were no figures in planning applications of this. She highlighted another telecoms pole in Doncaster Close that was hit at high speed by a vehicle and the mast sustained no damage. HCC would assess the highway safety of this.

The Members of the Committee were concerned with the Central Government Advice. The Assistant Director (Planning & Regulatory) suggested that a letter could be written on behalf of the Committee and sent to the Secretary of State.

It was **RESOLVED:**

(1) That the application 23/00169/PATELE be **GRANTED** prior approval.

(2) That the Assistant Director (Planning & Regulatory) be requested to write a letter on behalf of the Planning & Development Committee to the Secretary of State regarding the Central Government Advice.

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

The Committee considered an application for the proposed single storey rear and side extension.

The Planning Officer presented the application which included:

- Visual photos of the property were shown, as well as elevations and floorplans.
- The ground floor would consist of 3 bedrooms in the proposed extension, a staff office and a communal kitchen living and dining area. The first floor would consist of 2 bedrooms and the third bedroom would be turned into a staff area.
- The extension would be a L shape which wrapped around the existing property, 3m high with a flat roof.
- This application was a resubmission with no alterations, which was approved in 2018. The previous application lapsed and therefore had to come back to the Committee.
- This application was called in by Councillor Bret Facey due to resident's concerns.

The Chair invited Lucy Thompson, an objector, to address the Committee.

Ms Thompson stated she believed the application did not meet planning guidance. Firstly, the extension was out of proportion to the properties in the area and increased the property to a 6-bed house. Secondly there was not enough parking in the area as there was a requirement for 2 parking spaces for a 5-bed house. The applicant had proposed the parking should be on the road but there was no mechanism to enforce this or prevent it from becoming a problem. The garden was

reduced to 4.5m after the extension which was too small as the design guide states it should have a depth of 10m. It was her belief that the design guide should apply to extensions as well as new properties.

The Chair thanked Ms Thompson for her contribution to the meeting.

The Planning Officer reminded Members the 2018 application that was approved was identical. This was approved prior to the adoption of the 2019 Local Plan but was close to the emerging policies and therefore was assessed under the new Local Plan. Since the submission, the Council had adopted an updated design guide in 2023 and parking provisions in 2020, however there was no change to the requirements.

The Planning Officers informed the Committee that the application was called in due to third parties believing the premises was not a care home and should be under residential use class C3. Third parties provided evidence from the Care Quality Commission that the property was not registered with them as a care home. However, the applicant confirmed there was no live-in carer and staff provided care by supporting residents to live independently. The applicant further provided a statement that they are paid by HCC and Local Authorities to provide care to residents, however no specific details were given due to GDPR. The property has been under use class order C2 use since 2002 which covers residential personal care of treatment and medical care.

The Planning Officer advised the proposed extension would be visible to the footpath to the south, but only the top section would be visible over the fence. The proposed extension passed the 45-degree test to neighbouring properties and would not result in an overbearing impact to neighbours. The depth of the garden was below the design guide requirements but exceeded the 50 square metre requirements. Since it was an existing property the use of the land was generally down to the landowner. The application was approved in 2018 so it would be unreasonable to refuse it.

The Planning Officer advised that when the existing property was a 3-bed dwelling, it required 2 parking spaces but had 0 due to unallocated parking in the area. Under the C2 use it also required 2 parking spaces, one parking space per 2 staff and one parking space per 5 residents. Therefore, since there was already an under provision of parking as originally built and there was no change in parking provision, the application could not be refused based on a lack of parking. She added that there were no details for cycle parking, but the sheds in the garden were deemed sufficient.

A Member asked for clarification of the differences between a C2 use and C3(b) use and whether this application satisfied the previous rejection in 2017. The Planning Officer advised that in 2017 the application was for a proposed 2-storey extension which was refused. In 2018 a revised application was made for a single storey extension which was approved by Officers. For it to be a C2 use the carers do not live in the property and only work there. For a C3(b) residential dwelling, the carer would live in the property.

A few Members raised questions regarding the parking in the area. The Planning Officer advised that the parking area was unallocated parking. For this property, there was a requirement of one parking space for up to 5 residents and one parking space for up to 2 members of staff. The allocation for the house in its original form was also 2 spaces therefore there was no change. The application could not be refused on the assumption there may be more cars. The applicant confirmed none of the current residents owned cars or drove.

A Member asked whether the building met fire regulations. It was advised that fire regulations were dealt with by building control.

Another Member asked what would happen if the business was sold. Officers advised that the property would remain under the C2 class until the new owner applied for a change of use to a C3 residential property.

It was **RESOLVED:** That the application 22/00984/FP be **GRANTED** planning permission subject to the reasons set out in the report.

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed elevations; Proposed ground floor plan; Site location plan; Proposed site plan; Existing elevations; Existing ground floor plan; Existing First Floor Plan; Proposed First Floor Plan;
REASON:- For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)
- 3 The materials to be used in the construction of the external surfaces of the single storey side and rear extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.

For the Following Reason(s):-

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

The Committee considered an application for the demolition of an existing single storey building and ancillary buildings to allow for the erection of a new three-storey light industrial building with offices, and an associated landscaping.

The Planning Officer gave a presentation which included photos provided by the agent showing the site layout plan and architectural drawings. The application proposed the demolition of the existing 4000 building which was used for storage and was replaced by grey clad single and two storey buildings which housed testing facilities, offices, and a double height reception.

The Planning Officer advised that employees were working in buildings 5000 and 5050 and the organisation wanted new testing facilities to improve business and provide services. The proposed buildings were slightly more modern but were in keeping with the other buildings on the site. The design and construction would use a fabric first approach to ensure energy efficiency. There would be enhancements to soft landscaping which would improve biodiversity, however they did not need to provide net gain due to the site being previously developed land.

The Planning Officer advised there were no objections, however the drainage strategy was still with the consultant. The initial drainage strategy was rejected due to a lack of detail, and there had been significant correspondence and the applicant submitted a revised scheme. She advised if the drainage strategy was not approved it would come back to the Committee. The site was located in the Gunnels Wood employment area which had uses B1, B2, B8 – Class E and so fell within the use class. There was sufficient separation distance between the Premier Inn hotel, located just outside the boundary, and the proposed development.

The Planning Officer informed Members there would possibly be an increase in employee numbers. There were 8 parking spaces with 1 disabled space located in the area. Officers looked at parking holistically and the parking onsite was sufficient that there was not a requirement to increase spaces. They also had a hybrid working model so there was less people onsite day to day.

A Member asked whether this application would affect the SIL payments. The Assistant Director advised it would, but the type of use was zero rated and they were starting to review this.

Another Member asked whether there was a green roof or solar panels. The Planning Officer advised it was not a green roof but there were solar panels on the roof.

It was **RESOLVED**: That the application 22/00931/FPM be **GRANTED** planning permission subject to the reasons set out in the report.

Conditions:

General

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
7662_VGA_B4500_XX_DR_A_0100;1954-10-43;1954-10-44;
7662_VGA_B4500_00_DR_A_0110;
7662_VGA_B4500_01_DR_A_0111;
7662_VGA_B4500_02_DR_A_0112;
7662_VGA_B4500_RF_DR_A_0113;
7662_VGA_B4500_XX_DR_A_0105-
PL02;7662_VGA_B4500_XX_RP_A_0182;
7662_VGA_B4500_ZZ_DR_A_0120;
7662_VGA_B4500_ZZ_DR_A_0121;
7662_VGA_B4500_ZZ_DR_A_0130;
7662_VGA_B4500_ZZ_DR_A_0131;
7662_VGA_B4500_XX_DR_A_0001_;
REASON:- For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 Notwithstanding Section 55 of the Town and Country Planning Act (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development to which this permission relates shall be used for purposes falling within Class E(g)(ii) of the Schedule to the Use Classes Order 1987 (as amended) (or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON:- To prevent the site being used for purposes that would have a detrimental impact on the economic function of the area.
- 4 No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An

investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.

REASON:- To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

- 6 The development to which this permission relates shall be carried out in accordance with the Energy Statement as set out at Appendix A of report reference REP-2324417-05-JP20220808-Climate change and energy statement-Rev01 unless otherwise agreed in writing by the local planning authority.

REASON:- To ensure the development is adaptable to climate change and results in limited CO2 emissions.

Prior to Commencement

- 7 No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to site;
 - c) Traffic and pedestrian management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.

l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

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

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

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

Prior to Slab Level

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

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

- 10 No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

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

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

Prior to Occupation

- 12 The parking, turning and servicing areas shown on drawing number 7662-VGA-B4500-XXDR-A-0105-PL02 shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

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

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

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

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

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

- a) provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
- b) maintenance and operational activities;
- c) arrangements for adoption; and,
- d) any other measures necessary to secure the operation of the scheme throughout its lifetime. The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

Post Completion

- 17 Any trees or plants comprised within the approved scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure a satisfactory appearance for the development.

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

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

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

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

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

The Committee considered an application for the outline planning permission (all matters reserved) for the demolition of a garage compound and the erection of two 3-bed dwellings and one 2-bed dwelling.

The Planning Officer gave a presentation showing photos of the site and concept photos of the dwellings that could be built there subject to a reserved matters planning application. She advised this application was only to assess the acceptability of housing on the site, not any details. The proposed dwellings would occupy the footprint of the existing garage block, which was classed as previously developed land. There were good bus routes to the location, it was close to amenities, and was deemed a sustainable location.

The Planning Officer informed Members there had been objections from the Arboricultural Officer who stated some trees in the Marymead Spring woodland had to be removed and/or cut back. However, this objection was removed after it was deemed acceptable in the overall maintenance of the woodland. The location was in a conservation area however there were no concerns raised.

The garage block was located behind the Knebworth and Marymead Medical Practice and would have south facing gardens backing onto Marymead Spring woodland. There was not much space for soft landscaping but any landscaping, such as gardens, would be a betterment for the area. The Stevenage Spiritualist Church raised concerns about their noise for future occupiers, but the properties would have good distance and would be built with fabric first sound insulation.

The Planning Officer advised there was a 5-year land supply, and this development was not essential to delivering Council housing. Stevenage had an overprovision of 3-bed properties, but the internal layout could be dealt with in a future reserved matters application. The site could accommodate up to three dwellings.

The concept photos of the dwellings were three storey which wasn't common in the area however there was a mix of one and two storey dwellings as well as flats. There was 100sqm of internal floor space in the 3-bed dwellings and 84sqm in the 2-bed. The bedrooms were slightly small, but this could be dealt with at reserved matters. In terms of parking spaces, the 3-beds would require 2 spaces and the 2-bed would require 1.5 spaces. The space could accommodate 6 parking spaces including visitor parking, but this was an element dealt with under reserved matters.

The Planning Officer advised the existing garage blocks had been vacant for a number of years and were not visually pleasing. Only 4 out of the 16 garages were occupied and most had been vacant since 2002. Only 2 were used for cars and the other 2 were used for storage. HCC and SBC Garage Services agreed the garage block was acceptable to use and the 4 in use would be reaccommodated nearby.

A Member suggested this was a better use of space but was concerned about trees being cut down. Another Member suggested invoking a 3-for-1 replacement rule. The Planning Officer advised that the Arboricultural assessment was done with a third party who recommended to reduce one tree by 25%, one tree by 20%, and one

to reduce the north of canopy, as well as the removal of three trees. This was required due to the fence line of plot, overshadowing of the new plots, and how they would affect the foundations, etc.

A Member queried whether there were planning applications from the doctor's surgery to expand. The Planning Officer advised they had enquired about the surgery wanting the land, but this was down to estates and there had not been any planning applications made.

Another Member agreed this was good use of a brownfield site but asked whether the layout could be changed and suggested flats. It was advised that the application was for three houses, but they could submit something different if they submitted a different planning application.

A Member asked whether these could be four-bedroom homes as the three-bed provision was above what was needed. It was advised that there was an imbalance of housing provision in the town as there were three-bed terrace housing built in the new Stevenage and there weren't many one and two beds or four and five beds in the town. The layout could potentially change in the reserved matters application; however, the current application was only just meeting size requirements for a three-bed property. She suggested it could have two four bed houses rather than three 3-bed houses.

It was **RESOLVED**: That the application 22/00487/OP be **GRANTED** planning permission subject to the reasons set out in the report, as well as the revised Condition 8 which stated:

- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size, and method of planting. For every tree removed, a replacement of 3 trees will be required in the location of Marymead Spring woodland.

REASON:- To ensure a satisfactory appearance for the development.

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 542-C-028 820 01; 542-C-028 820 02; SBC-01; SBC-02; SBC-03; SBC-04; SBC-05; SBC06; SBC-06; SBC-08;

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

- 2 Approval of the details of the layout, scale, appearance, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of any part of the development.

REASON:- To comply with the provisions of Regulations 6 and 7 of the Town and Country Planning (General Development Procedure) Order 2015

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON:- To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

- 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON:- To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

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

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 6 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.

REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

- 7 Notwithstanding the details shown in this application the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The

approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. For every tree removed, a replacement of 3 trees will be required in the location of Marymead Spring woodland.

REASON:- To ensure a satisfactory appearance for the development.

- 9 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure a satisfactory appearance for the development.

- 10 Prior to the commencement of development, the works to trees identified in Section 3, page 31, of the Tree Survey and Arboricultural Impact Assessment, ref. 23_5837_02_14 by ROAVR Group dated 22 February 2023 shall be undertaken to the satisfaction of the Local Planning Authority.

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

- 11 Before any development commences, including any site clearance or demolition works, any trees on, or adjacent to, the site shall be protected by fencing or other means of enclosure in accordance with the Tree Survey and Arboricultural Impact Assessment, ref. 23_5837_02_14 by ROAVR Group dated 22 February 2023. Such protection shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.

REASON:- To ensure that the retained tree(s) are not damaged or otherwise adversely affected during site operations.

- 12 No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: a) roads, footways; b) cycleways; c) foul and surface water drainage; d) visibility splays; e) access arrangements; f) parking provision in accordance with

adopted standard; i) loading areas; h) turning areas.

REASON:- To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 13 Prior to the occupation of the dwelling houses hereby permitted, the parking spaces shown on approved plan SBC-02 shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.

REASON:- To ensure construction of a satisfactory development and to promote sustainable development

- 14 No development shall take place until a detailed car parking plan, to include details of visitor parking spaces, has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hard surfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.

REASON:- To ensure that adequate parking facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.

- 15 Notwithstanding the details shown in this application, details of the waste and recycling storage and cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The storage areas shall be completed before any of the dwellings are occupied and retained and maintained accordingly during the lifetime of the development.

REASON:- To ensure a satisfactory standard of development in the interests of amenity.

- 16 No demolition or construction work relating to this permission which is audible at the site boundary shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.

REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

7 INFORMATION REPORT - DELEGATED DECISIONS

It was **RESOLVED:** That the Committee noted the information report.

8 INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

It was **RESOLVED:** That the Committee noted the information report.

9 **URGENT PART I BUSINESS**

The Assistant Director (Planning & Regulatory) informed Members there will be a revised application for the Icon building which would include improved building safety measures and would come to the Committee later in the year.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

There was none.

CHAIR

Meeting: Planning and Development Committee

Agenda Item:

Date: 25 May 2023

Author: James Chettleburgh

Lead Officer: Zayd Al-Jawad

Contact Officer: James Chettleburgh

Planning Applications – Dealing with Late Representations

1. RECOMMENDATIONS

- 1.1 That a policy of not reporting public representations on an application to be considered by the Planning and Development Committee if it is received after 5.00pm two business days before the relevant Committee Meeting (e.g., 5.00pm on Monday before a Thursday meeting).
- 1.2 That the Assistant Director of Planning and Regulation, in consultation with the Chair, be authorised to report representations received outside of the time period specified in 1.1 to the Committee in exceptional circumstances i.e., where new material planning issues are being raised.

2. SUPPORTING INFORMATION

- 2.1 Members have expressed concerns about late public representations and have asked officers to look into the requirements to report late representations and to consider the scope for introducing a cut off time for considering them.
- 2.2 Members are referred to Section 3 in which the following matters are considered:
 - Why late representations are sometimes made
 - The problems they can cause
 - Statutory requirements.
- 2.3 These are dealt with in turn, together with the options and their respective advantages and disadvantages.

3. IMPLICATIONS

3.1 WHY REPRESENTATIONS ARE MADE LATE

- 3.1.1 There are many and various reasons why representations are made after the statutory consultation period. Officers believe, however, that they are largely attributable to the following:
 - Late awareness of the application
 - Changes being made to the proposal
 - Intentional delay as tactic (to prevent counter comment or to obtain a deferral of the application)

- Desire to comment and challenge officers' recommendations in the Committee Report.

3.1.2 However, there are occasions that statutory consultees (e.g., drainage or highways) have been consulted on amended plans and / or technical documentation to address certain planning issues and were unable to provide comments prior to the publication of a Committee Report. Or: there have been occasions where third parties were unable to provide comments prior to publication of a committee report, for instance where plans or other documentation have been amended to address a particular planning issue and this forms part of their original representations to the Council as Local Planning Authority.

3.2 PROBLEM CAUSED BY LATE REPRESENTATIONS

3.2.1 One of the principles of proper consultation is that not only should there be adequate time to make representations, but that there should be adequate time to consider them. It is difficult to see how this principle is served when detailed, complex and /or numerous representations are circulated at or immediately prior to the Committee meeting at which the application is being considered.

3.2.2 When this occurs, it often means Members either have to spend a disproportionate amount of time at and/ or prior to the Committee digesting the contents of these late representations or they have to defer consideration of the application to the next Committee meeting with all the attendant delay and additional administrative work that brings with it.

3.3 STATUTORY REQUIREMENTS

3.3.1 Legislation (The Development Management Procedure Order) lays down time periods that the public must be allowed in which to make representations. This will vary depending on the type of application, but this must not be less than 21 days (18 days in the case of an application for public service infrastructure development made on or after 1 August 2021 or 14 days where a notice is published in a newspaper). Statutory consultees must, by law, respond to a formal consultation within 21 days

3.3.2 National Planning Practice Guidance (paragraph: 034 Reference ID: 15-034-20190723) sets out that local planning authorities may, at their discretion, take into account comments that are made after the close date (but have no obligation to do so).

3.3.3 Local planning authorities are expected to determine applications for planning permission within a time period, between 8 weeks to 16 weeks, dependent of the type of application. Should statutory consultees fail to respond within the specified time period, a local planning authority may proceed to decide the application in the absence of their advice (National Planning Practice Guidance – Paragraph 016 Reference ID: 15-016-20190722).

4. OPTIONS

4.1.1 There are three basic options available which are:

1. To continue with the current practice of accepting and circulating all representations received up to the start of the Committee meeting.
2. Only accept those representations received within the statutory notice periods.
3. Impose a cut-off date some days before the Committee meeting but which allows representations after the statutory period. In addition, to only allow later representations to be reported on the grounds of new material considerations being raised which are of relevant to the committee's decision. This will include any representations being made against the publication of a committee report.

5. Advantages and disadvantages

- 5.1.1 The advantage of option 1 is that it allows third parties to submit additional representations they have for consideration by the Committee. This can include any representations they have with respect to a published committee report. It will allow third parties a voice i.e., that they feel their concerns are thoroughly and comprehensively considered before any decisions are made by the Committee before a decision is made.
- 5.1.2 It also allows for any new comments from statutory consultees to be reported where, for example, revised plans have been submitted or they were unable to provide comments prior to the publication of the Committee Report. However, the disadvantages of the existing process are set out earlier in this report.
- 5.1.3 The advantage of option 2 is that the deadline can be very clearly set out in the statutory notice / advert, but a disadvantage is that it gives limited time and people may not become aware of the application until later on, for example, after the publication of the Committee agenda. In addition, there have been instances where residents have complained that they have not received formal notification of the application via letter. This may result in comments or representations being made after the statutory notice period. A strict earlier deadline could lead to complaints to the Council or to the Local Government and Social Care Ombudsman if third parties believe that their concerns regarding a particular development have not been appropriately considered by the Council before a decision is made.
- 5.1.4 Option 3 is considered a better option, it will allow the public a longer period for responses to be made than option 2. In addition, giving discretion to the Assistant Director of Planning and Regulation in consultation with the Chair, to receive late representations would allow flexibility e.g., for consideration of comments from statutory consultees. In addition, it also allows a short time for representations to be made after the publication of the Committee reports whilst still providing sufficient time for distribution to and consideration by committee members. However, one disadvantage is that unlike option 2, a specific cut off date cannot be given in the statutory notification.
- 5.1.5 Option 3 is considered to be the best and fairest approach when it comes to reporting late representations. It also reduces the risk of challenge and complaints being made against the Council.

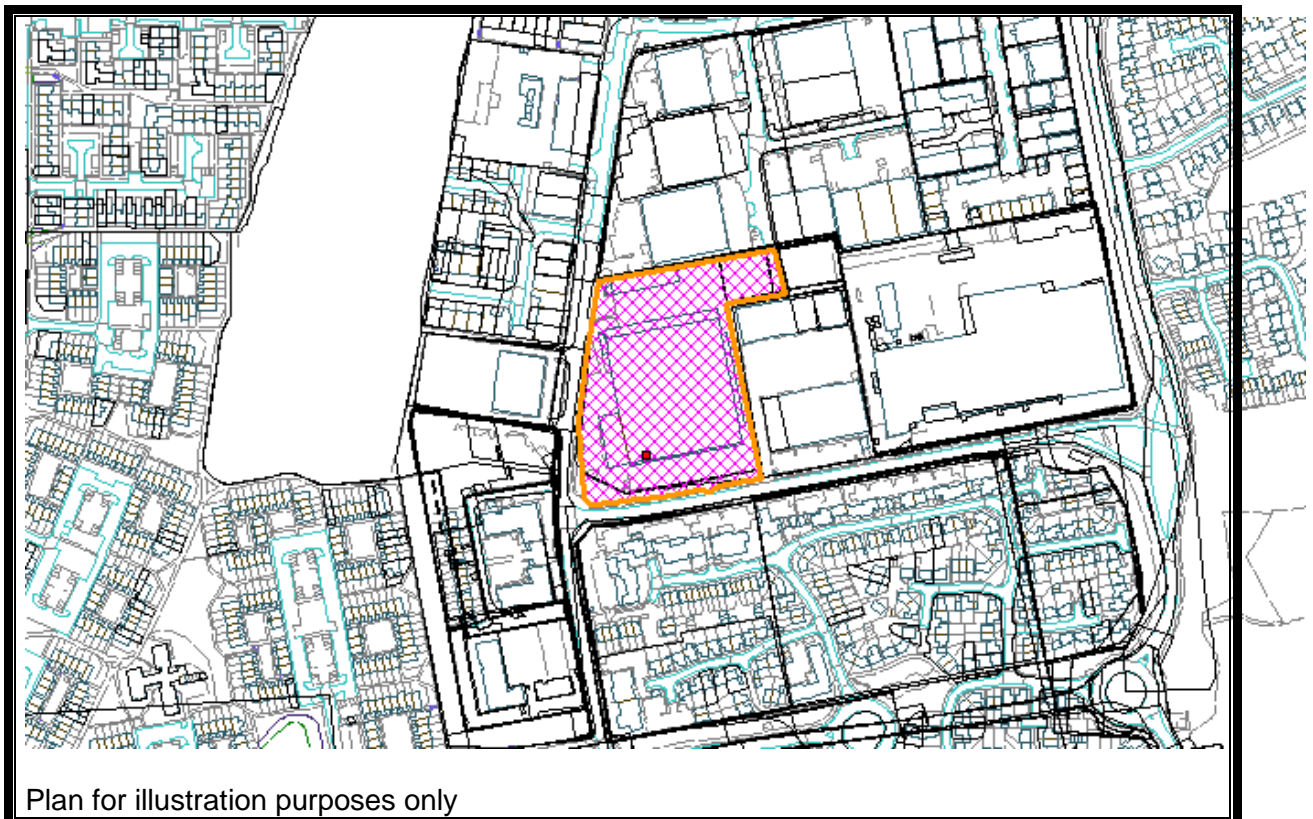
6. FLEXIBILITY

- 6.1.1 Whatever option Members adopt, there must be some flexibility to take account of exceptional circumstances. For example, where the applicant proposes changes to the submitted scheme after the end of the cut-off date for receipt of representations. As such, it is therefore suggested that the Assistant Director of Planning and Regulation, in consultation with the Chair of the Committee, are given authority to accept late objections in exceptional circumstances once the committee agenda has been published.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	25 May 2023	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	07702 874529

Application No :	22/00245/FPM
Location :	Albany House, Cartwright Road, Stevenage
Proposal :	Demolition of the existing building and construction of a new food store, petrol filling station, commercial unit, together with associated car parking, servicing and landscaping
Drawing Nos.:	PL_01B; PL_02B; PL_03E; PL_04D; PL_05D; PL_06E; PL_07C; PL_08C; PL_09D; PL_10D; PL_11C; PL_12A; T656_03C; T656_02A; 2124-21-03 REV P8; 20-3631_E63-EX01; 2124-21-02; T656_06; 9602-WML-00-XX-CA-C-0001 P02; 9602-WML-ZZ-XX-DR-C-0801 P02; 9602-WML-ZZ-XX-DR-C-0802 P02; 9602-WML-ZZ-XX-DR-C-0805 P05; 9602-WML-ZZ-XX-DR-C-0825 P03; 9602-WML-ZZ-XX-RP-C-9001 P02; 9602-WML-ZZ-XX-RP-C-9002 P03; 9602-WML-ZZ-XX-DR-C-0805 P06; 9602-WML-ZZ-XX-DR-C-0825 P04; 9602-WML-ZZ-XX-RP-C-9002 P04
Applicant :	WM Morrison Supermarkets Ltd
Date Valid:	23 March 2022
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site forms part of the Pin Green Industrial Estate located in the north-east of Stevenage, which is the second largest employment area in the town. It has relatively low density comprising a mix of small/medium sized warehousing, light industrial and some offices. The majority of these uses now fall within Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020 covering business, commercial and service uses. The site is positioned in an 'out-of-centre' location based on the policy direction in the NPPF. It comprises a broadly square parcel of land measuring 1.9 hectares in area and is surrounded by a 'horseshoe' of industrial and commercial units to the north, west and east, and an extensive residential area to the south.
- 1.2 The topography of the site is level and is dominated by the main warehouse and annexed two-storey office building. The remainder of the site comprises a mix of hardstanding for car parking, servicing and storage. The site is designated within the Local Plan (2019) as falling within the Pin Green Employment Area, however, has no other specific allocations and/or designations. It is not located within nor adjacent to a Conservation Area, it neither contains any statutory/locally Listed buildings nor are there any immediately adjacent. The Environment Agency's Flood Map indicates it falls within Flood Zone 1 (low probability of fluvial flooding).

2. RELEVANT PLANNING HISTORY

- 2.1 No planning history.

3. THE CURRENT APPLICATION

- 3.1 Bond International has occupied the application site for approximately twenty years but, with the passage of time, the overall condition and performance of the building and infrastructure have significantly deteriorated. The existing building is outdated, inefficient and unsuitable to support the current and future operational needs of the company. Therefore, the company has recently relocated to new premises elsewhere in Hertfordshire. The closure has led to a loss of approximately 80 jobs and the application site is now vacant.
- 3.2 This application is seeking full planning permission for the demolition of the existing building and construction of a new food store, petrol filling station and commercial unit on the site, together with associated car parking, servicing and landscaping. In summary, the following is proposed:
 - Demolition of existing building on the application site
 - Morrisons food store measuring 5,638m² with in-store café; Home Delivery and Click and Collect
 - Small external Garden Centre (44m²)
 - Six-pump petrol filling station and kiosk (166m²)
 - Commercial Unit measuring 357m²
 - Car park with 243 spaces (including 14 disabled, 14 parent and child spaces and 4 electric charging spaces) as well as cycle parking spaces
 - Vehicular access to the car park via Wedgwood Way
 - Dedicated service road within the application site to the rear (north) of the store allowing access to the delivery yard
 - Associated external plant area (138m²), sprinkler tanks and pump house.

- 3.3 The food store, attached commercial unit and servicing/delivery area would be located within the northern half of the site with the car park to the south. The petrol station and forecourt would be sited in the south western corner on the junction of Cartwright Road and Wedgwood Way. Space would be left around the western, southern and eastern boundaries for soft landscaping.
- 3.4 The application site is located within an employment area and as the application is classified as a major development on a site not allocated for retail use in the Local Plan, it is considered a departure from the Development Plan.

4. PUBLIC REPRESENTATIONS

- 4.1 As a major planning application, the proposal has been publicised by way of two site notices and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report, **192** representations of support have been received, **7** general comments and **14** objections. In terms of support, the comments expressed enthusiasm for having a Morrisons supermarket in the town, especially within the north eastern area. General comments raised issues such as accessibility of the site for cyclists and cycle parking on behalf of Cycling UK (Stevenage), pedestrian and vehicular access, bus stops and accessibility of the site by bus and access and egress from Ely Close. The objections raise issues such as loss of privacy to neighbouring dwellings, traffic congestion, noise and disturbance, increased crime, pollution and smell from petrol station, negative impact on small local shops in terms of loss of business.
- 4.2 An objection has been received from Asda Stores Ltd who object on the basis that a proposed food store in this location would be contrary to the Local Plan designation as an employment site and that the proposal would fail the sequential test given the availability of the Local Plan (2019) allocated food store site at Graveley Road. An objection has been received from the owner of the Budgens convenience store opposite the site on Wedgwood Way on the grounds that the proposal would negatively impact the store's business.
- 4.3 The application has also elicited a commercial objection made by Martin Robeson Planning Practice contained in a letter dated 16 March 2023 on behalf of Tesco Stores Limited, which operates the town centre Tesco Extra in The Forum and a superstore on London Road. The following principal objections are raised by Tesco to Morrisons' application:
- (i) The retail consultants engaged by both Morrisons and the Council have failed to properly recognise the preferential development plan and sequential test status of the site at Graveley Road which is allocated in the Stevenage Local Plan under policy TC11 in order to meet the identified need for a major new food store to serve the Borough. Further, the Morrisons' development would frustrate the delivery of a food store on that allocated site, which would be prejudicial to the proper planning of the area given the proximity of the North of Stevenage housing allocation for 800 dwellings to which it would be well connected. The allocation is not out of date and cannot be put aside, there being no cogent material considerations advanced to such a step.
 - (ii) Even were it right to undertake a comparative assessment of the performance of the allocated and Morrisons' site against the sequential test, the allocated site would be considered sequentially preferable.

(iii) There is insufficient evidence to support assertions made by Morrisons' consultant and its agent that it is very unlikely that a food store of the size anticipated by policy TC11 would be built on the allocated site.

(iv) Morrisons have failed to demonstrate that there will not be a significant adverse impact on Stevenage Town Centre by reason of the impact on the town centre Tesco Extra and consequential loss of footfall. The impact has neither been correctly nor effectively addressed. On the partial evidence that is available, it seems highly likely that there would be a significant adverse impact on the town centre. Planning permission should therefore be refused in accordance with Policies SP4 and TC13 of the Local Plan and paragraph 91 of the NPPF.

(v) Non-employment uses such as retail development are unquestionably contrary to the Local Plan and the claimed employment benefits of the proposed Morrisons' store do not take account of the "loss" of employment which would otherwise have been delivered on the Graveley Road site. A B8 development of the site and a food store on the allocated site would generate much greater employment and a B2 development of the site would also deliver greater levels of employment and has not been ruled out. Morrisons' argument that there is no need to retain all the employment land within the Borough is entirely unsubstantiated.

- 4.4 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website. The issues raised in the objections received are dealt with in section 7 of this report. Both the Planning Authority and the applicant have sought a legal opinion on the issues raised within the objection from Tesco Stores Limited, which have formed the basis for the assessment of the retail considerations for this proposal.

5. CONSULTATIONS

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

5.2 HCC Highway Authority (comments dated 24 March 2022)

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.
- 5.2.2 The Highway Authority notes the submission of materials in support of a planning application for a Morrisons supermarket, petrol filling station and commercial unit. The Transport Assessment document is considered to satisfactorily present that the development may be accommodated on the local highway network in vehicle capacity terms. The off-site highways infrastructure works are considered a critical component of the planning application and seek to connect the proposed development with the existing segregated Stevenage cycle network. Such works would need to be secured via a Section 278 agreement.
- 5.2.3 The application would also upgrade an existing bus stop. With the proposed off-site highway works and the proposed supermarket's access to a catchment within a reasonable walking and cycling distance, the Highway Authority is content that the site may be considered sustainable and in accordance with policy as outlined within Hertfordshire County Council's Local Transport Plan 4 document. However, the Highway Authority is

seeking further detail regarding cycle parking, including the provision of cycle parking space for disabled cyclists and those using cargo bicycles, as per the requirements set out within LTN 1/20.

- 5.2.4 In summary, the Highway Authority does not wish to restrict the grant of planning permission subject to the aforementioned planning conditions and Advisory Notes.

5.3 Thames Water

- 5.3.1 No objection.

5.4 Herts and Middlesex Wildlife Trust

- 5.4.1 No comments, impact on biodiversity is negligible.

5.5 SBC Environmental Health

- 5.6.1 I have considered the ground investigation report and am satisfied that if the recommendations are followed this will be sufficient, in particular paragraph 9.5 and the need to keep a watching brief during demolition of the existing concrete slab and other areas of hardstanding. I have read and accepted the acoustic assessment. The lighting design statement details appropriate measures to take.

5.7 Flood Risk and Drainage Consultant

- 5.7.1 Due to resourcing issues at Hertfordshire County Council as Lead Local Flood Authority (LLFA), the LLFA is temporarily unable to comment on planning applications. The Council has appointed an independent drainage consultant to assess the Flood Risk Assessment and Surface Water Drainage Strategy in line with Guidance issued by the LLFA. The consultant reviewed the information provided with respect to flood risk and drainage and prepared a technical note advising the Planning Authority on how the proposed drainage strategy for the site could be improved. Following amendments and improvements to the drainage strategy, the consultant was able to recommend that planning permission is granted subject to conditions relating to design of the surface water run-off scheme and SuDS Maintenance.

5.8 SBC Arboriculture and Conservation Manager

- 5.8.1 I have analysed this application, inspected the site and can confirm that I have no objections from an arboriculture viewpoint. I see that the most important trees, the large mature Oak and nearby Maples are showing as protected during this development which is what I was expecting to see.

5.9 North Herts District Council

- 5.9.1 North Hertfordshire District Council objects to the above application. The proposal is in an out-of-centre location and benefits from no particular policy support from either the Development Plan or national policies. Based upon current information, the Applied Planning appraisal of the application identifies a trade diversion of between 30-40% from the Budgens store in Great Ashby. The Budgens store provides the 'anchor' for an identified local centre in our adopted Local Plan and supports the sustainability of this area of the District. Applied Planning characterise this as "a significant and adverse impact on Budgens and in turn Great Ashby Centre". The proposal is therefore contrary to policies TC11 and TC13 of the Stevenage Borough Local Plan and paragraph 91 of the National Planning Policy Framework. I would be grateful if you could share any further information that is provided by the applicant on the retail impact of this proposal in response to the Applied Planning report.

5.9.2 Further information relating to the impact on Budgens in Great Ashby was shared with North Herts District Council who were given an opportunity to respond; however no further comments were received.

5.10 HCC Minerals and Waste

5.10.1 No comments received.

5.11 SBC Engineering Services

5.11.1 No comments received.

5.12 SBC Land Sales

5.12.1 No comments received.

5.13 Affinity Water

5.13.1 No comments received.

5.14 SBC Waste Storage

5.14.1 No comments received.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (“NPPF”) was published in July 2021. This largely reordered the earlier 2012 version of the NPPF, albeit with some revisions to policy substance. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up-to-date for the purposes of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (Paragraph 11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 The Council will nevertheless be commencing preliminary work into a review of its Local Plan, which was adopted in May 2019. This is to further ensure that the policies within the Local Plan are up-to-date, as well as to ensure the Plan is performing well against its objectives.

6.3 Planning Practice Guidance

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 National Design Guide

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

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

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

Policy SP1: Presumption in favour of sustainable development
Policy SP2: Sustainable development in Stevenage
Policy SP3: A strong, competitive economy
Policy SP4: A vital Town Centre
Policy SP5: Infrastructure
Policy SP6: Sustainable transport
Policy SP8: Good design
Policy SP11: Climate change, flooding and pollution
Policy EC6: Pin Green Employment Area
Policy TC11: New convenience retail provision
Policy TC13: Retail impact assessments
Policy IT4: Transport Assessment and Travel Plans
Policy IT5: Parking and access
Policy IT6: Sustainable Transport
Policy IT7: New and Improved Links for Pedestrians and Cyclists
Policy GD1: High quality design
Policy FP1: Climate change
Policy FP2: Flood risk in Flood Zone 1
Policy FP5: Contaminated land
Policy FP7: Pollution
Policy NH5: Trees and Woodland

6.6 Supplementary Planning Documents

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

Parking Provision and Sustainable Transport SPD (2020)
Stevenage Design Guide SPD (2023)
Developer Contributions SPD (2021)
The Impact of Development on Biodiversity SPD (2021)

6.7 Community Infrastructure Levy Charging Schedule

- 6.7.1 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. As the supermarket would fall within planning use class E(a) – display of retail sale of goods, other than hot food this proposal would be CIL liable at £60/m².

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use and retail policy terms, design and appearance, flood risk and drainage, climate change mitigation, amenity, noise, highway impact, access and parking, trees, biodiversity and landscaping and planning obligations to mitigate the impact of the development.

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

7.2 Land Use Considerations

7.2.1 Loss of Employment Use

7.2.2 This scheme proposes the introduction of retail, which is a main town centre use, to an out-of-centre location, the Pin Green Employment Area. This area is subject to Policy EC6 of the Stevenage Borough Local Plan 2019.

7.2.3 Policy EC6 supports development for research and development (B1(b)), light industry (B1(c)), general industry (B2), and storage and distribution (B8) purposes within the area provided that any new individual units are of an appropriate size. Use classes B1(b) and B1(c) were replaced by classes E(g)(ii) and E(g)(iii) respectively by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Development for offices is also supported, but only where it would be ancillary to one of the uses already described, where it would be essential to the continued operation of an existing office use, or where a sequential test demonstrates that there are no other suitable sites in more accessible locations.

7.2.4 Development for retail is not supported by policy EC6 and therefore, there is a conflict with this policy. As a consequence, it is therefore expected that the loss of the site for B class uses should be clearly and convincingly justified as part of the planning application submission, with reference to an employment land review. The applicant has submitted a Stevenage Employment Study in support of the planning application, which considers the past performance of the Pin Green Industrial Estate and future expected demand and assesses whether the loss of the site for B class uses would harm the economic prosperity of the town. The Study also considers the additional economic benefits which might result from the development, including direct benefits such as employment as well as broader benefits.

7.2.5 The Study confirms that employment growth in Stevenage over the past 10 years has been below benchmark areas and most of the growth has been office (formerly B1, now Class E), noting that office development at Pin Green is only allowed if it is ancillary to industrial uses, which indicates that this is happening in other parts of Stevenage. The Study also concludes:

“Whilst industrial vacancy levels in Pin Green and Stevenage have been declining since 2012, there has been a slight rise in vacancy levels since 2019. This is also reflected in rental values, which saw a large rise since 2012 but have been flat lining since 2019. No or negative net absorption at Pin Green and Stevenage is another indicator of slowing demand for industrial floorspace.”

7.2.6 The Study concludes demand for industrial uses is strongest at Gunnels Wood, which is more accessible and more central and that there are several issues which explain why Pin Green is less attractive as an employment location:

- Poor quality employment space: the Pin Green site originated in the 1960's and 1970's and much of the employment space dates from this time, with very little new stock being developed. The Costar data provides a star rating for the industrial units based on the quality of the stock. Pin Green has a higher proportion of lower ranked industrial units than the Stevenage average with 38% of properties graded 2* compared to 34% across wider Stevenage.
- Constrained sites: the 2013 Employment Study for Stevenage found several issues with the Pin Green industrial area, but the main issue is the lack of ability to expand on current premises due to the relatively small nature of the employment area and a lack of vacancies. This is the primary reason for Bond International moving outside of the area as they were unable to create modern new premises at their current location and it was more economically viable to take up space elsewhere.
- Accessibility: the 2013 Employment Study refers to the poor strategic road network around the Pin Green estate.
- Poor quality amenities: the 2013 Stevenage Employment Study highlights the lack of available services in the area as being a key issue.

7.2.7 The Study goes on to consider the economic benefits of the application proposal and concludes that the proposal has the potential to generate significant social and economic benefits for the local economy, far above those currently contributed by the existing industrial use. The benefits would comprise:

- The development would support 240 construction jobs over the development period (1 year).
- At least 12-24 of these would be filled by Stevenage residents and the scheme would support 10 apprenticeships.
- The proposed development is estimated to support 190 full time employees on the site, which is 94 full time employees more than the current 96 full time equivalent.
- The higher employment on the site would provide a higher level of local worker spend as currently it is estimated that employees spend around £208,000 locally. This is less than half the estimated local spend of workers in the proposed development (£475,000).
- The locality of workers in the retail industry means that a higher proportion of the worker spend could be captured locally. Around 62% of retail workers live within 10km of their place of work, compared to an average of 54% for all industries.
- The change of use of the site would provide a major increase in gross value added, which is estimated to increase from the current value of around £7.1m to approximately £12.6m annually.
- A financial contribution would be made through a S106 agreement towards the cost of administering a travel plan and in engaging in an annual travel plan review.
- The proposed development would deliver a high-quality modern design, which would improve the physical appearance of this gateway site. It would also bring forward an under-utilised site.
- The proposed development would help to minimise the carbon dioxide emissions arising from the site. The proposals would include provision for roof-mounted solar photovoltaic cells to assist in meeting the store's energy needs and an air source heat pump is also being considered.
- Finally, the food store would provide greater amenity for workers on the Pin Green Industrial Estate, through the provision of a superstore, a cafe and petrol station.

7.2.8 In light of the detailed and robust assessment undertaken within the Employment Study, whilst the proposal would result in the loss of an industrial building and use, it is considered it would not harm the economic prosperity of the town. Indeed, the Study sets out the clear and significant economic benefits which would result from the development, including a significant increase in employment opportunities and local spend. The proposed development would introduce an alternative employment generating use on the application site that would taper any economic and social impact caused by loss of B class employment land.

- 7.2.9 In order to consider the loss of the existing employment use further, the Local Planning Authority needs to form a judgement as to the employment benefits of the Morrisons development and the development which might occur on the Graveley Road Local Plan allocated food store site, in the event that the Morrisons development is approved. A comparison then needs to be made with what may be achieved by the Council refusing planning permission on employment policy grounds i.e. what employment might be delivered on the site by way of B8 storage and distribution and/or B2 industrial development and the Graveley Road site combined.
- 7.2.10 The employment benefits of the Morrisons development have already been discussed above. The employment benefits of any mixed retail / employment development brought forward on the allocated site at Graveley Road have also been considered by the applicant. An indicative drawing showing how such a development could be laid out is provided in drawing no. SK_29 (see below). The applicants commissioned a firm of Chartered Surveyors, Knight Frank to comment on the allocated food store site at Graveley Road, in particular an allocation for 5,250m² net retail floorspace to serve the North of Stevenage urban extension, which will deliver 800 new homes. The net sales area for a food store is typically 60 - 70% of the gross area, therefore a net sales area of 5,250m² would suggest a gross store area of 8,000m².



- 7.2.11 Knight Frank conclude in their letter dated 23 September 2022 that it is highly unlikely a food store of this scale would come forward. This is despite the Local Plan allocation justification explaining that the Council would entertain a planning application for a new food store of this size here. Knight Frank advise another relevant factor to be considered is that the Sainsbury's store at Hitchin Road is situated close to the existing housing to the north of Stevenage and is better located to serve this part of Stevenage and the forthcoming housing developments than the Graveley Road site, which is slightly separated being to the north of the major roundabout at junction 8 of the A1(M).
- 7.2.12 Morrisons have already confirmed that the Graveley Road site is not a viable store location due to its location on the very edge of Stevenage and the existence of a large Sainsbury's superstore within 1km of the site. It is acknowledged that Tesco, Sainsburys, Asda and Morrisons are the primary supermarket operators who trade 'superstores' (i.e. those stores with a net retail floor area of 2,500m² or more) within the UK. Commercial advice from

Knight Frank suggests none of these supermarket operators are currently seeking to develop stores of the scale envisaged by the Graveley Road allocation.

- 7.2.13 Current superstore provision within Stevenage comprises 2 x Tesco's, 2 x Sainsbury's and 1 x Asda store. Therefore, Knight Frank conclude that the retailers who could operate a large format store at Graveley Road are already represented and there are no obvious gaps in provision across the town. Further, whilst there could be demand from others, it would be for a much smaller format store than the Local Plan allocation allows. Knight Frank advise the site is more likely to deliver a smaller neighbourhood store which would primarily serve the North of Stevenage urban extension, possibly as part of a mixed-use development.
- 7.2.14 The indicative mixed retail / employment development shown on drawing ref. SK_29 would deliver a food store of 2,287m² Gross Internal Area, which is of a similar size to the smaller neighbourhood store format discussed above. The plan also shows 11 employment units of varying sizes providing 6,505m² of floor space. Knight Frank conclude the Graveley Road site has good access onto the A1(M) and there would be strong demand from several industrial occupiers for a range of unit sizes. This proximity to the motorway network, as well as accessibility to the town to the south, makes it a more attractive location for either mixed retail / employment use or solely employment use than the application site at Wedgwood Way.
- 7.2.15 The development of the Graveley Road allocated site in the manner suggested above also has the potential to generate significant social and economic benefits for the local economy. The benefits would comprise:
- The development would support construction jobs over the development period, including jobs and apprenticeships for Stevenage residents.
 - The food store as shown on plan ref. SK_29 is estimated to create between 115 and 150 jobs. This would be reduced to 40 jobs if it was a discount food retailer.
 - The commercial units as shown on plan ref. SK_29 are estimated to create between 92 and 180 jobs, depending on the mix of uses.
 - The higher employment rate on the site would provide a higher level of local worker spend.
 - The locality of workers in the retail industry means that a higher proportion of the worker spend could be captured locally.
 - The mixed retail / employment use of the site would represent an increase in gross value added.
 - A financial contribution would be made through a S106 agreement towards the cost of administering a travel plan and in engaging in an annual travel plan review.
 - The development could deliver a high-quality modern design, which would improve the physical appearance of this site.
- 7.2.16 Should both the application site and the site at Graveley Road come forward for development in the manner presented above, it is considered there would be significant economic benefits to the town, including a significant increase in employment opportunities and local spend. Turning then, to what employment benefits might be delivered on the application site should it be developed for a B8 and/or B2 use in accordance with Local Plan policy EC6, an indicative layout plan has been provided by the applicant ref. SK_26 (see below) for a light industry (Class E(g)(iii)), B2 general industry and B8 storage and distribution uses based on a 6,721m² (GIA) floor area spread across 8 commercial units.



7.2.17 The applicant has provided a table which compares the economic benefits of the different development scenarios for the application site, based on the indicative layout plan ref. SK_26 showing how the site could be redeveloped for B class uses:

Table 1.2 Comparison					
	Current Scheme	Morrisons Scheme	Policy Compliant Scheme		
			Light Industrial B1c (now Class E)	Manufacturing B2	Storage B8
Direct Jobs	96	190	146	187	96
Indirect Jobs	48	95	73	93	48
Direct GVA	£7.1m	£12.6m	£16.4m	£21.3m	£8.4m
Indirect GVA	£3.4m	£6.7m	£8.2m	£10.7m	£4.2m
Worker Spend	£208,000	£475,000	£364,700	£466,700	£240,000
Business Rates	£215,000	£292,300	£222,000	£156,000	£179,700
Financial Contribution	-	S106 agreement towards the travel plan	S106 agreement likely	S106 agreement likely	S106 agreement towards the travel plan
Physical Appearance	Not fit for use and underutilised	High quality modern design of the gateway site	More modern but potentially less attractive gateway site		
Environmental		Minimise CO2 emissions	CO2 emissions likely to be higher, particularly for B8 (storage) uses.		
Locality	The warehousing and logistics industry employees tend to live further away from their place of employment	Retail employees tend to live closer to work & Morrisons vow to employ 75% within 3-miles	The warehousing and logistics industry employees tend to live further away from their place of employment		

- 7.2.18 The above table demonstrates the economic benefits which would result from the proposed Morrisons scheme exceed those realised by the existing buildings and use of the site. They are also far greater than those for a B8 (storage/distribution) scheme and a light industry (Class E(g)(iii)) scheme. The results do show that a B2 manufacturing scheme would realise significant economic benefits. However, based on the assessment and conclusions of the Stevenage Employment Study submitted in support of the application, the greatest demand for employment development within Stevenage is for B8 uses (storage or distribution) and not B2 (general industrial). Local agent consultations confirmed that demand is greatest for large storage, warehousing and distribution uses.
- 7.2.19 The Employment Study advises that if the site were to be developed for a policy compliant scheme, this would most likely be for B8 storage/distribution uses, which would deliver significantly less economic benefits for Stevenage compared to the proposed Morrisons food store.
- 7.2.20 Comparing therefore the two scenarios set out in paragraph 7.2.9 above, it is considered there is cogent and adequate evidence before the Council to support the conclusion that the combined economic benefits of the Morrisons development and the development which might occur on the allocated site at Graveley Road in the event that the Morrisons development is approved would outweigh the economic benefits of the development of the application site for a (most likely) B8 storage/distribution scheme combined with a mixed retail / employment scheme on the Graveley Road allocated site.
- 7.2.21 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is considered the conclusion reached above, based on a balancing exercise weighing up the economic benefits of all development scenarios on the application site and allocated site at Graveley Road, indicates that the economic benefits of the application proposal together with the way in which the Graveley Road site is most likely to be developed are a material planning consideration in favour of the application proposal.
- 7.2.22 It is acknowledged that the proposal does not fall within the criteria set out by Local Plan Policy EC6 and is in conflict with this policy, however given the above benefits and the cogent and adequate evidence presented to the Local Planning Authority, it is concluded the use of the site for retail would not conflict with the employment aims and objectives of the Local Plan.

7.3 Retail Policy Considerations

7.3.1 *Sequential Test*

- 7.3.2 The proposed development comprises a main town centre use in an out of centre site. Paragraph 87 of the NPPF 2021 directs Local Planning Authorities to apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 7.3.3 Paragraph 88 explains that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

- 7.3.4 Confirmation of how the sequential test should be used in decision taking is set out in the 'Ensuring the Vitality of Town Centres' section of the PPG which provides a checklist of the considerations which should be considered in determining whether a proposal complies with the sequential test as follows:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
- 7.3.5 The Supreme Court in *Tesco Stores v Dundee City Council* confirmed 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.
- 7.3.6 The High Court Judgement (*Threadneedle Property Investments and Simons Developments Ltd v North Lincolnshire Council* [CO/4764/2012]) further considered the Supreme Court interpretation and confirmed the need to take account of the operator's commercial requirements, and the need to work in the real world. In the case considered by the High Court, the Court came to the view that 'operator specifics' were indeed relevant in the application of the sequential test. It looked at the specifics of the proposals and the retailer's commercial needs.
- 7.3.7 These rulings are clear that there must be realism applied to the sequential test, having regard to the business model of the applicant, commercial realities and business decisions. Whilst retailers are expected to demonstrate reasonable flexibility, these appeal decisions underline the need for decisions to be based in the real world.
- 7.3.8 The 'Mansfield Judgment' (*Aldergate v Mansfield District Council & Anor* [2016]) has further clarified that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. At paragraph 35 of the Judgement states:
- 'In my judgement, "suitable" and "available" generally mean "suitable" and "available" for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content. Nothing in Tesco v Dundee City Council, properly understood, holds that the application of the sequential test depends on the individual corporate personality of the applicant or intended operator.'*
- 7.3.9 The Mansfield Judgement 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 identity, but from application to application based on their content.

- 7.3.10 Against this legislative and policy background, the parameters of the sequential test should be established having regard to the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale and taking into account the commercial realities of the business model.
- 7.3.11 The submitted Retail Planning Assessment (March 2022) sets out the following site search parameters at paragraph 6.22. Notably the applicant has conducted the site search of potential alternative sequentially preferable sites and premises to 'assess their ability to accommodate the same elements as the proposed development as follows:'
- a) sufficient land to accommodate a gross floor area measuring 5,638m² (GIA);
 - b) suitable on-site servicing arrangements that are safe and efficient allowing delivery vehicles to arrive, unload and depart without any disruption;
 - c) an appropriate level of surface level car parking to allow the safe and direct transfer of goods to customer vehicles; and
 - d) a petrol filling station.
- 7.3.12 It is not considered that this approach demonstrates reasonable flexibility in the format and/or scale of the broad type of proposed land use in the application. Food superstores commonly vary in size, but the sequential test parameters do not consider sites that could accommodate a store of less than 5,638m² GIA and it would be expected that there should be flexibility in size of the store of approximately 20% of floorspace to demonstrate flexibility in the format and/or scale of the proposal.
- 7.3.13 In respect to the other parameters, it is accepted that a sequential site must have 'suitable on-site servicing' and an 'appropriate level of surface car parking' given that a large proportion of shopping trips are bulk purchase and shoppers are reliant on trolleys. However, the applicant does not advise what quantum of car parking would be an 'appropriate level of car parking' for a food superstore of this size.
- 7.3.14 In regard to the requirement for the proposed petrol filling station to be on site, it is accepted that petrol filling stations commonly form part of a food superstore's commercial offer and it is noted that competing food superstores in Stevenage also provide on-site petrol filling stations. The sequential test should not seek to disaggregate the business model of the applicant and it is therefore accepted that for the purposes of the sequential test that a potential sequentially preferable site should be capable of accommodating a petrol filling station on site (or within reasonable proximity) to allow for the commercial realities of the business model.
- 7.3.15 Whilst officers do have concerns that the Retail Planning Assessment (March 2022) does not allow for reasonable flexibility in the applicant's business model in terms of store size when assessing the suitability of potential alternative sequentially preferable sites, a review of the sequential test has been undertaken below in this context.

Area of Search/Catchment Area

- 7.3.16 The Retail Planning Assessment considers sequential opportunities with Stevenage Town Centre, Stevenage Old Town (and edge of centre thereof) given that these centres are higher order centres in the retail hierarchy. In addition, the applicant has assessed the Graveley Road site allocation (Policy TC11) for a new food store.
- 7.3.17 In this instance, given the proximity of competing stores, and the fact that the catchment area is a relatively densely populated urban area, it is considered that the sequential test search area is robust. Given the role and function of the lower order centres in the retail hierarchy which primarily serve the day-to-day needs of residents, it is not considered appropriate to include these centres in the sequential test and it is agreed that the sequential test should focus on Stevenage Town Centre and Stevenage Old Town.

7.3.18 The Retail Planning Assessment identifies nine potential sequentially preferable sites within and on the edge of Stevenage Town Centre and Stevenage Old Town, in addition to the Graveley Road allocation. The sites considered in the sequential test are as follows:

- Stevenage Town Centre Regeneration Development
- Park Place, Stevenage Town Centre
- 85-103 Queensway, Stevenage Town Centre
- Matalan Site, Danestrete, Stevenage Town Centre
- Plots A and K, Town Centre Regeneration Scheme
- Major Opportunity Areas, Stevenage Town Centre
- Former BHS Store, 7 The Forum, Stevenage Town Centre
- Former Office Outlet, Unit 11, Fairlands Way, Stevenage
- Former Waitrose Store, Stevenage Old Town
- Graveley Road Allocation, Out of Centre

7.3.19 Officers consider there are no other sites/units which should be included in the sequential analysis and therefore the above list is agreed. A summary of the review of the sites is as follows:

Site 1 – Stevenage Town Centre Regeneration Development

7.3.20 In January 2012, Stevenage Borough Council resolved to grant outline planning permission (ref: 07/00810/OP) for the comprehensive redevelopment of this part of the town centre for a mix of uses including retail, housing, hotel, replacement of the bus station and a magistrate's court subject to the applicant (Stevenage Regeneration Limited) entering into a S106 agreement.

7.3.21 The S106 agreement was not completed and the regeneration strategy for the Town Centre has now progressed separately from the outline application, which the committee resolved to permit. In addition, the scheme was mixed use and resolved to permit up to a maximum of 2,000m² of food convenience floorspace on an irregular shaped site but the proposal was primarily for comparison goods retail floorspace (minimum 35,000m²).

7.3.22 Given that redevelopment of Stevenage Town Centre has progressed separately from this scheme and that that Planning and Development committee resolved to permit a mixed use scheme which was comparison floorspace led, the site is not considered suitable for the proposed development.

Site 2 – Park Place, Stevenage Town Centre

7.3.23 Planning Permission was granted under 16/00511/FPM in December 2016 for a 'change of use of an existing three-storey building from A1 (retail), B1 (office) and D1 (dental clinic) to retail and residential use and the construction of three additional floors for residential use comprising no. 44 studio units, no. 120 one-bedroom residential units, and no. 38 two-bedroom residential units'. The permission has subsequently been subject to a series of non-material amendments. The Park Place site extends to 0.5ha and the approved scheme comprises a total of 2,018m² of retail floorspace at ground level.

7.3.24 The Morrisons application site extends to 2 hectares and seeks permission for 5,638m² of floorspace, as well as petrol filling station and on-site car parking. Therefore, when allowing for flexibility in format and scale, the Park Place site could not accommodate the application proposals. Given the significant variations in site size and the quantum of development that can be delivered at Park Place, it is agreed that this site is not suitable for the proposed development.

Site 3 – 85-103 Queensway, Stevenage Town Centre

- 7.3.25 Planning Permission was granted under 18/00268/FPM in December 2018 for the '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'.
- 7.3.26 The site is centrally located within Stevenage Town Centre and the approved plans show 11no. retail/leisure units at ground floor which provide a total of circa 4000m² of retail/leisure floorspace at ground floor level. Furthermore, 42 car parking spaces are shown to the rear of the buildings. As such the site is too small to accommodate the application proposals when allowing for flexibility in format and scale. It is agreed that this site is not suitable for the proposed development.

Site 4 – Matalan, Danestrete

- 7.3.27 This site forms part of allocation TC2 in the Local Plan (Southgate Opportunity Area) which states applications should address design and land uses principles for landmark building, pedestrian linkages and include high density residential uses. On Site 4 itself, outline planning permission was granted under 14/00559/OPM in October 2017 for a 'residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings'. Pursuant to the outline planning permission, reserved matters for access, appearance, layout, landscaping and scale were granted under 20/00643/RMM in April 2021 and development has now commenced.
- 7.3.28 The site extends to 1.3 ha and is considered too small to accommodate the business model proposed in the application and meet the wider development plan policy uses and design requirements of Policy TC2. It is agreed that this site is not suitable for the proposed development.

Site 5 – Town Centre Regenerations Scheme SG1

- 7.3.29 The site (known as SG1) extends to approximately six hectares of land within Stevenage Town Centre and is located west and south of Queensway, which is the main pedestrianised area of the town centre. In October 2020, the Planning Committee resolved to grant planning permission, subject to the completion of a legal agreement and direction to the SoS, for a hybrid application for a mixed-use development under 19/00743/FPM comprising 'outline planning permission for the demolition of existing buildings on the site and the mixed-use redevelopment of Plots A-K including new retail and food and beverage uses (A1-A5), leisure (D2), office (B1), community (D1) and residential (C3). New buildings to comprise residential accommodation (Class C3), retail floorspace Class (A1/A2/A3/A4/A5 floorspace), leisure floorspace (D2), office floorspace (Class B1), Public Services Hub (Class D1/B1/A1/A3), primary school (D1), plant and storage, servicing, new vehicle and pedestrian accesses and circulation, new public amenity space, new and amended car parking, new landscaping and public realm and associated works. Full details (access, appearance, landscaping, layout and scale) are submitted for Plots A and K and all matters reserved for Plots B to J'.
- 7.3.30 This site is located in the TC2 and TC5 Major Opportunity Areas in the Stevenage Local Plan which states that applications should address design and land use principles for landmark building, create pedestrian linkages and include high density residential uses.

Whilst this site is physically large enough to accommodate the application proposal, the proposed business model would take up approximately a third of the parcel of land and the fundamental requirements of the business model to provide large floorplates, surface level car parking and a petrol filling station would conflict with requirements of policies TC2 and TC5. Therefore, it is agreed that this site is not suitable for the proposed development.

Site(s) 6 – Other Major Opportunity Areas

- 7.3.31 The Retail Planning Assessment considers whether the other Major Opportunity Areas allocated within the Local Plan represent sequentially preferable sites. For the reasons set out above, it is agreed that TC3, TC4, TC5 and TC8 are not sequentially preferable opportunities as the fundamental requirements of the application business model would conflict with the respective allocation policy requirements. However, Policy TC6 (Northgate Major Opportunity Area) includes for the provision of a replacement major food store (the redevelopment of Tesco Extra) alongside a mix of uses including high density residential and offices premises.
- 7.3.32 The supporting text to the policy advises that the policy seeks to redevelop the Tesco Extra, but that this site is unlikely to come forward until the end of the plan period, transitioning into the post-2031 period. In considering this site in the sequential test, it is relevant that Policy TC6 does not seek to allow a new food store, but rather seeks to guide the redevelopment of the existing Tesco Extra. There are no indications that this site would be made available to another operator and moreover, the Local Plan advises that the site would not be available until the end of the plan period being 8 years hence. It is therefore considered that the site would not become available within a reasonable period of time (as required by paragraph 87 of the NPPF) and therefore it is agreed that this site is not available for the proposed development.

Site 7 – Former BHS Store, 7 The Forum

- 7.3.33 This vacant unit extends over three floors and was previously occupied by BHS. Planning permission was granted under 19/00647/FPM in August 2021 for the ‘partial demolition and redevelopment of existing former BHS store to create 11 storey building comprising 1no ground floor commercial unit, 129no. 1 bed, 120no. 2 bed and 1no. studio apartments with associated infrastructure including amenity space, car parking, bicycle storage, refuse storage and plant rooms’.
- 7.3.34 The site only extends to 0.33 ha and is considered too small to accommodate the business model proposed in the application. It is agreed that this site is not suitable for the proposed development

Site 8 - Former Office Outlet, Unit 11, Fairlands Way

- 7.3.35 This vacant unit lies adjacent to the existing Tesco Extra petrol filling station, has direct vehicular access off Fairlands Way and there are 38 car parking spaces to the front of the unit. The unit also benefits from a dedicated servicing area and additional parking to the rear. If a mezzanine was constructed in the existing unit, the building could potentially provide circa 3,250m² of floorspace. Planning permission was granted under 21/01002/FPM in October 2022 for the ‘demolition of existing outlet store (Use Class E) and construction of a part 9 storey, part 13 storey building comprising 224 no. build to rent dwellings consisting of 162 no. 1 bedroom, 50 no. 2 bedroom and 12 no. 3 bedroom units; 161 sq.m of Use Class E and Use Class F floorspace; ground floor parking area, cycle storage facilities, associated plant and equipment, landscaping and ancillary works, comprising both residential and commercial / ancillary residential floorspace along with associated landscaping and public realm enhancements refuse storage, and cycle and car parking’.

- 7.3.36 If the site was redeveloped as per the above planning permission or the existing unit refurbished, it is considered too small to accommodate the business model proposed in the application when allowing for flexibility in scale and format. It is agreed that this site is not suitable for the proposed development.

Site 9 – Former Waitrose

- 7.3.37 This opportunity is too small to accommodate the business model proposed in the application when allowing for flexibility in scale and format. It is therefore agreed that this site is not suitable for the proposed development.

Site 10 – Graveley Road Allocation

- 7.3.38 The allocation of the Graveley Road site for an out of centre food store was justified by the fact that, as at the date of the preparation of the Local Plan there were no alternative sites capable of accommodating a store of the required size. In consequence, the NPPF's sequential test (paragraph 87) was satisfied and, were an application for a food store to come forward on that site, there would be no obligation for the application to be supported by any sequential test analysis. The allocation thus exempts a proposal from the need to apply the sequential test. However, in retail policy terms, that is the only preference which the NPPF accords to it over other out of centre sites.
- 7.3.39 The NPPF does not advise that Local Plan allocations for town centre uses should themselves be treated as town centres and protected as such. Further, the Local Plan accords no such protection to the Graveley Road allocation. Policy TC11 identifies that site, but neither the policy nor any other, states that other out of centre food store sites will be resisted within the Borough. Indeed, the policy expressly provides that, save for 1500m² of additional convenience goods floorspace reserved for the extension of existing stores within the retail hierarchy, the remainder of the forecast capacity is to be met "in other stores in accordance with the sequential test".
- 7.3.40 In consequence, there is nothing in either the NPPF or the Local Plan which states or implies that the allocated site should be accorded priority over any subsequently identified out of centre retail sites or that it should be treated as if it were a Town Centre site. It was allocated because it is well located to serve the North of Stevenage development and also because it was the only suitable site which the Council had been able to identify (see paragraph 7.70 of the Local Plan).
- 7.3.41 Given this context, there is nothing in the Local Plan which would support a conclusion that in retail policy terms, the allocated site takes preference over later identified sites which might be sequentially preferable or, at worst, sequentially equivalent. A food store development on the allocated site can benefit from the presumption in favour of the Development Plan without further sequential testing. It is not the logical corollary of that, that any unallocated out of centre food store application, conflicts with policy TC11.
- 7.3.42 In this instance the Graveley Road allocation and the application site are both in out of centre locations and it is considered that neither site is 'better connected to a defined centre'. As such neither site is in a sequentially preferable location. The purpose of the sequential test is not to protect out of centre allocations; the purpose is to guide main town centre uses towards town centre locations. For these reasons, it is not considered that the Graveley Road allocation is a sequentially preferable site and therefore the application would not fail the sequential test if detailed analysis concluded that the allocation is suitable and available for the proposed development allowing for flexibility on issues such as format and scale.
- 7.3.43 It is, however, necessary for the Local Planning Authority to consider the extent to which approval of the Morrisons application might prejudice the delivery of the Graveley Road site

in so far as it might better serve the needs of the town and in particular, the needs of the North of Stevenage urban extension. That is a material consideration given the objective of the allocation and the weight accorded to it will be informed by whether that site is likely to be brought forward for a large food store development, and if not, what alternative retail development it has a prospect of supporting. These are matters of judgment for the Local Planning Authority based on all the evidence before it.

- 7.3.44 This issue has already been examined in detail in section 7.2 above, where based on commercial advice from Chartered Surveyors Knight Frank, it was concluded the Graveley Road site is more likely to deliver a smaller neighbourhood store which would primarily serve the North of Stevenage urban extension, possibly as part of a mixed retail / employment use development.
- 7.3.45 Commercial advice from Knight Frank suggests that the Graveley Road site is not a viable location for a new superstore (net retail floor area of 2,500m² or more), due to its location on the very edge of Stevenage and the existence of a large Sainsbury's superstore within 1km of the site. The Sainsbury's store would assist in serving the needs of the North of Stevenage urban extension in addition to any smaller neighbourhood store on the Graveley Road site. It is therefore considered unlikely that the site will come forward for a large food store development as envisaged by Local Plan policy TC11 and that a smaller, neighbourhood store is more likely in conjunction with commercial units for B8/B2 use.
- 7.3.46 It is therefore considered the development of the application site for a food store as proposed would better serve the needs of the town and would not prejudice the delivery of a mixed retail / employment development on the Graveley Road site. This is a material consideration given the objective of the allocation, which carries significant weight in favour of the application proposal given commercial evidence suggests the Graveley Road site is not a viable location for a new superstore, but more suitable as a mixed retail / employment site.
- 7.3.47 Given the primacy of the Development Plan and that the plan period runs until 2031, it is considered a plausible scenario that a future planning application for a food store may come forward on allocation TC11 and for these reasons the applicant was advised to assess the cumulative retail impact of the current planning application and allocation TC11 on defined centres. This is considered in further detail below.
- 7.3.48 Following a review of the sequential test within the Retail Planning Assessment (March 2022), it is considered that there is cogent and adequate evidence to support the Council's conclusion that there are no site/units which are available and suitable for the proposed development. It is concluded therefore, based on the information available, the application complies with the sequential test.

Appraisal of Impact Assessment on Town Centre Vitality and Viability

- 7.3.49 The site is in an out of centre location and for applications for town centre uses located outside of defined centres paragraphs 90 and 91 of NPPF state:

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) 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

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where an application is likely to have a significant adverse impact on or more of these considerations it should be refused.

7.3.50 Policy TC13 of the Local Plan (2019) provides locally set thresholds where impact assessments are required and confirms that impact assessments are required for any proposal more than 300m² for main town uses outside of the Town Centre. In this instance, the application proposes a 5,638m² food store, a small garden centre and petrol filling station and therefore a retail impact assessment is required.

7.3.51 Confirmation of how the retail impact test should be used in decision taking is set out in the Town Centres and Retail Section of the PPG. The PPG states that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. The PPG also states that the following steps should be taken in applying the impact test:

- establish the state of existing centres and the nature of current shopping patterns (base year).
- determine the appropriate time frame for assessing impact, focusing on impact in the first five years, as this is when most of the impact will occur.
- examine the 'no development' scenario (which should not necessarily be based on the assumption that all centres are likely to benefit from expenditure growth in convenience and comparison goods and reflect both changes in the market or role of centres, as well as changes in the environment such as new infrastructure).
- assess the proposal's turnover and trade draw (drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw).
- consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities (which may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact).
- set out the likely impact of that proposal clearly, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues
- any conclusions should be proportionate: for example, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences to the viability and vitality of existing town centres.

7.3.52 The PPG goes on to advise that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

7.3.53 The application is supported by a Retail Planning Assessment (March 2022), Retail Planning Assessment addendum (September 2022), Retail Addendum (February 2023) and a letter from WM Morrison Supermarket dated 8 February 2023 in respect of the Morrisons Daily store on Canterbury Way. All of these documents seek to address the above policy requirements to assess the retail impact of the application proposal on Stevenage Town Centre and other defined centres vitality and viability; namely: High Street Major Centre (Policy SP4), Poplars District Centre (Policy HC1/1), The Glebe Local Centre (Policy HC1/3), The Hyde Local Centre (Policy HC1/4), The Oval Local Centre (Policy HC1/7), Canterbury Way Neighbourhood Centre (Policy HC1/9) and Great Ashby Centre within North Herts.

- 7.3.54 The applicant undertook health checks of the above centres in June 2022 to establish their baseline vitality and viability, their retail composition and each centre's susceptibility to competition. Officers instructed an independent retail consultant to review the health checks who agreed with the applicant that the centres are relatively healthy, perform strong roles catering for day-to-day top up shopping needs and it is noted that each centre contains a national multiple convenience anchor complementing other retail operators. It is principally the national multiple retailer which anchors these local centres.
- 7.3.55 It is considered that this additional information, in conjunction with the household survey which informs the retail impact assessment, adequately establishes the state of existing centres and provides an appropriate baseline to inform the impact assessment. The applicant has carried out an impact assessment on both convenience and comparison goods shopping in the Town Centre and the other defined centres, which has been reviewed by an independent retail consultant, including a cumulative impact assessment of the application proposal and food store allocation TC11 on defined centres.
- 7.3.56 Issues were raised by the retail consultant in respect of impact on Morrisons Daily, Canterbury Way and the Budgens at Great Ashby. However, following the submission of the additional requested information provided within the Retail Addendum (February 2023) and the letter from WM Morrison Supermarket dated 8 February 2023 the retail consultant is satisfied there would be no significant and adverse impact on these stores. Further details are set out below, including conclusions relating to impact on Tesco Extra and the Town Centre and the cumulative impact of the application proposal and food store allocation TC11.

Impact of the Proposal on Morrisons, Canterbury Way and Canterbury Way Centre

- 7.3.57 The household survey undertaken by NEMS to inform the original retail impact assessment identified that the Morrisons at Canterbury Way Centre only has a turnover of £0.37m. It is not uncommon for household surveys to under-record the turnover of smaller stores due to the sample size of the surveys and the retail consultant previously advised that the household survey derived turnover of £0.37m for this store appeared unrealistic based on site visits to the store. A letter has subsequently been provided by WM Morrison Supermarkets Ltd dated 8th February 2023. The letter advises that the turnover of the store is far more than that modelled by the applicant and currently stands in excess of £2.9m. It is also advised that current lease period of the store is up until June 2026.
- 7.3.58 The Morrisons at Canterbury Way is a local store that serves a top-up function. Morrisons have advised that the store has a trading floorspace of 234m² which results in the store having a robust trading density of £12,393m². The retail consultant previously advised that the proposed development would divert approximately £0.3m of convenience goods trade from Morrisons Canterbury Way in the 2027 test year. This would equate to approximately a 10% retail impact on the Morrisons store, which when taking account of trading position of the store is not considered to give rise to a significant and adverse impact on the Morrisons or in turn Canterbury Way centre. As such it is not considered necessary to seek to secure the continued operation of this store through a planning obligation.

The Impact of the Proposal on Budgens and Great Ashby Centre

- 7.3.59 The Budgens in Great Ashby Local Centre is located approximately 600 metres to the north of the application site and is one of the closest convenience goods retailers to the proposed superstore. The household survey undertaken by NEMS indicated that the Budgens had a turnover of £1m. However, the retail consultant advised that due to the relatively small size of the store, it maybe that the household survey data is not representative of the actual turnover. It was therefore recommended that the applicant undertake a site visit and confirm the benchmark turnover/trading characteristics of the Budgens store so that the reliance of the household survey data could be tested.

7.3.60 The applicant subsequently undertook site surveys of the Budgens store between Wednesday 25th – Saturday 28th January 2023 over four separate 1 hour periods. This is considered a representative sample period. The survey identified that there were a total of 630 customer visits in the four hour period being:

- 132 shopping trips between 0800 to 0900 on Wednesday 25th January
- 138 shopping trips between 12:00 to 1300 on Thursday 26th January
- 223 shopping trips between 15:00 to 1600 on Friday 27th January
- 137 shopping trips between 10:30 to 11:30 on Saturday 28th January

7.3.61 This equates to approximately 157 trips per hour. In order to forecast the weekly trips to the store, the applicant applied a conservative estimate, that within store peak hour periods during weekdays (i.e. morning, lunchtime and afternoon) there would be 405 trips per day (i.e. 135 per hour). In the remaining 14 trading hours each day on Monday to Friday, the applicant has assumed that there are an average of 40 trips per hour which equate to 440 additional trips per day. The same assumptions have been applied to Saturdays and Sundays. Based on the site surveys above these assumptions appear reasonable.

7.3.62 This generates a total number of weekly visits of 5,580. It has been assumed that average spend of each customer will be between £10-£12 (which again is reasonable) which gives rise to an annual turnover of the store of between £2.9m and £3.48m. It is the case that there are several assumptions above, which if altered would change the estimated turnover of the store. However, a retail impact assessment must also be proportionate and draw on the information available and what the surveys do indicate is that the store is trading significantly higher than £1m identified in the household survey. The Budgens store has a trading floorspace of circa 500m² and based on comparable retailers, the Council's retail consultant considers that the benchmark trading density of Budgens would be in order of £8,000m², which would equate to a benchmark turnover of £4m. The on-site surveys indicate that the store is trading relatively healthily with a notable number of shopping trips within the surveyed hours.

7.3.63 It is noted that the survey evidence demonstrates that the Budgens is almost primarily used for top-up shopping trips and the only operational trolley park contained 6 trolleys. Due to the nature of the shopping trips at the Budgens, taking into account the established retail planning principle that like-competes-with-like, it is considered that the trade diversion from the store would be at the lower end of the spectrum of £0.3m to £0.4m. It is therefore considered that based on the estimated survey derived turnover of store, sensitivity tested against the benchmark turnover, that the likely retail impact of the proposed development on the Budgens store would be in the order of 10% in the test year.

7.3.64 It is not considered that this trade diversion on Budgens would give rise to a significant adverse impact on the vitality and viability of the individual store or in turn Great Ashby Centre as a whole.

The Impact of the Proposal on Tesco Extra and Stevenage Town Centre

7.3.65 A solus impact of 12.86% and a cumulative impact of circa 18% is identified on the convenience goods turnover of the Tesco Extra store at the Forum in Stevenage Town Centre. Solus denotes exclusive products of the company e.g. Tesco own branded goods. This store is located in Stevenage Town Centre and is protected by retail planning policy and moreover the store contributes to the vitality and viability of Stevenage Town Centre through facilitating linked trips.

7.3.66 The level of linked trips between Tesco Extra and the Town Centre was specifically addressed within the Retail Planning Assessment Addendum (Sept 2022) from paragraph 2.11 onwards and within the Applied Planning (Nov 2022) review at paragraphs 2.12 to

2.15. The Retail Planning Assessment Addendum (Sept 2022) advises that the level of linked trips was affected by the orientation of the store away from the Town Centre and observations on site suggested a low number of linked trips. It was concluded that whilst there would be some reduction in trade to the Tesco store, this is unlikely to affect the Town Centre as a whole via reducing linked trips. This view was reached on the basis that the purpose of linked trips is to access cafes and non-food shopping and that shoppers at the application site would still need to visit the Town Centre to undertake these activities, since there is nowhere closer to the site which meets these needs. This was a view broadly endorsed by the Council's retail consultant at paragraph 2.15 in the Nov 2022 review, where it is concluded that the application would result in 'some loss of linked trips' for this reason.

- 7.3.67 The Planning Authority now has a spectrum of views before it ranging from the applicant's conclusion that there would be no impact on linked trips, the independent retail consultant's assertion that there would be some impact and Tesco's conclusion that there would be a significant impact on the Town Centre caused by a reduction in linked trips. The Planning Authority has the benefit of the data from the NEMS Household Survey as to the percentage of shoppers undertaking linked trips (a third of Tesco shoppers undertake linked trips to the Town Centre). A judgement therefore needs to be made as to whether this would be likely to be materially affected by a reduction in trade at Tesco Extra, and then in turn whether such a reduction would be likely to amount to a significant effect on the Town Centre overall.
- 7.3.68 Overall, the independent retail consultant concludes that the application is likely to have a slightly greater impact on the Town Centre than the applicant's analysis, however, both conclude that the effect is not a significant one and that paragraph 91 of the NPPF is not engaged. In resolving this issue, the Planning Authority is required to make a series of judgements based upon the evidence before it:
- a) What is the likely level of existing linked trips from Tesco Extra to the Town Centre?
 - b) What is the likely reduction in linked trips as a result of the development and is this reduction significant?
 - c) Even if there is a significant reduction in linked trips, would that lead to a significant adverse impact on the Town Centre as a whole?
- 7.3.69 Data from the NEMS Household Survey suggests 55% of Tesco Extra customers carry out linked trips, however only a proportion of these (65%) carry out linked trips to Stevenage Town Centre, the remainder of which undertake linked trips within Tesco itself and other food stores (outside of the town centre). Given the cogent and adequate evidence before the Planning Authority including the conclusions reached by the applicant and the independent retail consultant, it is also concluded that the answer to the second question is 'no'. Any reduction would not be significant given the need for shoppers to visit the Town Centre anyway for cafes, restaurants, and non-food shopping and that if a person needs additional facilities, they would be more likely to shop at Tesco Extra in order to facilitate this.
- 7.3.70 It is also considered that a reduction in linked trips would not lead to a significant adverse impact on the Town Centre as a whole. There is no evidence that this is the case, other than Tesco's objection letter which is essentially an assertion that this is the case rather than clear evidence of such a causal relationship supported by careful analysis as to the scale of effect.
- 7.3.71 Given the ostensibly reasonable approach taken by the applicant and the independent retail consultant in relation to the second question and absence of evidence which would support a positive answer to the third question, it is officers' view that the Tesco objection does not raise, nor evidence, any issue which would materially undermine the Planning Authority's conclusion on this point. Legal advice obtained by the Planning Authority has confirmed this

is an area for the judgement of the decision-maker and therefore largely outside the remit of the Court to interfere with, save for rationality. Legal advice has confirmed it does not approach being irrational for the Council to agree with the planning judgements of its appointed external advisors on this point.

7.3.72 Finally, the Tesco objection asserts that 'further justification is required to demonstrate how an impact of 13% on an underperforming store will not have adverse effects on the role that the store plays in terms of its anchor function on the centre as a whole'. Again, Legal advice has confirmed this is a matter of judgement for the Council, (subject to challenge on rationality) as to whether it considers that sufficient information has been provided to enable a view to be taken as to compliance or otherwise with relevant policy. Officers do not consider that the conclusion reached is in any way unreasonable, let alone that it reaches the high threshold for irrationality for the Council to adopt the findings of its professional advisors in relation to whether or not a particular percentage impact does or does not amount to a 'significant' adverse impact. This is quintessentially a matter of judgement for the decision-maker.

7.3.73 On balance, it is concluded there is cogent and adequate evidence to support the conclusion that the identified impact, taking account of the current trading position of the store, would not give rise to a significant adverse impact on Stevenage Town Centre, through either the impact on the store itself or the loss of linked trips. This conclusion is based on the available information and in the absence of any other evidence submitted to contradict it.

Cumulative Impact Assessment of Application Proposal and Allocation TC11 on defined Centres

7.3.74 In respect of the Graveley Road allocation, a theoretical exercise has been undertaken by the applicant to assess the potential cumulative impact should this site come forward for a food store. The allocation allows for a store of 4,600m² net convenience and up to 920m² net comparison. Whilst the allocation sets an upper limit floor area for a new food store, it has been discussed above that it is unlikely a store of this scale will come forward. Given the existing level of food store provision within the town, including the site's close proximity to the Sainsburys at Corey's Mill, commercial evidence suggests the site is more likely to deliver a smaller neighbourhood store which would primarily serve the North of Stevenage urban extension (800 dwellings).

7.3.75 In this context, it is beneficial to consider the likely level of convenience spend from the new residents of the urban extension. Adopting a high-level assessment, the annual convenience spend from the future residents would be around £4.8m (on the basis the site would likely support around 2,000 new residents and their annual spend per person would be around £2,400 per person). On its own, this level of spend will only support around 400m² of convenience floorspace (on the basis that a modern food store will turnover at around £12,000 per m² per year).

7.3.76 Whilst no firm proposals have come forward for the Graveley Road site, nor is there any known expressions of interest in the site for a supermarket, for robustness the applicant has tested a scenario with a store at 2,300m² gross / 1,400m² net. Given the retailer is unknown, an average has been taken from the 10 retailers listed in the Global Data - Convenience and Comparison Goods Sales Densities of Major Grocers – 2021 (i.e. Aldi, Asda, Co-op, Iceland, Lidl, M&S Food, Morrisons, Sainsbury's, Tesco and Waitrose). In terms of its catchment and likely level of trade draw, the applicant has assumed it would have a similar catchment / trade draw to the existing Sainsburys at Corey's Mill.

7.3.77 The estimated trade diversion from existing retail destinations has been calculated by applying the trade draw to the market shares of each retail destination (based on the results of the household telephone survey) and adjusting these where appropriate. For example,

given the very close proximity of the Sainsburys at Corey's Mill, it is reasonable to expect a significant proportion of trade draw would be derived from this store.

- 7.3.78 In respect of the cumulative impact, the forecast cumulative impact on the majority of in centre stores would be low (around 10% or less). In respect of the Tesco Extra at The Forum, the applicant acknowledges this store would experience a greater cumulative convenience impact (around 18%). However, it is considered this level of trade draw / impact would not threaten the viability of the store or result in a significant adverse impact on Stevenage Town centre. It is also important to note should the Graveley Road site come forward for a discount retailer e.g. Aldi or Lidl, noting that Lidl are not represented in Stevenage, then the store turnover would lower and level of cumulative impact would be less (c.16%).
- 7.3.79 It is concluded that the proposal, when considered cumulatively against the most plausible scenario at the Graveley Road allocation, would not have a significant and adverse impact on any other defined centre, including Stevenage Town Centre.
- 7.3.80 Officers together with the independent retail consultant have carefully reviewed the planning application against the NPPF paragraph 90b impact test and conclude that based on the information available, the proposal is acceptable in regard to the NPPF paragraph 90b impact tests in respect of the Town Centre and all defined centres.

Appraisal of Impact Assessment on Committed and Planning Investment

- 7.3.81 Paragraph 90a of the NPPF states that an impact assessment should include an assessment of 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.
- 7.3.82 As food store allocation TC11 is not located within a centre or centre in the catchment area of the proposal, an assessment on the impact of the proposal on allocation TC11 is not a requirement of the impact test.
- 7.3.83 Within Stevenage Town Centre, there are several existing, committed and planned public and private investment projects which benefit from development plan allocations and/or have obtained planning permission. Based on the established retail planning principle that 'like-competes-with-like' and that the allocations/investment proposals are primarily residential schemes with retail and leisure uses at lower floors, it is considered that the only allocation which requires consideration within the paragraph 90a impact test is Policy TC6 – Northgate Opportunity Area. This allocation includes the existing Tesco Extra and at criterion (d) the policy states that the replacement of the food store will be supported. Paragraph 7.53 of the Local Plan confirms that 'in principle' discussions have taken place with Tesco and that the site is unlikely to come forward until the end of the plan-period transitioning into the post-2031 period.
- 7.3.84 Notwithstanding that this allocation is within a defined centre in the adopted Development Plan, the applicant has stated at paragraph 7.3 of the Retail Planning Assessment (March 2022) that they were not aware of any existing, committed or planned investments which would be adversely impacted upon by the proposed development.
- 7.3.85 The applicant was advised that given the policy status of Policy/Allocation TC6 and that it would compete with the application proposals on a like-for-like basis, it should be considered under the remit of the NPPF paragraph 90a impact test. Despite this request, the Retail Planning Assessment Addendum (September 2022) does not provide such an assessment. Notwithstanding this, the impact analysis has indicated that the proposal would result in a trade diversion from Tesco Extra of £5.32m on a solus basis and circa £7.43m on a cumulative basis and that the Tesco store would be under trading. As a result, there would be less expenditure available to support the redevelopment of the Tesco Store.

7.3.86 On the other hand however, the Local Plan (2019) identifies at paragraph 7.68 that there is a projected Borough-wide need for 7,600m² of convenience goods trading floorspace up to 2031. The proposed Morrisons would provide 2,216m² of convenience floorspace and the development scenario at the Graveley Road allocation would provide circa 1,120m² of floorspace, being a total of circa 3,336m². The Development Plan therefore identifies that by the end of the plan period to 2031, should both developments be completed, there would remain a Borough-wide need of at least 4,000m².

7.3.87 Indeed, the Policy TC11 of the Local Plan allows for 1,500m² to be reserved to be provided as extensions to existing stores. The adopted Local Plan therefore indicates that there is quantitative need in Stevenage to facilitate the redevelopment of Tesco Extra store, when allowing for both the Morrisons and the development scenario at the Graveley Road allocation. Notwithstanding this, paragraph 015 of the Ensuring the Vitality and of Town Centres Section of PPG (Reference ID: 2b-015-20190722) states that:

Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- the policy status of the investment (i.e. whether it is outlined in the Development Plan)*
- the progress made towards securing the investment (for example if contracts are established)*
- the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence*

7.3.88 In this instance, the replacement of the Tesco Extra store is identified as an ‘opportunity’ within Policy TC6 of the Stevenage Local Plan. However, the supporting text provides several important clarifications and notably paragraph 7.51 states that *‘the redevelopment, perhaps towards the end of the plan period, into a smaller store with other uses above is a possibility’*.

7.3.89 Therefore the Development Plan is seeking a smaller store on the site, which would have a lower benchmark turnover and it is not the adopted Development Plan policy to provide a food store of the same size at the Northgate Quarter Opportunity Area. As such, based on the information available, the estimated retail impacts would not have a significant adverse impact on the aspirations of Policy TC6 to provide a replacement and smaller food store in this part of the Town Centre.

7.3.90 Furthermore, this redevelopment is expected to occur towards the end of the plan-period. To date, there has been no progress towards securing the investment and no redevelopment proposals have been put forward to the Council. Therefore, whilst the opportunity is identified in the Development Plan, there is no planning application, and there does not appear to be a prospect of a planning application in the short term, and based on the information available, the proposal is not tangibly impacting on committed and planned public or private investment.

7.3.91 For these reasons, based on the information available, it is concluded that the proposed development would not give rise to a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and therefore satisfies NPPF paragraph 90a.

7.3.92 On the basis of the above assessment, it is concluded it has been successfully demonstrated the proposal would comply with the relevant paragraphs in chapter 7 of the NPPF; namely ‘Ensuring the vitality of town centres’. The proposal is therefore considered acceptable in terms of retail planning considerations.

7.4 Design, Layout and Appearance

- 7.4.1 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.4.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
 - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
 - is sympathetic to local character and history;
 - establishes or maintains a strong sense of place;
 - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.4.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 7.4.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.5 The Council’s Design Guide SPD (2023) generally reflects the above policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.

Context and Layout

- 7.4.6 The application site sits to the north east of Stevenage, on the southern edge of the Pin Green employment area. Residential development is located to the south and south west, with industrial buildings to the west, north and east. The character of the area therefore comprises a mix of industrial and residential buildings.
- 7.4.7 The site layout proposes a regeneration of the existing site, which is now vacant and in poor condition through the removal of the existing industrial units, hard standings and containers and replacing them with a modern food store, petrol filling station and associated car park. The food store, attached commercial unit and servicing/delivery area would be located within the northern half of the site with the car park to the south. The petrol station and forecourt would be sited in the south western corner on the junction of Cartwright Road and Wedgwood Way. Space would be left around the western, southern and eastern boundaries for soft landscaping. Replacement boundary fencing would be provided.

- 7.4.8 The proposal would maintain its access points from Wedgwood Way with separate points for service vehicles and customers. The access point from Cartwright Road has been removed, and the existing trees where possible have been retained. The car park offers 243 parking spaces with dedicated disabled and parent and child spaces close to the store entrance and along one of the main pedestrian routes across the site. The incorporation of click and collect bays and home shopping would provide customers with choice on how they wish to shop. The proposal also incorporates an attached commercial unit with its own dedicated parking.

Design and Appearance

- 7.4.9 The proposed architectural design for the Morrisons food store utilises modern materials and simple forms to create a clean crisp aesthetic. The building facade would comprise horizontal cladding panels in light grey, with a dark grey to the front elevation that would wrap around the building from east to west via the car park elevation. A grey concrete plinth would anchor the building to the ground and provide a weather resilient finish.
- 7.4.10 The choice of cladding colour of light grey would reduce the impact of the mass of the building against the majority of its boundary. The dark grey would provide a clear entrance and feature to the front of the store. The building cladding is consistent with other retail and commercial buildings of a similar size within the locality. The building focal point would be the entrance lobby delineated by a change of material to brick, with signage to the canopy providing clear legibility. The entrance canopy would stand proud of the main building line, welcoming customers into the store with views of 'Flowerworld'. Further active frontage would be provided by glazing looking into the checkouts.
- 7.4.11 The petrol filling station would use a similar material palette, but the feature dark grey cladding would be replaced with a Morrisons dark green finish. This would aid in the transition from landscaping along Wedgwood Way to the proposed development, in addition to giving the petrol filling station its own sense of architectural identity. The materials have been selected not only on their architectural merit, but as a wider sustainability consideration, for their low maintenance, thermal and airtight efficiencies. In addition to their minimising material waste on site through preformed and standardised elements and their ability to maintain a high-quality finish throughout the lifespan of the building.
- 7.4.12 LED lighting would provide artificial lighting throughout the site, as the roof would largely comprise solar panels reducing the food store's reliance on grid fed energy. LEDs would provide a comprehensive low energy, high efficiency scheme, incorporating intelligent switching and lighting directed to point of use to further lower the food store's carbon footprint.
- 7.4.13 It is acknowledged care has been taken to ensure that the design and layout are sensitive to the surrounding context. On this basis, it is considered the proposal would represent high quality design which would respect the character and appearance of the wider area and would be in accordance with Local Plan Policies SP8 'Good Design' and GD1 'High quality design' and the relevant paragraphs of the NPPF.

7.5 Highway Impact, Access and Parking

- 7.5.1 The development proposal has been through a pre-application process with Hertfordshire County Council (HCC) as Highway Authority. The highway and access arrangements as proposed are a result of discussions between HCC as Highway Authority, the Council and the applicant and reflect what has been agreed.

Access

- 7.5.2 The proposed development would be supported by two new vehicular access points on Wedgwood Way, forming the main customer and service accesses respectively. The main customer access would be formed by a priority T-junction. The junction has been designed to accommodate mostly light vehicles with infrequent heavy use related to the servicing of the Petrol Filling Station. The junction would provide direct access to the surface car park serving the development and to the Petrol Filling Station. The service access has been designed to accommodate an 18.5m long articulated HGV and provides access to a separate service yard to the rear of the proposed food store.
- 7.5.3 A drawing detailing the proposed junction layout, geometry and achievable visibility is appended to the Transport Assessment under ref. T656_02A. The proposed junctions would replace the existing access junctions associated with the existing land use. Notably, a single priority junction on Wedgwood Way and Cartwright Road. The proposed access arrangements have been subject to a Stage 1 Road Safety Audit (RSA1) undertaken by Hertfordshire County Council (HCC) and would be delivered as part of a S278 agreement under the Highways Act with HCC.
- 7.5.4 In terms of pedestrian access, the site would be accessed directly from the site side footways on Cartwright Road and Wedgwood Way. A dedicated link is provided along the southern boundary of the site and provides a priority route through the car park to the store entrance, enabling a step free route to and from the bus stop on Cartwright Road. This link would also be used by pedestrians and cyclists who arrive from the east of the site. Footways flanking the access road provide a convenient route from Wedgwood Way to the store entrance, with a zebra crossing provided over the access road. The footways leading into the site measure at least 2 metres in width and link with pedestrians arriving from the north, west and south of the site.
- 7.5.5 Off-site infrastructure improvements are proposed, the principal element of which would be the provision of a 3m shared footway/cycleway extending from the northern site access to the southern end of Wedgwood Way, where (via a Toucan crossing) the existing segregated Stevenage cycle network could be joined at Martin's Way. There would also be a tactile crossing point at the site access junctions and also at the junction of Wedgwood Road/Cartwright Road. Improvements to the existing bus stop on Cartwright Road are also proposed. The bus stop would be upgraded to incorporate raised accessibility kerbs and a shelter. The above off-site works are shown in drawing T656_03C.
- 7.5.6 In terms of cycle access, cyclists would enter the site via the main access junction off Wedgwood Way. Cycle parking would be provided for the proposed food store and commercial unit and accessible from the access road. The proposed extension of cycling facilities to the south of the site would enable most cyclists to access the site via the proposed shared footway / cycleway on Wedgwood Way.
- 7.5.7 The Highway Authority is content that the proposed access arrangements are satisfactory. On this basis, it is concluded the proposal would comply with Local Plan Policy IT5 'Parking and Access' in that it would (i) provide safe, direct and convenient routes within the development, (ii) link to existing cycleway and pedestrian networks and (iii) contribute towards improving cycleways and pedestrian routes serving the development site.

Highway Impact

- 7.5.8 The submitted Transport Assessment assesses the proposed land use, trip generation, mode and trip type connected to the development proposals. The development would have the largest effect on the network at peak times. The peak hours have been determined using traffic surveys undertaken on the local highway network. Fully classified traffic counts were undertaken on the local highway network by an independent survey company on

Friday 14th and Saturday 15th January 2022. An ATC was also installed on Wedgwood Way and Cartwright Road covering the same survey period, providing 24 hours traffic flows and vehicle speeds. The traffic survey identified the respective weekday and Saturday network peak hours as Weekday PM peak hour: 1700 – 1800 and Saturday peak hour: 1115 – 1215.

- 7.5.9 Traffic related to the proposed food store and Petrol Filling Station was estimated using bespoke trip rates, calculated using an analogous ‘new format’ Morrisons store with Petrol Filling Station in St Ives, Cambridgeshire. Traffic surveys undertaken at the store in St Ives Cambridgeshire surveyed all entry and exit points within the site and therefore determined the trip generation of the store, commercial unit and Petrol Filling Station and the interaction between them.
- 7.5.10 On the basis of the results of the trip generation exercise, junction impact assessments were carried out in respect of Martins Way / Wedgwood Way Signal Junction, Wedgwood Way / Giles Crescent / Cartwright Road, Proposed Main Site Access / Wedgwood Way and Cartwright Road / Great Ashby Way. The Highway Authority has reviewed the trip generation data and junction assessments and confirmed the trip generation and distribution exercise is satisfactory. The methodology based upon an existing Morrisons supermarket and petrol filling station in St Ives was also considered representative. The Highway Authority is satisfied that the development may be accommodated on the local highway network and that satisfactory levels of capacity are available on the tested junctions.

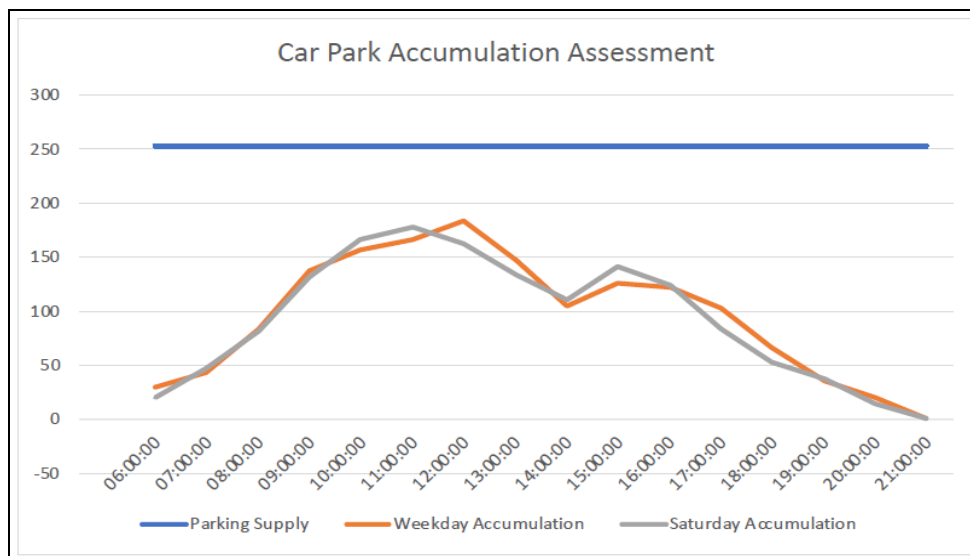
Parking

- 7.5.11 It is proposed to provide a quantum of 243 car parking spaces, comprising:
- 15 no. accessible bays
 - 14 no. parent & child bays
 - 3 no. click and collect bays
 - 4 no. Electric Vehicle Charging (EVC) bays
- 7.5.12 A total of 234 car parking spaces would be allocated for the proposed food store, with a remaining 9 spaces supporting the proposed commercial unit. The site is not located within an accessibility zone within the Parking Provision SPD (2020), therefore it would be expected that 75% - 100% of the maximum number of parking spaces are provided. Based on the adopted parking standards the maximum parking provision would be as follows:

Land Use	Vehicle Maximum	Disabled Parking (minimum)	Required Cycle Parking		Electric Vehicles
			Short Stay	Long Stay	
Food Store & PFS (5638 sqm GFA/ 234 spaces)	403 spaces	15 spaces	38 spaces	32 spaces	50 active spaces
Employment Unit (357sqm GFA / 9 spaces)	9 spaces		0	1	
Total	412 spaces	15 spaces	38 spaces	33 spaces	50 active spaces

- 7.5.13 The food store trip generation has been used to inform parking demand, including any demand linked to the Petrol Filling Station (i.e. visits PFS then parks at store). No demand

has been included for the PFS or proposed commercial unit, as these land uses are considered ancillary to the proposed food store in terms of parking demand. The submitted parking accumulation calculations demonstrate that the proposed car park would have capacity for the proposed development:



- 7.5.14 The proposed car parking provision represents 57% of the maximum standard as stated in the above table, which is below the recommended 75 – 100% as stated by the Parking Provision SPD. The applicant has sought to justify this based on the food store trip generation to calculate the parking demand, which is shown in the above graph. The Highway Authority have accepted the trip generation calculations as being satisfactory and representative for a store of this size. On this basis, officers consider sufficient evidence has been provided to justify the level of car parking proposed and the proposal is considered acceptable in this regard.

Electric Vehicle Parking

- 7.5.15 The Parking Provision SPD (2020) requires 20% of the overall spaces to have active electric vehicle charge points, with the remaining 80% providing passive provision for future upgrade. Morrisons as a business seek to implement fast and rapid charging on their sites, as these provide the most utility to customers, providing a meaningful charge whilst undertaking a food shop. However, these chargers require a significant energy supply and therefore cannot be provided in significant numbers. As a result, an initial provision of 4 chargers are proposed near to the store, with potential for expansion along the eastern boundary.
- 7.5.16 The uptake of electric vehicles in the local area is consistent with the average for Stevenage at circa 0.9%. The local uptake is however relatively low when compared to the County as a whole, with an average proportion of 5.4% in Hertfordshire. Further analysis of electric vehicle type would suggest that the actual demand locally for charging would be circa 0.42% when only Battery Electric Vehicles (BEVs) are included. Plug-in Hybrid Vehicles (PHEVs) are less likely to require charging given the smaller battery size and alternative propulsion.
- 7.5.17 Applying the local BEV proportion to the proposed parking supply (243 spaces) would outline a likely demand of 1 space (243×0.42) on site. The provision of 4 spaces would therefore be considered appropriate for the predicted likely charging demand on site. The adopted Travel Plan would continually monitor the Electric Vehicle Charging demand on site and could increase charging points when necessary. It is considered this approach is acceptable, given the provision of rapid charging points which would be most practical for

customers using the supermarket. A planning condition can secure the provision of 4 EV spaces and for 10% of all spaces to be passive (i.e. ducting to be provided) for future use.

Disabled Parking

- 7.5.18 Disabled spaces should be in accordance with the standards set out in Table 7 of the Parking Provision SPD (2020). For this proposal, the requirements state 6% of spaces should be accessible, which equates to 15 spaces. Fifteen accessible spaces are shown to be provided at the front of the store, close to the entrance which meets the requirements and are acceptable.

Cycle Parking

- 7.5.19 A minimum of 71 cycle spaces would be required on site, including 38 short stay spaces for visitors and 33 long stay spaces for staff. Forty short stay cycle parking spaces, in the form of 'Sheffield type' hoops, would be provided on key entry points to the site and near to building entrance points. Long stay cycle parking, in the form of cycle storage lockers, would be provided to the rear of the employment unit and would be covered and secure. It is considered the proposed cycle parking arrangements are acceptable. Final details of cycle parking would be sought by planning condition should planning permission be granted.

Servicing and Deliveries

- 7.5.20 The servicing of the proposed food store is proposed to be carried out entirely within the site using a dedicated service access and service yard. The service route has been subject to detailed swept path analysis using the largest vehicle (18.5m long articulated HGV). Servicing of the proposed Petrol Filling Station is to be carried out entirely within the site using the access off Wedgwood Way. The service route has been subject to detailed swept path analysis using the largest vehicle (Oil Tanker). The servicing and delivery requirements of the proposed commercial unit would be determined by the end occupier(s). Nevertheless, the size of the unit would largely dictate that servicing would be undertaken by light vehicles and would be carried within the proposed car park.

7.6 Flood Risk and Drainage

- 7.6.1 A Flood Risk Assessment and Drainage Strategy prepared by WLM Consulting have been submitted. The FRA report reviews the drainage and flood risk issues associated with the proposed development and the Drainage Strategy sets out how surface water run off would be accommodated. The report states that the application site is located within Flood Zone 1 and that flood risk from fluvial flooding is very low. Environment Agency mapping indicates small areas of the site are susceptible to surface water flooding. However, the flood risk assessment concludes the risk of flooding is notional and would be managed through the proposed drainage strategy. The development of the site for a supermarket and petrol filling station is therefore appropriate as set out by the 'flood risk vulnerability classification' contained within the Planning Practice Guidance.
- 7.6.2 The Drainage Strategy sets out details in respect of surface water and foul water drainage. Drainage strategies should adhere to the Sustainable Drainage Strategy (SuDS) hierarchy provided in the Local Flood Risk Management Strategy 2 (2019). The hierarchy identifies that living roofs and walls are the most-sustainable SuDS features, followed by ponds and basins, infiltration devices and permeable surfaces. Tanked and piped systems are identified as the least sustainable, providing no pollution reduction nor biodiversity benefit.
- 7.6.3 Investigations confirmed that the ground conditions on the site are not suitable for infiltration and there are no nearby watercourses within the vicinity. As such, the Drainage Strategy

proposes the disposal of all surface water via a connection to the public sewer. The applicant has contacted Thames Water to confirm acceptable connection points and discharge rates. Thames Water have confirmed that as long as the applicant follows the sequential approach to the disposal of surface water, they would have no objections to the discharge to their network.

- 7.6.4 Following comments from the Council's drainage consultant, recommending that the applicant revise their Drainage Strategy to incorporate and commit to the use of a greater range of SuDS elements, a revised strategy was submitted incorporating permeable paving across parking areas which would provide an element of attenuation. Above ground SuDS features, such as swales and rain gardens were not considered practical due to the limited amount of soft landscaping available across the site, however tree pits have been incorporated into the landscaping design which have SuDS/biodiversity benefits. Surface water would be prevented from entering the buildings through site levels which would fall away from the entrances, mitigating the need to raise finished floor levels.
- 7.6.5 Following the submission of an amended Drainage Strategy at the request of the Council's Drainage Consultant to address the identified issues relating to the range of SuDS elements proposed, the Consultant was re-consulted and raised no objection, subject to conditions relating to design of the surface water run-off scheme and SuDS Maintenance.

7.7 Landscaping and Biodiversity

- 7.7.1 Emphasis throughout the design development has been to prepare a scheme that respects the character of the adjoining local landscape, enhances the ecology of the site and provides a stimulating, coherent and well-structured landscape and therefore a positive setting for the development. A significant proportion of the planting would be native, including tree, thicket, hedgerow and wildflower/species rich grassland to extend and integrate the surrounding landscape character and species distribution into the site. Where a higher level of amenity is required, ornamental species would be included around the building envelope, along access routes and within prominent locations throughout the car park and adjacent to footpaths.
- 7.7.2 To the west of the plot, along Wedgwood Way a clipped native hedgerow would be planted creating a natural landscape boundary between the adjacent street-scene and the development plot. The mixed species native hedgerow would be set back from the pavement edge by a close mown grass verge and lined with an avenue of extra heavy standard trees. Helping to screen the development whilst forming a clean and presentable boundary that defines ownership and extents of the development.
- 7.7.3 Along the southern boundary, the same boundary treatment would be continued to give a consistent, presentable and easily maintainable landscape aesthetic to the retail frontage. Areas of mixed transitional and low shrubs would be introduced behind the hedgerow to increase the density of the landscape buffer in prominent locations, creating a stronger and more robust green corridor while also helping to screen views and emphasise elements such as pedestrian and vehicular entrances.
- 7.7.4 Within car parking and areas of pedestrian access, the approach would be kept reasonably open to provide a 'feel safe' environment, assisting in security monitoring of the areas. The emphasis for these areas would be to create a clean and presentable visual aesthetic. This would be achieved predominantly through the use of ornamental groundcover species and clipped formal hedge planting that would serve to soften views across the car park. Species would be carefully selected to appeal to pollinators and invertebrates in an effort to promote biodiversity, and to supply local fauna with food supply while maintaining a strong and presentable visual aesthetic.

- 7.7.5 The proposal would take account of the future maintenance requirements by careful selection of plant species and their relationship, with emphasis on achieving good establishment whilst minimising maintenance costs. Overall, it is considered the landscape strategy for the site would integrate the development into its surrounding context and provide an attractive and functional working environment.

Trees

- 7.7.6 Section 15 of the NPPF (2021) requires developments to preserve and enhance the natural environment. Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate. In terms of facilitating the development proposal, small sections of hedgerow and trees would be removed from the northern and southern site boundaries. The large oak and two maples on the southern boundary would be retained. Where existing trees and hedges are to be retained they would be protected in accordance with BS 5837:2012 – Trees in relation to design, demolition and construction – Recommendations. The protective fence would be fixed prior to commencement of the works and retained throughout the construction phase of the development.
- 7.7.7 Replacement tree planting with extra heavy standard trees would be proposed around the southern, eastern and western site boundaries and within the car park. The proposed species have been listed on landscape concept proposal plan ref. 2124-21-03 REV P8 and are agreed. The Council's Arboriculture and Conservation Manager has raised no objections to the proposed landscaping scheme and replacement tree planting.

Biodiversity

- 7.7.8 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's Biodiversity SPD (2021) requires all major and minor applications, other than the following exemptions currently suggested by the Government, to demonstrate a net gain in biodiversity:
- i) Permitted development;
 - ii) Householder development, including extensions;
 - iii) Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
 - iv) Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
 - v) Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building
- 7.7.9 As the application site comprises hard surfaced areas and industrial buildings, it is considered it would meet exception criteria iv) and v) above as the site is currently developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site. Hertfordshire and Middlesex Wildlife Trust has raised no objection to the proposals and advised the impact on biodiversity would be negligible.
- 7.7.10 Notwithstanding this, the proposed landscaping strategy discussed above would provide significant biodiversity enhancement to the site, namely a 58.21% increase in habitat

biodiversity units largely achieved by including a large number of urban trees on the site. The ornamental shrub planting would contribute 0.23 habitat biodiversity units to the assessment, while the modified/amenity grassland would contribute 0.02 biodiversity units. The retained urban trees contribute 0.08 biodiversity units to the overall scheme. The new native species-rich hedge would provide an enhanced linear feature and contributes 0.96 linear hedgerow biodiversity units to the scheme. Alongside the planted habitats, there are additional 'artificial' habitat features proposed within the scheme, comprising bat roosting and bird nesting boxes, which would help support local populations of fauna.

- 7.7.11 With the implementation of the proposed biodiversity enhancement into the development design and landscaping, it is considered that the development proposals would result in an overall enhancement to the biodiversity and ecological value of the application site, improve access to nature and ensure compliance with Section 15 of the NPPF and policies SP12 and NH5 of the Local Plan (2019).

7.8 Archaeology

- 7.8.1 The application is supported by an Historic Environment Desk Based Assessment by SLR Consulting which concludes the archaeology and cultural heritage in and immediately around the site as negligible. The current building that stands within the site boundary is of late 20th-century date and retains no architectural merit. It is probable that when this building was constructed, limited archaeological attention was given to the site. It is probable that the groundworks for the existing buildings removed any potential archaeological remains and therefore, it is unlikely that any below-ground archaeology will survive in those areas of the site where deep footings and foundations (including subbase) are present.
- 7.8.2 There is, however, a slight possibility that sub-surface archaeological remains may survive in those areas where limited groundworks activity had occurred (i.e. on a small parcel of land south of the current building). Based on the results of the historic environment records, SLR Consulting advises that a limited archaeological watching brief be undertaken in those areas of the site that are currently not occupied by buildings. This can be secured by way of a planning condition.

7.9 External Lighting

- 7.9.1 An External Lighting Statement has been prepared by DDA. The report demonstrates how the external lighting design has been prepared to provide a safe and secure car park whilst minimising the impact on local adjoining properties. Measures have been incorporated to minimise lighting spill beyond the boundary of the site, to minimise impact on animal species. The illumination that would normally be free flowing from site boundaries has been restricted. Careful consideration has also been taken to ensure no loss of amenity due to glare through shielding of the lamps, choice of luminaires and efficient mounting heights. All systems would be designed in compliance with ILE Zone 3, CIBSE guidelines and Part L of the Building Regulations. The Council's Environmental Health Officer has reviewed the report and raised no objection. It is therefore considered the proposed external lighting strategy is acceptable. The external lighting design would be secured by planning condition should planning permission be granted in accordance with the recommendations of the External Lighting Statement.

7.10 Climate Change Mitigation

- 7.10.1 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely future variations in temperature

- Reducing water consumption to no more than 110 litres per person per day, including external water use
- Improving energy performance of buildings
- Reducing energy consumption through efficiency measures
- Using or producing renewable or low carbon energy from a local source and
- Contributing towards reducing flood risk using SuDS or other appropriate measures.

7.10.2 The planning application is supported by a Sustainability Statement by DDA which provides an overview of the initiatives WM Morrisons Supermarkets Ltd (WMS) are proposing on the application site. In addition, the report outlines the range of initiatives Morrisons are undertaking across their estate with a view to achieving the goal of being net zero carbon by 2040. In terms of site-specific measures, these would include:

- Orientation – Stores are generally orientated so that the large, glazed facades are facing North/ North-West, which offers advantages of high levels of natural daylight within the store (to reduce the need on artificial lighting to achieve design internal lighting/ lux levels), while also managing the solar gains attributed to large glazed facades. The reduced solar gains due to orientation ensures the potential for overheating is mitigated, and any associated mechanical cooling loads can be reduced.
- Building Fabric – Focusing on a building's fabric thermal performance and specifying those materials that demonstrate reduced heat loss properties enables heating loads during winter months, and cooling loads through summer months to be significantly decreased, whilst ensuring higher levels of occupancy comfort. With enhanced glazing properties, there is a reduction in solar gains which reduces the direct solar heating effect on occupants. Solar glare is reduced on reflective surfaces and blinds can be kept open allowing natural daylight penetration reducing electric lighting needs. Furthermore, high performance glazing can reduce heat loss, thus reducing mechanical heating loads and associated energy consumption.
- Thermal Mass – Morrisons stores generally have a low to medium thermal mass. This will absorb solar radiation during the day, thus reducing heat gains within a space. The heat is then re-emitted into the space when the ambient temperature is lower than the surface temperature of the structure. This has the added benefit of not only reducing internal heat gains during summer but putting heat back into the space when needed.
- Mechanical ventilation – Sales areas are heated and ventilated through the incorporation of a centralised air handling unit. Air handling units incorporate energy efficient EC fans to reduce auxiliary loads, highly efficient gas heating coils coupled with a preheater served by a refrigeration waste heat recovery circuit.
- Low energy lighting and controls.
- Building energy management system.
- Low water consumption – Low flow taps, Percussion taps to eliminate the risk of leaving taps, 4litre flush WC cisterns.
- Air source heat pump – Air source heat pumps exchange heat between the outside air and a building to provide space heating in winter and cooling in the summer months.
- Roof mounted Solar PV.
- Air to water heat pumps (hot water) – It is proposed to utilise air to water heat pumps to heat the domestic hot water for use by the store.
- Refrigeration heat pump plant waste heat recovery – Retail supermarkets have high refrigeration loads which reject heat directly into the atmosphere. When used with high efficiency air to water heat pumps, this rejected heat (waste heat) is harnessed via a plate heat exchanger and used to feed the heating coil on the sales floor air handling unit. This provides boosted efficiencies, ensuring the main heating load is provided through a renewable, low carbon technology.
- 2No 150kW electric vehicle chargers serving 2 spaces each (4 spaces total).

7.10.3 The above measures show that the proposed store would incorporate a range of best practice energy efficient design strategies, coupled with additional renewable technologies

to ensure that it would meet the sustainability goals set by Morrisons on their road map to net zero carbon by 2040. It is considered the information provided within the application demonstrates that the proposed development would accord with the requirements of policies SP2 and FP1 of the Local Plan (2019) in relation to sustainable construction and climate change mitigation and is acceptable.

7.11 Noise Impact

- 7.11.1 The planning application is accompanied by a Noise Report by Acoustic Control Engineers and Consultants ref. B5484 2022-03-07 R. Some of the mechanical plant and equipment servicing the food store would operate 24 hours per day while other plant may only operate at similar times to when the store is open. The plant at the store and PFS would be selected, located, oriented and mitigated to produce of 44 dB LAeq,1hr and 38 dB LAeq,15min at the most noise sensitive receptors during the day and night respectively which would protect the amenity of nearby receptors.
- 7.11.2 Previous measurements made at other Morrisons car parks indicate that maximum sound levels of up to 80 dB LAmax at 1 m can be produced on occasions when car doors/boots are being closed. It has been calculated levels of around 54 dB LAmax would be expected at the receptors to the south from car parking spaces closest to the dwellings. Other spaces closer to the store would have levels closer to 44 dB LAmax. This is below the current residual sound levels measured during the evening, which is likely to be the most sensitive period when these spaces would be used (as they are further from the store entrance). The report concludes there would therefore be no significant acoustic impact on any potential receptors arising from activities associated with the store car park.
- 7.11.3 The resulting sound levels at the most sensitive receptors from activities associated with deliveries are considered to have no significant adverse impact on receptors, allowing deliveries to occur on a 24/7 basis. Sound from activity at the PFS which includes vehicle movements, use of vacuum and tyre air stations, deliveries, and use of the forecourt itself is suitable according to relevant guidance at the most sensitive receptors and would be largely masked by the residual acoustic environment, especially during times of peak use.
- 7.11.4 The report concludes the proposed development would ensure that the amenity of neighbouring residents is properly protected whilst enabling the proposed site to operate efficiently and in an environmentally sustainable manner. The Council's Environmental Health officer has raised no objections and agrees with the conclusions of the report. As such, it is concluded the proposed development would be in accordance with Local Plan Policy FP7 'Pollution' in relation to noise.

7.12 Amenity

- 7.12.1 The application site lies to the north of four storey flatted development located off Giles Crescent across Wedgwood Way to the west (Moxham House) and Admiral Drive across Cartwright Road to the south. There are no residential properties sited to the east or north of the site. The submitted noise assessment does not identify any potential amenity issue with the proposed development of the application site for a food store and petrol filling station with regards to noise, however it is proposed to limit opening hours of the store to 06.00 – midnight Monday to Saturday and Sunday trading hours. This has been agreed with the applicant and would be secured via a planning condition subject to planning permission being granted.
- 7.12.2 With regards to impact on amenity in terms of light and overbearing impact, the food store building itself would be sited in the northern half of the site approximately 109m from the flats on Admiral Drive and 101m from the flats in Moxham House. Given the height of the food store would not exceed the four-storey height of the flats and the generous separation

distances, it is not considered there would be any loss of light or overbearing impact on these dwellings.

7.12.3 With regards to outlook and privacy, the same reasoning can be applied. Given the proposed food store would be located over 100m away from the closest residential dwellings and that the height of the store would not exceed the four-storey height of the flats, it is not considered there would be any loss of outlook or privacy for the occupiers of these flats, who already live on the edge of an industrial/commercial area with views of commercial buildings and activities.

7.12.4 It is not considered the proposed food store or petrol filling station would raise any amenity issues with occupiers of nearby residential properties in terms of noise, outlook, light, and privacy due to the relative building heights and separation distances involved. The proposal is considered acceptable in this regard and in accordance with Local Plan Policy GD1 'High Quality Design'.

7.13 Planning Obligations

7.13.1 The following planning obligations would be attached to any planning permission:

- S278 Agreement of the Highways Act 1980 (covering the off-site highway improvements)
- £6000 Travel Plan evaluation and support fee
- Local Employment and Apprenticeships
- s106 monitoring fee

7.13.2 The above obligations have been agreed with the applicant and Hertfordshire County Council as Highway Authority (where relevant) and would be secured via a S106 Legal Agreement, subject to planning permission.

7.14 Other Matters

Community Infrastructure Levy

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

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

7.14.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

- 7.14.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application. The proposed development would be liable for CIL at £60/m².

Equality, Diversity and Human Rights

- 7.14.4 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.
- 7.14.5 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.14.6 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.
- 7.14.7 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided within the MSCP at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'
- 7.14.8 Level access would be provided to the development at all pedestrian access points. The design of the scheme provides a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit.
- 7.14.9 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

8 DRAFT NATIONAL PLANNING POLICY FRAMEWORK

- 8.1 The Department of Levelling Up, Housing and Communities (DLUHC) undertook a consultation between the 22 December 2022 and 2 March 2023 on a revised version of the National Planning Policy Framework (NPPF). DLUHC is currently undertaking a review of the consultation responses to the draft version of the NPPF with a view to adopt the new NPPF in Spring 2023. For reference, a copy of the draft NPPF can be viewed in the link below:

- 8.2 Whilst the revisions to the NPPF are in draft form and the policies contained within have limited weight, an assessment has been undertaken against the policies set out in the draft NPPF. This is in the event it is formally adopted prior to, or after the determination of this application by the Council's Planning and Development Committee.
- 8.3 Aside from changes to the paragraph numbers, the content of the relevant retail policies within section 7 'Ensuring the vitality of town centres' remains unchanged. Therefore, the assessment carried out under national retail policy in this report would be consistent with both the adopted and draft NPPF and no further analysis is required.

9 CONCLUSIONS

- 9.1 The policies considered to be most relevant for determining this application are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 9.2 It has been clearly demonstrated that the application site satisfies the sequential test and the proposed development would not impact on any existing, committed and planned investment and there would be no significant adverse impact on the vitality and viability of Stevenage Town Centre and other defined centres (including local consumer choice and trade). The proposals would deliver a new food store, which would result in more sustainable shopping patterns and significant economic / employment benefits for the town. The application has been supported by over 190 residents.
- 9.3 Commercial evidence suggests that the Local Plan allocated Graveley Road food store site is not a viable location for a new superstore (net retail floor area of 2,500m² or more), due to its location on the very edge of Stevenage and the existence of a large Sainsbury's superstore within 1km of the site. It is envisaged the Sainsbury's store would assist in serving the needs of the North of Stevenage urban extension, in addition to any smaller neighbourhood store on the Graveley Road site. It is therefore unlikely that the site will come forward for a large food store development under Local Plan policy TC11 and that a smaller, neighbourhood store is more likely in conjunction with commercial units for B8/B2 use. It has been demonstrated that the application proposal would not undermine the delivery of this.
- 9.4 Whilst the proposals would result in the loss of an existing industrial site and conflict with Local Plan policy EC6 'Pin Green Employment Area', evidence submitted to the Local Planning Authority suggests it would not harm the economic prosperity of the town. Indeed, the Employment Study sets out the clear and significant economic benefits which would result from the development, including a significant increase in employment opportunities and local spend in comparison to the most likely future industrial use of the site for B8 storage and distribution. As such, based on cogent and adequate evidence and weighing up the planning balance, it is concluded the benefits of the proposal outweigh this policy conflict and the loss of the industrial use.
- 9.5 Furthermore, it is concluded the proposal would give rise to several positive environmental, economic and social benefits to which significant weight should be attached in the determination of this planning application. In the absence of any identified harm and considering the significant tangible positive benefits arising from the proposed development and the presumption in favour of sustainable development, it is concluded that it should be granted planning permission subject to conditions and a Section 106 Agreement.

10 RECOMMENDATIONS

10.1 That planning permission be GRANTED subject to:

- A) No intervention from the Secretary of State from the Department for Levelling Up Housing and Communities following reference of the application under the Town and Country Planning (Consultation) (England) Direction 2021;
- B) The applicant having first entered into a S106 agreement to secure/provide contributions towards:
 - S278 Agreement (covering the off-site highway improvements)
 - £6000 Travel Plan evaluation and support fee
 - Local Employment and Apprenticeships
 - S106 monitoring fee

10.2 In the event the updated version of the National Planning Framework is formally adopted and is materially different to the published draft version issued in December 2022, the application will be referred back to the Planning and Development Committee for its decision.

10.3 The detail of the S106 legal agreement would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:

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

PL_01B; PL_02B; PL_03E; PL_04D; PL_05D; PL_06E; PL_07C; PL_08C; PL_09D; PL_10D; PL_11C; PL_12A; T656_03C; T656_02A; 2124-21-03 REV P8; 20-3631_E63-EX01; 2124-21-02; T656_06; 9602-WML-00-XX-CA-C-0001 P02; 9602-WML-ZZ-XX-DR-C-0801 P02; 9602-WML-ZZ-XX-DR-C-0802 P02; 9602-WML-ZZ-XX-DR-C-0805 P05; 9602-WML-ZZ-XX-DR-C-0825 P03; 9602-WML-ZZ-XX-RP-C-9001 P02; 9602-WML-ZZ-XX-RP-C-9002 P03; 9602-WML-ZZ-XX-DR-C-0805 P06; 9602-WML-ZZ-XX-DR-C-0825 P04; 9602-WML-ZZ-XX-RP-C-9002 P04

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 site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

Prior to Commencement

4. Prior to the commencement of the use hereby permitted, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number T656_02A. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
5. Prior to the commencement of the development hereby permitted (excluding demolition), a scheme for pedestrian access from the proposed supermarket to all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to first use of the development, the scheme shall be completed in accordance with the approved details.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
6. No demolition or development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).
7. Prior to the commencement of the development hereby permitted (excluding demolition), details of the public transport infrastructure shall be submitted to and approved in writing by the Local Planning Authority. This infrastructure shall comprise of but is not limited to the following:
 - i. Details of bus stop facilities to include raised height kerbs and shelter and real-time information (within the site), where agreed;
 - ii. A programme for the delivery of the public transport infrastructure.Prior to first use of the development the public transport infrastructure shall be implemented.
REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).
8. Prior to the commencement of the development hereby permitted (excluding demolition), a final design of the drainage scheme for the site shall be submitted to and approved in

writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include the following:

- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
- the water quality treatment provision should be quantitatively demonstrated that it is suitable for the pollution hazard level by the Simple Index Approach, This will need to be demonstrated for the roof water and surrounding hardstanding drainage systems;
- an updated full detailed surface water drainage plan showing the proposed discharge points, the location of the proposed SuDS features, any pipe runs and size;
- detailed engineering drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include the provision of Tree Pits integrated into the drainage strategy;
- An updated surface water exceedance diagram that includes the Commercial Unit; and
- evidence that the proposed CCTV drainage survey of the surrounding surface water sewerage network which it is proposed to discharge into has been undertaken, and that this has shown that the drainage proposals for this site can be accommodated.

REASON:-

1. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site; and
2. To ensure that sufficient treatment of surface water is provided before disposal, to prevent pollutants entering downstream watercourses.
3. To determine that the receiving drainage network is fit for purpose and of sufficient capacity condition in order to be able to receive discharge from the site drainage system.

9. No demolition or development shall commence until a detailed Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall detail how waste materials generated as a result of the proposed demolition and/or construction works will be disposed of, and the level and type of soil to be imported to the site as part of the development.

REASON:- In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.

10. No development, including site clearance, shall commence until the trees shown to be retained on the site, as identified on the approved plans, or subsequently approved landscaping scheme, have been protected by fencing or other means of enclosure in accordance with BS:5837:2012. Such protection shall be maintained until the conclusion of all site and building operations.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

Development above Slab Level

11. Notwithstanding the details shown in this application, the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

12. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement

works as indicated on drawing number T656_03C have been submitted to and approved in writing by the Local Planning Authority.

REASON:- To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

13. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping, details of the treatment of all hard surfaces and the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

REASON:- To ensure a satisfactory appearance for the development.

Prior to first use

14. Prior to the first use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan drawing number T656_02A. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Prior to the first use of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number T656_03C only. Any other access(es) or egress(es) shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Prior to the first use of the development hereby permitted the proposed access / onsite car and cycle parking / servicing / loading, unloading / turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to the first use of the development hereby permitted, the development shall include provision for 4 of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points and 10% of all spaces to be passive (i.e. ducting to be provided).

REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Prior to the first use of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.

REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Prior to first use of the development hereby permitted, the external lighting to the site shall be installed, maintained and operated in accordance with the details on drawing numbers 20/3631_E63/EX01 Rev A. There shall be no other sources of external illumination.

REASON:- To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

20. Prior to the first use of the development hereby permitted, the offsite highway improvement works referred to in condition 12 shall be completed in accordance with the approved details.

REASON:- To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

21. No part of the development hereby permitted shall be brought into use prior to the implementation of the approved Travel Plan and dated March 2022 (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to first use). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after first use shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is operational.

REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

22. Prior to the first use of the development hereby permitted, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

REASON:- To maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; to prevent pollutants entering downstream watercourses; and to maximise the sustainability of the development throughout its lifetime.

General Compliance

23. The development hereby permitted shall be carried out in accordance with the ecological mitigation and enhancement measures as detailed in the 'Extended Phase 1 Habitat Survey And Bat Inspection Of Building – March 2021 (Minor Updates March 2022)'. This

document shall be adhered to at all times during construction, including site clearance works, and during occupation of the development.

REASON:- To ensure protection of the natural environment

24. All planting, seeding and turfing comprised in the approved landscaping details as specified in condition 13 of this approval shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.

REASON:- To ensure a satisfactory appearance for the development.

25. All hard surfacing comprised in the approved landscaping details as specified in condition 13 of this approval shall be carried out prior to the first use of the site or the completion of the development, whichever is the sooner.

REASON:- To ensure a satisfactory appearance for the development.

26. Any trees or plants comprised within the approved plans or subsequently approved landscaping scheme, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure a satisfactory appearance for the development.

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

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

28. Within the areas to be fenced off in accordance with condition 10, there shall be no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit and no dumping of toxic chemicals will be permitted and no retained trees shall be used for winching purposes.

REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

29. All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

30. 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 31 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 31.

REASON:- To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

31. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

32. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 30, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

33. A limited archaeological watching brief shall be undertaken in those areas of the site that are currently not occupied by buildings in accordance with the recommendations of the Historic Environment Desk Based Assessment by SLR ref. 406.01490.00032.

REASON:- To ensure the investigation and recording of any items of archaeological interest.

34. The measures to address adaptation to climate change as set out within the Sustainability Statement by DDA shall be implemented and permanently maintained in accordance with the approved details.

REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

35. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Phase 2 Ground Investigation by ARC Environmental as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

REASON:- To ensure a satisfactory form of development.

36. The development to which this permission relates shall be carried out in accordance with the recommendations set out within the Noise Report by Acoustic Control Engineers and Consultants ref. B5484 2022-03-07 R as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

REASON:- To safeguard the amenity of the surrounding area.

37. Unless otherwise agreed in writing by the Local Planning Authority, the food store and commercial unit shall operate between the hours of 06.00 and midnight Monday to Saturday and 10.00 to 16.00 on Sunday and the petrol filling station 06.00 to midnight Monday to Sunday.
REASON:- To protect the amenity of the occupiers of adjoining properties.
38. No internal alterations shall be carried out so as to provide additional floorspace, without the prior written agreement of the Local Planning Authority.
REASON:- To enable the Local Planning Authority to assess the adequacy of car parking / servicing on site and retail impact in relation to the proposed level of floorspace.
39. Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 (as amended), and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of the premises as approved under this planning permission and for no other use or purpose, including any use or purpose within the same use Class.
REASON:- To enable the Local Planning Authority to fully consider the effects of any development normally permitted by these Orders to safeguard the amenities of the locality.

INFORMATIVES

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

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

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

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

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

or by telephoning 0300 1234047.

2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority,

and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements

of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.
10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk.
11. During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.
12. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
13. 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. We would 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
14. To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

Excavation for foundations
Damp proof course
Concrete oversite
Insulation
Drains (when laid or tested)
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

PRO-ACTIVE STATEMENT

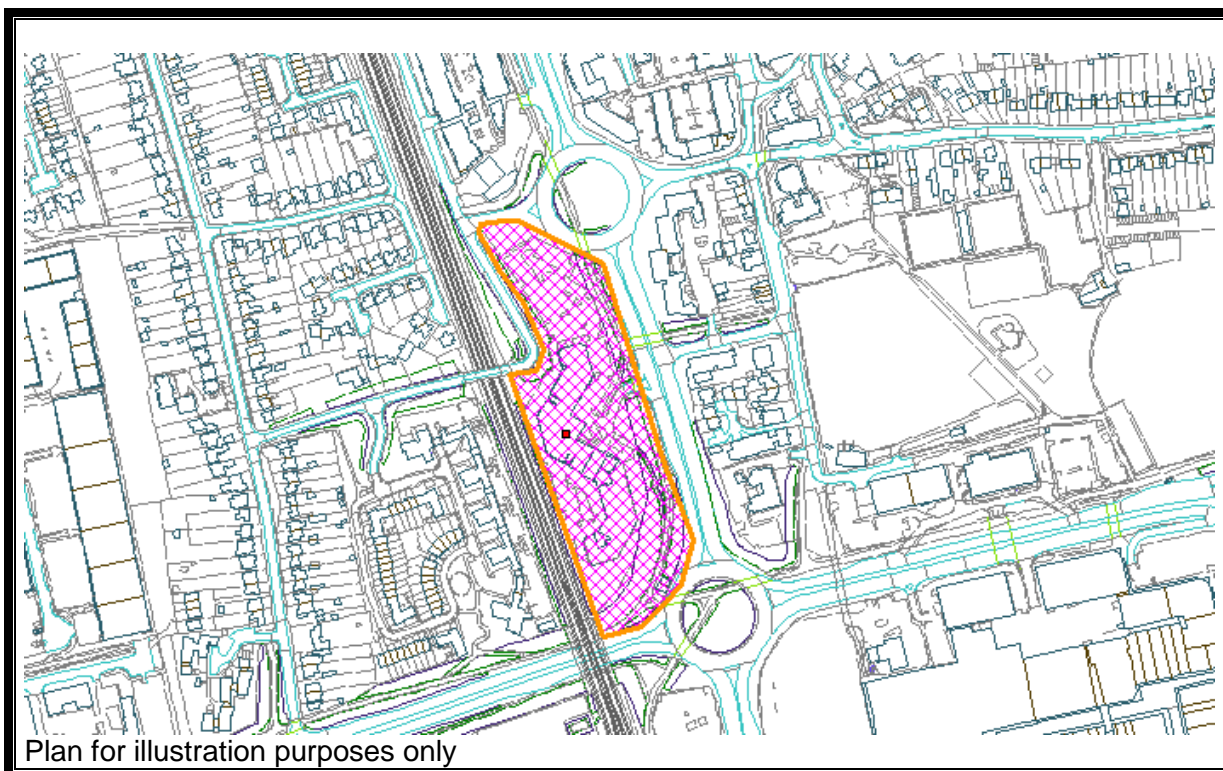
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the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

11 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Developer Contributions SPD 2021; Parking Provision and Sustainable Transport SPD 2020; The impact of Development on Biodiversity SPD 2020; Design Guide SPD 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2021 and Planning Policy Guidance March 2014.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	25 May 2023	
Author:	James Chettleburgh	
Lead Officer:	Zayd Al-Jawad	
Contact Officer:	James Chettleburgh	

Application No :	23/00239/FPM
Location :	Land West of Lytton Way, Stevenage
Proposal :	Variation of condition number 2 (approved plans) attached to planning permission reference number 19/00474/FPM to provide additional lifts, stair cores and amend balconies to provide metal balustrading.
Drawing Nos.:	502686-IWD-00-DR-A-2101_P1; 502686-IWD-XX-XX-DR-A-2320_P1 A3; 502686-IWD-B1-00-DR-A-2200_P2; 502686-IWD-B1-01-DR-A-2201_P2; 502686-IWD-B1-02-DR-A-2202_P2; 502686-IWD0B1-06-DR-A-2206_P2; 502686-IWD-B1-07-DR-A-2206_P2; 502686-IWD-11-DR-A-2211_P2; 502686-IWD-B1-12-DR-A-2213_P2; 502686-B1-13-DR-A-2213_P2; 502686-IWD-B1-XX-DR-A-2310_P2; 502686-IWD-B1-XX-DR-A-2311_P2; 502686-IWD-B1-XX-DR-A-2312_P2; 502686-IWD-B2-XX-DR-A-2310_P1; 502686-IWD-B2-XX-DR-A-2311_P1; 502686-IWD-B2-XX-DR-A-2312_P1; 502686-IWD-B3-00-DR-A-2200_P2; 502686-IWD-B3-01-2201_P2; 502686-IWD-B3-02-DR-A-2202_P2; 502686-IWD-B3-11-DR-A-2211_P2; 502686-IWD-B3-12-DR-A-2212_P2; 16-019 D – 314; 502686-IWD-B3-XX-DR-A-2310_P2; 502686-IWD-B3-XX-B3-DR-A-2311_P2; 502686-IWD-B3-XX-DR-A-2312_P2; 502686-IWD-B4-00-A-2200_P4; 502686-IWD-B4-01-DR-A-2201_P3; 502686-IWD-B4-02-DR-A-2202_P4; 502686-IWD-B4-2211-DR-A-2211_P4; 502686-IWD-B4-12-DR-A-2212_P4; 16-019 D-413; 502686-IWD-B4-XX-DR-A-2310_P3; 502686-IWD-B4-XX-DR-A-2311_P3; 502686-IWD-B4-XX-DR-A-2312_P3; 502686-IWD-B5-XX-DR-A-2310_P2; 502686-IWD-B5-XX-DR-A-2311_P2; 502686-IWD-B5-XX-DR-A-2312_P2; 16-019 D 500 C04, 16-019 501 C03, 16-019 D 502 C03, 16-019 D 503 C03, 16-019 D 504 C02, 502686-IWD-B6-00-DR-A-2200_P7; 502686-IWD-B6-01-DR-A-2201_P8; 502686-IWD-B6-02-A-2202_P6; 502686-IWD-B6-06-DR-A-2206_P4; 502686-IWD-B6-07-DR-A-2207_P3; 502686-IWD-B6-11-DR-A-2211_P5; 502686-IWD-B6-12-DR-A-2212_P5; 502686-IWD-B6-XX-DR-A-2310_P3; 502686-IWD-B6-XX-DR-A-2311_P3; 502686-IWD-B6-XX-DR-A-2312_P3; 16-019 D 700 C05, 16-019 D 701 C04, 16-019 D 701 C04, 16-019 D 702 C04, 16-019 706 C02, 16-019 D 707 C02, 16-019 D 708 C03, 16-019 D 709 C02; 502686-IWD-B7-XX-DR-A-2310_P2; 502686-IWD-B7-XX-DR-A-2312_P2; 2660-LA-01E, 2660-LA-02E, 2660-DT.01.
Applicant :	Hill Residential Ltd
Date Valid:	28 March 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site which measures 2.75 hectares in area is located close to the roundabout junction of Lytton Way and Fairlands Way. The site comprised the former office building known as the Icon, which was a 1980's 7 to 8 storey building with large, glazed elevations. Prior to its demolition, it was a prominent and recognisable feature in Stevenage due to its clear visibility from many parts of the town as well as its unique design characteristics. The office building was served with undercroft parking as well as additional surface parking areas and small green spaces.
- 1.2 The site is bordered to the west by the East Coast Main Line railway line beyond which are residential properties in Kilby Road/Watson Road and to the east the site adjoins Lytton Way where the vehicular access to the site is taken from. The northern boundary of the site adjoins Trinity Road which forms the roundabout linking it with Lytton Way.
- 1.3 The site is relatively flat, although an embankment slopes down toward Lytton Way on the eastern side boundary of the site. This leads to a cycleway and footpath which runs north south along the eastern boundary of the site continuing in either direction.

2. RELEVANT PLANNING HISTORY

- 2.1 Permission granted under planning reference 2/0095/85 in May 1985 for office development in two phases with ancillary car parking, landscaping and access bridge onto Lytton Way.
- 2.2 Permission granted under reference 99/00225/FP in July 1999 for new entrance lobby, new canopy and associated landscaping works adjacent to new entrance.
- 2.3 Permission granted under reference 99/00493/FP in 2000 for a fire escape and elevational changes to rear of the building.
- 2.4 Permission granted under reference 00/00286/FP in July 2000 for alteration to car to provide additional 37 spaces.

- 2.5 Outline planning permission granted under reference 02/00562/OP in March 2003 for a four storey building on existing car park, comprising 2,790 square metres gross floorspace, for use within Class B1 (business use).
- 2.6 Permission granted under reference 14/00417/AD in September 2014 for installation of 1 no. internally illuminated box sign.
- 2.7 Permission refused under reference 19/00474/FPM in March 2020 for demolition of existing office building (Use Class B1) and structures, and 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. The application was refused by the Council on the following grounds:
- 1) The proposed development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to the visual amenities of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
 - 2) The proposal comprising 576 dwellings in 7 flatted blocks on this constrained site would result in an overdevelopment of the site which would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
 - 3) The proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support the proposed development. The proposal would, therefore, be contrary to policy SP5 of the Stevenage Borough Local Plan 2011 – 2031.
- 2.8 The Council's decision to refuse planning permission was appealed to the Planning Inspectorate under appeal reference: APP/K1935/W/20/3255/692. It was determined by the Planning Inspectorate on 15th July 2022 that the appeal was allowed, and planning permission was granted subject to conditions.
- 2.9 Application 22/00866/PADEMO sought prior approval for the demolition of existing Office building with associated parking and surrounding landscaping. This application was approved in October 2022.
- 2.10 Discharge of condition application 23/00054/COND sought to discharge of condition 3 (Construction Method Statement) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in February 2023.
- 2.11 Discharge of condition application 23/00129/COND seeks the discharge of condition 5 (Surface Water Drainage) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application is pending consideration.

3. THE CURRENT APPLICATION

- 3.1 This application which is currently before the Council seeks permission to vary condition number 2 (approved plans) attached to planning permission reference number 19/00474/FPM

to provide additional lifts, stair cores and amend balconies to provide metal balustrading. For reference, this condition states the following:

Other than as required by conditions 4, 12 and 13, the development hereby permitted shall be carried out in accordance with the following approved plans:

16-019 D 050 C01, 16-019 D 051 C5, 16-019 D 060 C01, 16-019 D 100 C04, 16-019 D 101 C03, 16-019 D 102 C04, 16-019 D 111 C02, 16-019 D 112 C02, 16-019 D 113 C02, 16-019 D 114 C03, 16-019 D 115 C02, 16-019 D 151 C01, 16-019 D 152 C01, 16-019 D 153 C01, 16-019 D 154 C01, 16-019 D 200 C04, 16-019 D 201 C03, 16-019 D 202 C03, 16-019 D 203 C03, 16-019 D 204 C02, 16-019 D 251 C01, 16-019 D 252 C01, 16-019 D 253 C02, 16-019 D 254 C01, 16-019 D 300 C04, 16-019 D 301 C02, 16-019 D 302 C02, 16-019 D 311 C02, 16-019 D 312 C03, 16-019 D 314 C02, 16-019 D 351 C01, 16-019 D 352 C01, 16-019 D 353 C01, 16-019 D 354 C01, 16-019 D 400 C05, 16-019 D 401 C02, 16-019 D 402 C02, 16-019 D 411 C03, 16-019 D 412 C03, 16-019 D 413 C02, 16-019 D 451 C02, 16-019 D 452 C02, 16-019 D 453 C02, 16-019 D 454 C01, 16-019 D 500 C04, 16-019 D 501 C03, 16-019 D 502 C03, 16-019 D 503 C03, 16-019 D 504 C02, 16-019 D 551 P02, 16-019 D 552 C01, 16-019 D 553 C02, 16-019 D 554 C01, 16-019 D 600 C05, 16-019 D 601 C03, 16-019 D 602 C03, 16-019 D 611 C02, 16-019 D 612 C02, 16-019 D 613 C03, 16-019 D 614 C02, 16-019 D 651 C02, 16-019 D 652 C02, 16-019 D 653 C02, 16-019 D 654 C01, 16-019 D 700 C05, 16-019 D 701 C04, 16-019 D 701 C04, 16-019 D 702 C04, 16-019 D 706 C02, 16-019 D 707 C02, 16-019 D 708 C03, 16-019 D 709 C02, 16-019 D 751 C01, 16-019 D 752 C01, 16-019 D 753 C01, 16-019 D 754 P01, 2660-LA-01E, 2660-LA-02E, 2660-DT.01.

3.2 The proposed amendments to the scheme comprise the installation of additional lift and stair cores to residential blocks 1, 3, 4 and 6. In addition, the proposal also seeks to replace the existing glazed balustrade balconies with metal balustrade balconies. The reason for the proposed design changes is to ensure the development, specifically blocks 1, 3, 4 and 6 which are over 30m in height, meet the new fire safety regulations coming into force under Building Regulations. No other changes are proposed to this development, including the approved housing mix.

3.3 This application comes before the Planning and Development Committee for its decision as it is a Major.

4. PUBLIC REPRESENTATIONS

4.1 As a major planning application, the proposal has been publicised by way of site notices and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report, one objection was received. A summary of the objection points raised are as follows:

- consider the construction of 576 dwellings in proximity to Monument Court is not a good idea.
- argue there is not sufficient amenities to support the community of both developments with a suggestion of building a retail park with shops and restaurants for the residents of Monument Court.
- raise concerns that there is already an issue with parking in the area and the development would exacerbate this problem.
- consider as an alternative to this development is the delivery of a recreation park with a swimming pool and a state-of-the-art well-being centre including a gym.

- 4.2 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website. The issues raised in the objections received are dealt with in section 7 of this report.

5. CONSULTATIONS

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

5.2 HCC Highway Authority

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.
- 5.2.2 The proposed variations result in no material highway issues. Parking and turning areas remain unaffected by the proposed changes. Please ensure HCC Fire and Rescue are consulted on the proposed changes.

5.3 HCC Fire and Rescue

- 5.3.1 No comments received.

5.4 Health and Safety Executive

- 5.4.1 For Section 73 applications it's at the discretion of the Council whether or not to consult HSE. The HSE generally advise that if the change is to the approved plans then we should be consulted.
- 5.4.2 However, in this case the original application was made before HSE became a statutory consultee on fire safety matters and so we wouldn't have commented on the original application – which can put us in a position where we would ask for more information to be able to understand the fire safety characteristics of the development, beyond the remit of the proposed change.
- 5.4.3 Therefore, unless the Council considers the Section 73 application raises particularly pertinent fire safety issues, HSE recommend not to consult them on this application. For example, if there are any changes to the layout of the scheme that would result in constrained access to any of the blocks for a fire appliance (needs to get to within 18m of the fire service access into the building), then that would be a good reason to consult us.

5.5 Council's Conservation and Heritage Advisor

- 5.5.1 The application site, located to the west of Lytton Way, was approved for redevelopment and the scheme is underway. The scheme is looking for amendments to meet fire safety requirements, these amendments include the addition of lifts and stair cores. This will increase the width of the taller blocks within the scheme, but the height of these blocks will not increase. The overall design and materiality of the development has not changed from the approved scheme apart from the balcony material.
- 5.5.2 At the appeal relating to the approved application (19/00474/FPM) it was common ground between the parties that the development would not impact on the Old Town Conservation Area or other heritage assets.
- 5.5.3 The application has been accompanied by an addendum to both the TVIA and Heritage Impact Assessment. BEAMS would agree with the conclusions of both these documents and

advise that the amendments will not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage will be preserved in accordance with national and local plan policy, no objection.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (“NPPF”) was published in July 2021. This largely reordered the earlier 2012 version of the NPPF, albeit with some revisions to policy substance. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up-to-date for the purposes of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (Paragraph 11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 The Council will nevertheless be commencing preliminary work into a review of its Local Plan, which was adopted in May 2019. This is to further ensure that the policies within the Local Plan are up-to-date, as well as to ensure the Plan is performing well against its objectives.

6.3 Planning Practice Guidance

6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 National Design Guide

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

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

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

Policy SP1: Presumption in favour of sustainable development
Policy SP2: Sustainable development in Stevenage
Policy SP7: High quality homes

Policy SP8: Good design
 Policy SP11: Climate change, flooding and pollution
 Policy SP13: The historic environment
 Policy GD1: High quality design
 Policy IT5: Parking and access
 Policy FP5: Contaminated land
 Policy FP7: Pollution
 Policy FP8: Pollution sensitive uses
 Policy NH5: Trees and woodland
 Policy NH10: Conservation areas.

6.6 Supplementary Planning Documents

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

Stevenage Design Guide SPD (2023)
 Council's Parking Standards SPD (2020)

6.7 Community Infrastructure Levy Charging Schedule

6.7.1 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. The proposed residential development would be liable for CIL.

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are design, layout and appearance, impact on the Old Town Conservation Area, impact on residential amenity, parking, highway implications, impact on trees and impact on the environment.

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

7.2 Design, Layout and Appearance

7.2.1 Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". It goes on to state that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

7.2.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:

- will function well and add to the overall quality of an area;
- is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
- is sympathetic to local character and history;
- establishes or maintains a strong sense of place;
- optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 7.2.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 7.2.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.5 The Council’s Design Guide SPD (2023) generally reflects the above policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.
- 7.2.6 The application site represents an “island” which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In terms of the characteristics of the area, to the west beyond the railway line are residential properties in Kilby Road/Watson Road, which comprise a mix of flats and welling houses. These comprise primarily 1 and 2 bedroom flats in buildings ranging 4, 6 and 10 storeys in height, the tallest element being where the development adjoins Fairlands Way. Also, as part of this development are a number of 2 storey 3 and 4 bedroom dwellings. To the west of this are residential properties in Fairview Road comprising mainly two storey detached and semi-detached dwellings. Further properties are located in Brick Kiln Road to the north-west of the site.
- 7.2.7 To the east are properties in Ditchmore Lane, comprising a mixture of 4 storey offices (Saffron Ground), the Haven, a 3 storey development, The Gate Hotel and residential properties. To the north-west of the Gate Hotel is Platform which is a converted office to residential building of 3 to 4 storeys in height. To the north of the site beyond Trinity Road is a petrol filling station beyond which is the residential development of Monument Court which is a flatted development which is 5/6 stories in height with undercroft car parking. To the north east of the site adjacent the eastern arm of Trinity Road is the Townsend Mews development which is a 4 to 6 storey flatted development.
- 7.2.8 Turning to the Town Centre which is located to the south / south west of the site there is the recently completely Multi-Storey Car Park which is 6 stories in height. The development which is taking place at the former Matalan site by Guinness Trust (Planning reference: 20/00643/RMM) comprises a building which would 20 storeys in height. In terms of SG1, which currently has a resolution to grant planning permission subject to the completion of a S.106 Agreement (Planning Reference: 19/00743/FPM) would have buildings which would be up to 19 stories in height. In regards to 11 The Forum (Former Staples Unit), this has planning permission (Planning Reference: 21/01002/FPM) to deliver a part 9 stories, part 13 stories building. There is also the former BHS store permission (Planning reference: 19/00647/FPM) for an 11-storey building and more recently, the Council resolved to grant permission for the redevelopment of The Forum Centre (Planning Reference: 22/00923/FPM) for the delivery of a new life science campus which would comprise buildings of up to 6 double height stories (in order to allow sufficient headspace for plant to be installed on each floor).
- 7.2.9 In regard to the development as approved by the Planning Inspectorate, the development involved the demolition of the existing 7/8 storey offices and to be replaced with 7 flat blocks

ranging across the site between 8 and 16 stories. The submitted plans indicated that the tallest buildings would be blocks 1 and 6 which would be located at the southern (block 1) and northern (block 6) boundaries of the site. These buildings are between 11 and 16 stories in height and would be set at an angle, with block 1 facing north-east across Trinity Road / Lytton Way roundabout and block 6 toward Fairlands Way / Lytton Way. These buildings would have a height of between 35m and 50m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.

- 7.2.10 Block 2 would be sited to the south of Block 1 and comprise an 8-storey block which faces east/west with the front elevation facing toward Lytton Way. This has a height of 26m and would also comprise undercroft parking and cycle parking at the ground floor with residential units above. Flat blocks 3 and 4 would be sited either side of the proposed access to the site and are intended to frame the entrance to the development. These are similar in appearance and comprise a 13-storey element adjacent to the access road reducing to an 11 storey element. These would face east/west and have a height of between 33m and 40m. At ground floor level block 4 would contain a gym, communal lounge area and a management lobby with residential accommodation on the floors above.
- 7.2.11 Block 5 would be positioned toward the southern part of the site located between blocks 4 and 6 and comprises an 8-storey block and would be similar in appearance to block 2. This faces east/west with the front elevation facing toward Lytton Way and has a height of 26m. This would comprise of undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.2.12 The final element of the scheme is block 7 which would be located towards the western part of the site and set back behind the other 6 blocks which face onto Lytton Way. This is a part 6 storey, part 9 storey building having a height ranging between 20m and 30m. The block would also incorporate undercroft parking and cycle facilities at the ground floor with the residential accommodation above.
- 7.2.13 In terms of finished appearance, the buildings would be completed in facing brickwork. The taller elements will be light grey brick with the lower section consisting of the darker tones. Balconies and windows would provide accented colour throughout the development. The two grey tones of brickwork are intended to form a striped banding at ground floor to connect all buildings across the development and add architectural variety at pedestrian level. All of the residential properties would have balconies which from a design perspective help to break up the facades and add interest to the appearance of the buildings.
- 7.2.14 Taking into consideration the above, the Council had originally raised concerns with respect to the number of taller buildings which was proposed and formed part of the reasons for refusing the scheme. However, the inspector in her appeal decision letter noted the Council's aim to regenerate the new town, the recent permissions for the MSCP (multi-storey car park) and Matalan, and planning applications (which have resolution to grant) with taller buildings (See para 7.2.8 for reference). As such, the town was going to see the provision of number of tall buildings. The inspector, therefore, considers the provision of tall buildings on the site as not harmful per se. This is because of the development's proximity is not only located close to tall buildings within and outside of the town centre, but also as an island surrounded by roads, parkways and the railway and is therefore separated from other smaller buildings. In the absence of a policy to prevent the grouping of tall buildings, the inspector considers that of greater concern is of whether the development is of sufficient design quality and appropriate effect on the character and appearance of the area to be consistent with local and national policies.
- 7.2.15 In the Inspector's analysis of the proposal, she considered that taken together, the building form and layout, height, proportions, active frontages, materials and architectural detail of the proposed development would be successful in the site. The inspector goes onto consider that whilst the scheme does not have the flair that is attributed to the existing building, she

emphasised the importance of high quality materials to be secured by way of condition. With the condition in place, the inspector considered that the proposed development would be high quality.

- 7.2.16 Notwithstanding the above, the Inspector in her analysis considered that the development would have a moderate adverse effect on townscape and views. This is due to how the groupings of the buildings would appear from certain viewpoints. However, she did not consider the proposed development would have an adverse impact on the legibility of the town centre. Moreover, she also considered that the landscaping and car parking areas would not have an adverse effect on the proposed development.
- 7.2.17 In summary, the Inspector considered the development would have a moderate harmful effect on the character and appearance of the area, stemming only from the loss of the existing building and the developments appearance in long views. As such, she considered there was a conflict with local plan policies on design. But and as referenced in paragraph 7.3.24 of this report, the inspector identified that there would be a number of benefits this development would deliver. As such, she felt that these overall benefits would outweigh the policy conflict identified and, in this regard, granting planning permission accordingly.
- 7.2.18 Turning now to the proposed development, which is currently before the Council, the scheme is looking for amendments to meet fire safety requirements. These amendments include the addition of lifts and stair cores to blocks 1, 3, 4 and 6. The additional lift and stair cores cannot be accommodated within the approved envelope of the buildings to maintain the apartments with respect to them meeting National Space Standards as required by Policy GD1 of the Local Plan. As a result, the blocks have been extended by 2.5m to accommodate the additional stair cores / lifts. However, the proposed amendments do not extend the approved height, width or length of any block, although, the upper floor levels on the taller element is extended across the lower elements by 3m.
- 7.2.19 On each of the 4 blocks requiring amendments, the build out would extend the footprint on two elevations by 7.5 sq.m each. Across the site as a whole, this equates to 60 sq.m of additional footprint compared to the approved footprint of 4,558 sq.m. The additional footprint equates to 1.3% increase. In terms of elevation, minor adjustments have been made to the positioning of windows so as to maintain symmetry of the façade. The balconies would remain located with the same room/windows as per the approved scheme.
- 7.2.20 With regards to finished appearance, the materials in the development would not change from that which was approved at appeal. Turning to the balconies, the proposal does seek to replace all of the glazed balustrade features on the balconies to metal in order to meet fire safety requirements. In relation to Blocks 2, 5 and 7 these would remain as approved (apart from the balconies) as they are below 30m and so evacuation requirements differ.
- 7.2.21 It is considered that the proposed amendments to the previously approved scheme would represent a direct change to the townscape character area in which the site is located. The proposed revisions to this scheme, however, would result in no discernible change to the previously identified impacts on the character of the street scene due to the proposed mix of uses, activation of frontages and general layout of private and public realm through the site remaining unchanged.
- 7.2.22 However, it is appreciated from a number of local views there would likely be observable changes to the originally approved scheme in terms of form and massing. However, the overall articulation of the scheme into a series of blocks remain as before, including the approach to achieve visual differentiation through variation of building line, vertical spacing and changes to the heights of the buildings across the relevant blocks. The proposed amendments would be read in conjunction and fully appreciated within the townscape and to the overall skyline within short and medium distance views and appear as very modest

increases to the overall approved built form. This is especially given the fact there is no increase to the approved height of the buildings.

- 7.2.23 Given the aforementioned, it is considered that the proposed design changes to the approved scheme are minor and would reflect the overall design principles of that which has been established by the appeal decision. The proposal also seeks to retain the overall layout, form, scale and architectural character of the development as viewed from the wider public realm. Therefore, and as established by the appeal decision, the scheme would continue to represent an appropriate land use for this site. Moreover, whilst it could be argued that the amended scheme does cause moderate harm in terms of its effect on the character and appearance of the area, specifically through the loss of the existing building and from the appearance of the development from longer views, it is still considered that in terms overall planning balance, the overall benefits this development would deliver outweigh the overall moderate harm caused by the scheme proposed in its amended form.

7.3 Impact on the Old Town Conservation Area

- 7.3.1 The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes several 'statutory duties' for decision-makers, all of which are applicable to the proposed development:

- "Section 16(2): In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- "Section 66(1): In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- "Section 72: In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

- 7.3.2 Case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, the NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal. In doing so, case law has emphasised the need to give "considerable importance and weight" to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). However, the presumption 'to preserve' is not irrebuttable and "can be outweighed by material considerations powerful enough to do so" (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the 'statutory duties' of the 1990 Act (Mordue, Case No. C1/2015/1067).

- 7.3.3 Paragraph 197 of the NPPF (2021) states that 'in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

- 7.3.4 Furthermore, paragraphs 199 to 202 of the NPPF (2021) have to be considered in the determination of this planning application. As established through case law, if there is *any* harm to designated heritage assets, great weight must be given to it. Dealing with Paragraph 199, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the St Nicholas and Rectory Lane Conservation Area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.3.5 Paragraph 201 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 7.3.6 Paragraph 202 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In undertaking this balance, considerable importance and weight must be attached to the less than substantial harm
- 7.3.7 Paragraph 204 sets out that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. With respect to paragraph 205, this sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 7.3.8 In considering public benefits, the Planning Practice Guidance (PPG) (2019) (Reference ID: 18a-020-20190723) sets out that the National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. For reference, paragraph 8 of the NPPF states that "Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy"

- 7.3.9 The planning practice guidance goes on to state that public benefits should flow from the development. They should be of a nature or scale to be of benefit to the public at large and not just private benefit. However, benefits do not always have to be accessible to the public in order to be genuine public benefits, for example, works to a listed building which secure its future as a designated heritage asset could be a public benefit. Consequently, while 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 of its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimum viable use of a heritage asset in support of its long term conservation.
- 7.3.10 Turning to the adopted Local Plan, Policy SP13 relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-
- a. Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
 - b. Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
 - c. Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.
- 7.3.11 Policy NH10 of the Local plan relating to Conservation Areas states that development proposals within or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.
- 7.3.12 Turning to the Guidance on Tall Buildings by Historic England (Advice Note 4) (March 2022). The guidance focuses on, as specified by Historic England, *“plan-making and the importance of a plan-led approach to tall building development; the information needed to support plan-making, and to assess and determine individual developments at application stage; and how to identify appropriate locations for tall buildings and define design parameters in relation to the historic environment”*.
- 7.3.13 The guidance goes on to state that *“in the right place well-designed tall buildings can make a positive contribution”* and that *“if a tall building is not in the right place, by virtue of its size and widespread visibility, it can seriously harm the qualities that people value about a place”*. (para 3.2. p6).

The approved scheme

- 7.3.14 The principle and design approach of the development has been established by virtue of the planning permission being issued by the Planning Inspectorate. The application which is currently before the Council is seeking material amendment approval to refine the overall design of the development to ensure the development is compliant with new Fire Regulations, specifically blocks 1, 3, 4 and 6. As such, it is merely these design changes to the proposal which have been considered in terms of the developments impact on the setting of a number of heritage assets.

Impact Assessment

- 7.3.15 The proposed design changes to this development will have an indirect impact in terms of visual change to the overall character and appearance of the townscape setting of the Old Town Conservation Area which is located to the east of the site. As such, the applicant has submitted a Built Heritage Statement and Townscape and Visual Impact Assessment (TVIA) to establish the level of impact the amended scheme could have on nearby heritage assets.
- 7.3.16 It has been identified that the proposed design changes to the previously approved scheme would be discernible within a number of local views which are representative of the heritage assets and its overall setting. It was established at the appeal that the majority of views of the scheme from within the High Street and historic core of the conservation area would be obscured by the established built pattern of development combined with the containment by the overall built form as viewed from within the historic core. However, it was identified that there would be some glimpsed views of the development in part over the rooflines.
- 7.3.17 The amended scheme retained the overall originally approved layout of built form and spaces and there would be no increase in height. Therefore, it has been established that there would be no greater visual impact within the views from the High Street as a result of the proposed design changes.
- 7.3.18 The development was identified as being more readily visible from the public open space of the Millennium Gardens / Cricket Ground which fall within the conservation area. The proposed development was identified as being a new feature within the local townscape views and also rising above the treeline and in the context of more modern buildings that form part of the character area i.e. the southern part of the Old Town Conservation Area. The development would also be visible from some longer views through or within the wider urban context of the conservation area.
- 7.3.19 As set out in the Heritage Statement, it is within the local and more distanced views from the conservation area that the changes to the original scheme would be observable. However, these changes would be minor in the context of the development as a whole and appreciable on the skyline as minor increased to the overall width of the taller blocks. In addition, as emphasised above, the height of the blocks would not be increased. In addition, the overall spacing between the blocks would also remain as approved. Moreover, the overall architectural approach to the design and materiality of the blocks has not changed either.
- 7.3.20 Taking the aforementioned into consideration, it is identified that the proposal would result in no significant change to the previously identified impacts on the appreciation and understanding of the heritage assets in terms of their significance and in the context of the existing townscape. It can be concluded that whilst the proposed development would represent a change to the character and appearance of the setting of the conservation area and some of the views identified, such level of change would not result in harm and would sustain the significance of the heritage assets. Further to this, by the Planning Inspectorate granting planning permission for the originally proposed scheme, they also did not identify any adverse built heritage impacts as a result of the development.
- 7.3.21 Following consultation with the Council's Heritage and Conservation Advisor, they agree with the overall conclusion reached and consider the proposed amendments to the scheme would not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage will be preserved in accordance with national and local plan policy.

Assessment of Heritage Balance and Public Benefit

- 7.3.22 Paragraph 200 of the NPPF (2021) sets out that any harm to a designated heritage asset should require clear and convincing justification. In addition, where proposals that may cause less than substantial harm to the significance of a designated heritage asset, should be weighed up against the public benefits of the proposal, including where appropriate, securing the optimum viable use. In undertaking that weighting exercise ‘considerable importance and weight’ must be given to the preservation of the significance of the listed building, including its setting. In determining the application, it must be noted that ‘less than substantial harm’ is not a ‘less than substantial planning consideration’.
- 7.3.23 Turning to public benefits, there is no definition of ‘public benefits’ on the National Planning Policy Framework or associated Planning Practice Guidance. All the guidance states (as set out in paragraph 10.5.7) that it *“should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large”*. There is also Case Law that deals with what is a material consideration, and whether it serves a *“proper planning purpose”* (see *latest commentary on this in Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council*). Further, public benefit could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. The test therefore is whether the benefits clearly and convincingly outweigh the considerable importance and weight given to the heritage harm.
- 7.3.24 As identified by the Planning Inspectorate in the granting of planning permission, they considered there were a number of public benefits identified. The inspector identified that the scheme would deliver 575 residential units which in doing so would support the Government’s aim expressed in paragraph 60 of the NPPF which is to significantly boost the supply of housing. The proposed development would also deliver affordable housing and they considered that due to historic under-delivery, was afforded significant weight. The site is also in a sustainable location, would redevelop a brownfield site which as set out in the NPPF, is afforded substantial weight. There is also the economic impacts of the development in terms of construction jobs as well as future expenditure into the local economy by future owner / occupiers of the development. Therefore, and as set out under paragraph 90 of the Inspectors decision, she states and quote *“I find that the benefits together have substantial weight”*.
- 7.3.25 Taking the above into consideration, the inspector in paragraph 96 of their decision set out and quote *“In conclusion, the negative effects of the proposed development in terms of character and appearance and conflict with the development plan as a whole are outweighed by other considerations.”*

Summary

- 7.3.26 In summary, it can be concluded that the proposed amendments to the development whilst observable from certain viewpoints within the conservation area, the proposed amendments to the scheme would not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage would be preserved in accordance with national and local plan policy. Moreover, the overall benefits this development would deliver as identified above would outweigh any potential harm the development would cause on the heritage assets.

7.4 Impact on residential amenity

Impact upon neighbouring amenity

- 7.4.1 The application site is considered to be an “island” site which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In view of this, the application sites does not physically adjoin any

residential developments. In assessing the impact on neighbouring amenity, the Council's Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new developments. These are as follows:

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

- 7.4.2 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line. These developments are located between 50-60m away from the proposed development. Given the level of separation, which accords with the current standards set out in the Design Guide, the proposed amendments sought under this application could not cause any additional harm over and above what was agreed to be acceptable when the application was originally determined by the Council and at appeal.
- 7.4.3 Turning now to Monument Court, this lies to the north of the site and is over 50m away and again accords with the Council's guidelines. Additionally, as the layout of the development has not changed, Block 1 would still be angled such that it faces north-east direction over the Trinity Road/Lytton Way roundabout away for Monument Court. In assessing the impact on properties within Townsend Mews along with the properties backing onto Lytton Way facing Ditchmore Lane, these would also be over 50m away from the proposed development. As such, the proposed design changes would cause no additional harm to the amenities of these properties over and above what has been established as being acceptable under the 2019 permission.
- 7.4.4 Having regard to the aforementioned relationships and separation, it is considered that there would be no sustainable objection to the revised scheme with regard to the impact on the amenities of nearby residential properties.

Future Residential Amenity

- 7.4.5 In assessing the future residential amenity which would be provided by the proposed development, all of the dwellings as set out in this application accord with the space requirements set out in the adopted local plan. In terms of the relationship between the blocks, as the layout of the development has not changed since it was approved at appeal, there would still be adequate separation distances to ensure the majority of the development has suitable privacy levels for future occupiers.
- 7.4.6 In terms of layout, blocks 1, 3, 4 and 6 would consist of 1, 2 and 3 bedroom apartments. Over 50% of apartments in these blocks are dual aspect. The one-bedroom flats are generally single aspect with private amenity space, open plan kitchen/living/diners and have direct access to private balconies. The two-bedroom units are generally dual aspect with kitchen / living / diners achieving views across two directions. The main bedrooms offer an en-suite. The 3-bedroom units are dual aspect and offer a main bedroom with en-suite and bathroom. These have open plan kitchen/living/diners and have direct access to private

balconies. Additional to this, 50% of the units in the development will comply and exceed the accessible and adaptable dwelling requirements set out in the Local Plan.

- 7.4.7 With regards to amenity space, there would be no change to this provision as approved under the appeal decision. In this regard, the development would still comprise 900 sq.m of amenity space which includes an equipped play area in the amenity space along with sculptural play within the courtyard spaces between the buildings and in the equipped amenity space. Added to this, all of the buildings are still served with balconies, the approximate size of which is 5sq.m which provide an area of amenity for the occupiers. It was also determined that the site is also within 5-minute walking distance

7.5 Parking

- 7.5.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. When planning application 19/00474/FPM was originally determined by the Council, the application was assessed against the Council's Parking Standards SPD (2012). This set out the maximum amount of off-street parking for residential developments based on the number of bedrooms. The development would comprise the following accommodation schedule:

- 20 no. studio apartments (1 parking space);
- 249 no. one bedroom units (1 parking space);
- 257 no. two bedroom units (1.5 spaces)
- 50 no. three bedroom units (2 parking spaces).

- 7.5.2 Based on the above requirement, 755 off-street parking spaces would have been required. However, the site was determined to fall within residential accessibility zone as defined by the 2012 Parking SPD. Given this, the SPD sets out that between 25% to 50% of the maximum number of car parking spaces to serve this development. In this regard, the Council would require between 188 to 378 parking spaces. The proposed development sought to provide 274 car parking spaces which was determined to be in accordance with the Council's adopted standards at the time.

- 7.5.3 Turning to visitor parking, as the applicant confirmed the parking was not to be allocated, it was determined at the time that there was no requirement to provide parking for visitors. In relation to disabled parking, the 2012 parking standards required 5% of the total number of spaces should be designated for disabled parking. In this regard, 15 disabled bays were to be provided as part of the proposal which accords with the 5% requirement.

- 7.5.4 In relation to the gym which is to be located in block 4, as this would be for the occupiers of the development and ancillary to the proposed residential use, it was determined at the time that there would no requirement to provide additional parking facilities to serve this element.

- 7.5.5 In regard to cycle parking, the 2012 standards stipulated that 1 long-term cycle parking space should be provided per unit if no shed or garage is provided. Consequently, the scheme was required to provide 576 cycle parking spaces. The scheme at the time met these requirements.

- 7.5.6 Whilst the 2019 planning application was refused by the Council, it did not refuse the application on parking grounds. Turning to the appeal, which was lodged to the Planning Inspectorate, during the appeal process the Council had adopted the Parking Provision and Sustainable Transport SPD (2020). This set out new car parking requirements, specifically new requirements for flats. These are set out as follows:

- Studios and 1 bedroom flats – 1 space per flat
- 2 bedroom flats – 1.5 spaces per flat
- 3 bedroom flats – 1.5 spaces per flat.

- 7.5.7 As the overall housing mix had not changed, there was a requirement to provide 729.5 (rounded up to 730). However, as the site was identified to fall within an accessibility zone 1, a requirement of between 25% to 50% of the maximum number of car parking spaces to serve this development were required. This calculates to be 182.5 (rounded up to 183) to 365 car parking spaces. As the level of parking provided had not changed, it was determined through the appeal process there was sufficient parking to serve this scheme.
- 7.5.8 Turning to visitor parking, as the applicant confirmed the parking was not to be allocated, it was determined at the time that there was no requirement to provide parking for visitors. In relation to disabled parking, the 2020 SPD sets out a requirement of 5%. As the level of disabled parking had not changed, the scheme was determined to be in accordance with this requirement.
- 7.5.9 Looking at Electric Vehicle Charging Points (EVCP), the Parking Standards introduced new requirements for EV charging. The standards require all new parking spaces be designed to fulfil Passive EVCP standards with the relevant underlying infrastructure being provided. In addition, a minimum of 20% of new parking on site should have access to an active EV charging point.
- 7.5.10 Notwithstanding the above, Part S of the Building Regulations (Infrastructure for the charging of electric vehicles) which took effect on the 15th June 2022 sets out a much more stringent requirement for EVCP compared to that of the Council's own standards. As such, it was determined at the appeal for the 2019 application that EVCP requirements would be dealt with a Building Regulations approval stage of the development project. As such, the scheme would comprise of sufficient EVCP to encourage a shift to less polluting forms of transport.
- 7.5.11 Looking now at cycle parking, the Parking Standard SPD (2020) introduced the following requirements:

C3-C4	Residential (without garage)	1-bed	1 space per unit	1 space per 40 units
		2-bed	2 spaces per unit	
		3-bed	3 spaces per unit	
		4-bed		
	Houses in multiple occupation (without garage)		1 space per bedroom	

- 7.5.12 Taking into consideration of the above, there was a requirement to provide at least 948 cycle parking spaces. As part of the appeals process, the applicant submitted amended plans to incorporate the uplift in cycle parking requirements. However, to ensure that sufficient cycle parking can be delivered as part of this development, the inspector imposed the following condition to the appeal decision:

- 12) Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works above slab level shall take place until revised plans, including the details of any external cycle stores, showing the provision of at least 948 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or phase and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.

- 7.5.13 Turning now to the proposed Section 73 application which is currently before the Council, in order to facilitate the provision of the additional stair cores and lifts, the ground floor areas of

buildings 1, 3, 4 and 6 had to be reconfigured. This has meant the undercroft parking areas and cycle storage facilities have had to be redesigned accordingly. Notwithstanding, these reconfigured demonstrate that there is no reduction in the level of parking proposed, not a reduction in secure cycle storage facilities. Taking this into consideration, the amended scheme accords with the Council's adopted Parking Standards SPD (2020).

- 7.5.14 However, to ensure the appropriate level of parking is provided and as per the Planning Appeal decision, appropriately worded conditions would be imposed to ensure the level of cycle parking and car parking is provided prior to any beneficial occupation of any given phase or residential block as detailed in the application submission.

7.6 Highway implications

- 7.6.1 This application which is currently before the Council does not seek to extend or alter the approved access and egress arrangements for pedestrians, cyclists and motor-vehicles. In addition, there are no changes to the overall housing mix nor the layout of the development. As such, the proposed amended scheme would not cause any undue harm to the safety and operation of the highway network. This is reflected by the fact Hertfordshire County Council as Highways Authority have raised no concerns with the amended scheme.

7.7 Impact on trees

- 7.7.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.
- 7.7.2 The overall additional footprint to the relevant blocks do not extend into the root protection areas of any trees which are to be retained. The applicant as part of this submission has annotated the approved Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) where the extent of the footprint has been marked. This plan clearly demonstrates that no further tree removal is required to accommodate the proposed changes and there is no impact on retained trees.
- 7.7.3 Taking into consideration of the above, the proposed amendment scheme is unlikely to cause any additional harm to trees over and above what was established to be acceptable by the planning permission. However, and as per the appeal decision, a condition would be imposed requiring the requisite tree protection measures be put in place as specified in the Impact Assessment to ensure the trees retained are detrimentally affected by the development during its construction phase.

7.8 Impact on the environment

- 7.8.1 The application site defined as a previously developed site comprising office buildings which is currently undergoing demolition. As such, there is the potential risk of contaminants being identified on-site which could potentially pose a risk to the environment and human health. Taking this into consideration, the 2019 application was supported by a Contamination Report which identified there were risk of contaminants on site. As such, the Planning Inspectorate imposed a condition to the planning permission. This condition requires a remediation strategy to be prepared and implemented if any contaminants were to be identified. In this regard, it is recommended that this condition be replicated on the Section 73 decision should the Council be minded granting planning permission.

Groundwater

- 7.8.2 The application site is not located within a Source Protection Zone and no concerns had been raised by Thames Water or Affinity Water with respect to potential impact from the development under the 2019 application.

Air Quality

- 7.8.3 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).
- 7.8.4 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the approved Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.8.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO₂ emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required.

Noise Pollution

- 7.8.6 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.8.7 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures are set out in the approved Construction Management Plan (CMP). Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly.
- 7.8.8 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Borough Council's Environmental Health department. In terms of noise impact from the East Coast Main Railway Line along with noise associated with aircraft and vehicular traffic, as per the appeal decision, a condition would be imposed to any decision issued by the Council.

Light Pollution

- 7.8.9 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a) the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
 - b) health and safety of the public; and
 - c) The compliance with statutory environmental quality standards.

- 7.8.10 Turning to the operational side of the development, as no details have been provided as to the design, location and intensity of illumination of any external lighting, as per the appeal decision, a condition would be imposed accordingly to any permission issued. This is to ensure that any external lighting system does not prejudice the safety and operation of the East Coast Main Railway line. In addition, it would also ensure the amenities of future of the development would not be detrimentally affected by external levels of illumination by any external lighting systems to be installed.
- 7.8.11 In terms of lighting associated with the construction aspect of the proposed development, this was dealt with as part of the approved Construction Management Plan (CMP). A condition would be imposed to any permission issued requiring the CMP to be strictly adhered to until the completion of all construction works. This will ensure the safety of the adjacent railway line is maintained at all times and that the amenities of future occupiers of each respective phase / block are completed and made available for occupation.

7.9 Other Matters

Community Infrastructure Levy

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

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

- 7.9.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.9.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

Section 106

- 7.9.4 As the overall housing mix remains as approved under the appeal decision, there are no implications to the S106 agreement. The approved scheme included a Section 73 clause and therefore, any scheme approved under Section 73 remains bound to the original S106 Agreement and as such, there is no need to any supplemental agreements. The S106 agreement also includes the relevant viability review mechanisms and as a consequence,

the development will be subject of viability reviews as the development progresses. This mechanism will capture any uplift in value which would go towards affordable housing.

Fire Safety

7.9.5 This application is accompanied by a Fire Strategy and has been submitted to demonstrate how the development would meet new Building Regulations. The following changes to the project have been made in order for the development to meet these new regulations:

- 1) Blocks 1, 3, 4 and 6 with a top-storey height of over 30m are to incorporate two stair cores, with an associated evacuation lift and firefighting lift.
- 2) Where there is more than one stair core in each block, each stair core is to be separated with independent egress routes on the Ground Floor.
- 3) A protected lift lobby on upper floors is to be provided with a refuge location and an EVC (Evacuation Chair). The evacuation lift should be directly accessible from the protected lobby.
- 4) Mechanical ventilation is to be provided for the common corridors of all blocks, in the form of a mechanical extract shaft at the end of the corridor and a relief shaft in the lift lobby.
- 5) The balconies, including balustrading, are to be full non-combustible.

7.9.6 Following correspondence with the Health and Safety Executive (HSE), given the application was submitted and approved before the Gateway One was introduced, there is no statutory requirement to formally consult HSE on Section 73 applications. Furthermore, given there are no changes to the overall layout to the development and fire fighting equipment can reach all respective parts of the development site combined with the fire safety measures being put in place, it would be unreasonable to formally require the HSE to be consulted on this application.

7.9.7 Notwithstanding, the development would have to still go through the relevant Building Regulations approval which has stringent requirements now in place with respect to fire safety and tall buildings. Therefore, it will be this stage which is the appropriate way in dealing with the proposed fire safety measures which are to be put in place.

General Waste and Recycle Facilities

7.9.8 The Council's Design Guide SPD (2023) sets out the following requirements for general waste and recycle storage facilities for residential and commercial developments:

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x600 x800

60ltr Bag (Black)	Recyclables - Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables - Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

7.9.9 The Design Guide also sets out the following requirements in terms of the overall design and location of general waste and recycle facilities:

External storage area features:	Housing developments	Flatted developments
Should be located within 10 metres of an external access but not near ground storey windows.	✓	✓
Storage and collection points must be as close as possible to, and preferably within 10 metres of, a place suitable for a collection vehicle to stop.	✓	✓
Must be at or near street level, and should be accessible via appropriately sized and graded ramps to allow bins to be wheeled to and from the collection point easily.	✓	✓
Must be safe for users by being well lit and visible from public vantage points and nearby dwellings / tenancies.	✓	✓
Should be unroofed, unless they are fully enclosed and secured (ideally inaccessible to animals).	✓	✓

External storage area features:	Housing developments	Flatted developments
Should be accessible for collection purposes and not impede pedestrian or vehicular access on public thoroughfares or to and from buildings.	✓	✓
Should be located as close to the front property boundary as possible, preferably behind the front boundary wall, without detracting from the street scene.		✓
Consideration should be given to the <ul style="list-style-type: none"> • allocation of additional external storage space in the future, e.g. additional bins, • composting facilities - in residential development with a garden or landscaping, • provision of onsite storage for bulky waste (i.e. furniture) items and potential opportunities for re- use of these items. 		✓

- 7.9.10 Taking into consideration of the above, each of the residential blocks have been designed with a secure general waste and recycle storage facility at ground floor level. All of the stores are easily accessible and positioned in close proximity to external access points. They have also been positioned so they can be easily accessed from the internal road by refuse collection operators. In addition, each of the stores would have a level access with the pavement to ensure bins so there are no encumbrances to waste operators when collecting and putting back refuse / recycle bins.
- 7.9.11 In addition to the above, due to the overall size of these stores, they can sufficiently accommodate any future refuse and recycle requirements which may required from time to time. Moreover, they could potentially hold for a short period of time, larger bulky items. Further to this, they have been sited so as to not impact on the amenity of residential properties which are also positioned at ground floor level of each of the residential blocks.
- 7.9.12 Given the above, the refuse and storage facilities have been designed to meet the criterion set out in the Council's Design Guide SPD (2023).

Adaptation to climate change

- 7.9.13 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand;
 - using passive environmental systems, e.g. natural ventilation;
 - daylighting and passive solar gains;
 - using high levels of insulation and air tightness in the fabric of the building;
 - specifying energy efficient services, controls and appliances;
 - implementing water recycling and the provision of water butts;
 - using renewable energy;
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.9.14 As part of the 2019 application submission, it was accompanied by an Energy Strategy (Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30

July 2019). This strategy identified that the development would seek to achieve a 65% carbon reduction against Part L of the Building Regulations 2013. This was one of the key benefits identified by the Planning Inspector in their decision letter. As such, a condition was imposed to the permission requiring the applicant to submit a more detailed strategy to ensure the development would meet the 65% carbon reduction against Part L of the Building Regulations 2013. It is recommended this condition be imposed to this Section 73 application if the Council was minded granting planning permission. This would ensure the development adopts suitable methods which minimises energy usage and that it would be adaptable to climate change.

Equality, Diversity and Human Rights

- 7.9.15 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.9.16 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.9.17 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.18 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided across the site at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'
- 7.9.19 Level access would continue to be provided to the development at all pedestrian access points. The design of the scheme provides a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit. In addition, the scheme comprises additional lift access across blocks 1, 3, 4 and 6 to all floors of these buildings.
- 7.9.20 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

Crime prevention/anti-social behaviour/security

- 7.9.21 In regard to crime prevention, it was noted that under the 2019 applications concerns had been raised by local residents that the development could have an impact on security. In addition, they also raised concerns that the development could generate issues of anti-social behaviour. Whilst these are not planning matters, there is a requirement to Design out Crime. Nevertheless, the Police Crime Prevention Design Advisor (PCPDA) was consulted on the application and whilst raising concerns at the time, indicated that these could be mitigated by engaging with the PCPDA with the intention to achieve the Police minimum security standard that is Secured by Design.
- 7.9.22 Taking the above into consideration, whilst it was not a ground for refusal, it was a matter which was discussed with the Planning Inspectorate and the Public Inquiry. It was agreed with the applicant that if the Inspector was minded to grant permission, to impose a condition which dealt Secured by Design. In this regard, the inspector when granting permission did indeed impose such a condition (see condition 11). In this regard, if the Council was minded to grant this Section 73 application, it is recommended that such condition is imposed to any decision issued accordingly. This would ensure that the development would meet Secured by Design standards.

Commentary on objections raised.

- 7.9.23 Dealing firstly with the comments raised from the objector with respect to alternative uses for this site, the applicant through an appeal to the Planning Inspectorate has been granted planning permission to deliver a residential scheme of 576 dwellings on this site. Therefore, it is up to the applicant to determine whether they wish to implement this approved scheme or consider alternative proposals as suggested by the objector. Moreover, the Council as Local Planning Authority does not have legal powers to require an applicant to consider alternative proposals for a particular site and that it must determine all applications on their own merits. In this regard, the Council has received a Section 73 application to amend the approved residential scheme and it is this proposal which has been assessed accordingly.
- 7.9.24 Turning now to the concerns about insufficient amenities to serve both this development and the residents of Monument Court, again, planning permission has been granted to redevelop this site for housing. Moreover, the site, as determined at appeal, is in a highly accessible location in proximity to the Old Town and Stevenage Town Centre. Therefore, the Planning Inspectorate did not consider there was insufficient amenities within the vicinity of the application site to serve this development.
- 7.9.25 Looking now at the concerns raised around parking provision, this has been assessed under section 7.5 of this Committee Report.

8 CONCLUSIONS

- 8.1 In conclusion, the negative effects of the proposed development in terms of character and appearance and the conflict of the proposal with the development plan are outweighed by the overall benefits it would deliver as identified in the Planning Inspectorate decision. The proposed design changes to the development would not have a significant impact on the setting of the Old Town Conservation Area of other heritage assets. In addition, the scheme would not have a detrimental impact on the amenity of existing residential properties and there would still be suitable living standards for future occupiers of the development.
- 8.2 The development would still comprise sufficient off-street parking (including cycle parking) and the amended scheme would not prejudice highway safety. In addition, the amended scheme would cause no additional harm to trees which are to be retained as part of this development and through appropriate conditions, would not cause any significant environmental issues. The revised scheme would still be subject to CIL and would be bound

by the obligations which were secured through a Section 106 agreement attached to the 2019 permission. The revised scheme through appropriately worded conditions would comprise of sufficient general waste and recycle storage facilities and ensure the delivery of Secured by Design measures in order to help design out crime.

- 8.3 For the reasons set out above, it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED and authority to be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:

1. The development hereby permitted shall begin not later than 3 years from the date of the appeal decision APP/K1935/W/20/3255692 whereby planning permission was granted on 15th July 2022.

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

502686-IWD-00-DR-A-2101_P1; 502686-IWD-XX-XX-DR-A-2320_P1 A3; 502686-IWD-B1-00-DR-A-2200_P2; 502686-IWD-B1-01-DR-A-2201_P2; 502686-IWD-B1-02-DR-A-2202_P2; 502686-IWD-B1-06-DR-A-2206_P2; 502686-IWD-B1-07-DR-A-2206_P2; 502686-IWD-11-DR-A-2211_P2; 502686-IWD-B1-12-DR-A-2213_P2; 502686-B1-13-DR-A-2213_P2; 502686-IWD-B1-XX-DR-A-2310_P2; 502686-IWD-B1-XX-DR-A-2311_P2; 502686-IWD-B1-XX-DR-A-2312_P2; 502686-IWD-B2-XX-DR-A-2310_P1; 502686-IWD-B2-XX-DR-A-2311_P1; 502686-IWD-B2-XX-DR-A-2312_P1; 502686-IWD-B3-00-DR-A-2200_P2; 502686-IWD-B3-01-2201_P2; 502686-IWD-B3-02-DR-A-2202_P2; 502686-IWD-B3-11-DR-A-2211_P2; 502686-IWD-B3-12-DR-A-2212_P2; 16-019 D – 314; 502686-IWD-B3-XX-DR-A-2310_P2; 502686-IWD-B3-XX-B3-DR-A-2311_P2; 502686-IWD-B3-XX-DR-A-2312_P2; 502686-IWD-B4-00-A-2200_P4; 502686-IWD-B4-01-DR-A-2201_P3; 502686-IWD-B4-02-DR-A-2202_P4; 502686-IWD-B4-2211-DR-A-2211_P4; 502686-IWD-B4-12-DR-A-2212_P4; 16-019 D-413; 502686-IWD-B4-XX-DR-A-2310_P3; 502686-IWD-B4-XX-DR-A-2311_P3; 502686-IWD-B4-XX-DR-A-2312_P3; 502686-IWD-B5-XX-DR-A-2310_P2; 502686-IWD-B5-XX-DR-A-2311_P2; 502686-IWD-B5-XX-DR-A-2312_P2; 16-019 D 500 C04, 16-019 501 C03, 16-019 D 502 C03, 16-019 D 503 C03, 16-019 D 504 C02, 502686-IWD-B6-00-DR-A-2200_P7; 502686-IWD-B6-01-DR-A-2201_P8; 502686-IWD-B6-02-A-2202_P6; 502686-IWD-B6-06-DR-A-2206_P4; 502686-IWD-B6-07-DR-A-2207_P3; 502686-IWD-B6-11-DR-A-2211_P5; 502686-IWD-B6-12-DR-A-2212_P5; 502686-IWD-B6-XX-DR-A-2310_P3; 502686-IWD-B6-XX-DR-A-2311_P3; 502686-IWD-B6-XX-DR-A-2312_P3; 16-019 D 700 C05, 16-019 D 701 C04, 16-019 D 701 C04, 16-019 D 702 C04, 16-019 706 C02, 16-019 D 707 C02, 16-019 D 708 C03, 16-019 D 709 C02; 502686-IWD-B7-XX-DR-A-2310_P2; 502686-IWD-B7-XX-DR-A-2312_P2; 2660-LA-01E, 2660-LA-02E, 2660-DT.01.

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

3. Upon commencement of construction works the methods of construction and all associated mitigation measures as detailed in the approved Construction Method Statement (CMS) as submitted and approved under planning reference 23/00054/COND shall be strictly adhered too until conclusion of all site and building operations unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To minimise the impact of construction vehicles and to maintain the amenity of the local area.

4. No development, excluding demolition and site clearance, shall commence until all trees within the development which are to be retained as identified in the Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) have been protected by fencing or other means of enclosure in accordance with Appendix 4 and 8 of the AIA. Tree protection measures shall be retained until conclusion of all site and building operations. Within the tree protection areas, there shall be no alterations to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery

REASON:- To safeguard the trees which are to be retained and to protect the visual amenities of the area.

5. No development apart from demolition and site preparation works shall take place until the final design of the surface water drainage schemes and their maintenance regimes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.

REASON:- To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

6. Prior to commencement of works above slab level, a scheme for protecting the proposed dwellings from noise from road, rail and air transport sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained thereafter.

REASON:- To protect the amenity of future occupiers of the development hereby approved.

7. Prior to commencement of works above slab level, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

8. Prior to commencement of work above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and be retained thereafter.

REASON:- To ensure external lighting systems do not impact upon the safety and operation of the highway network and East Coast Main Railway Line nor have an unacceptable impact on the amenities of nearby residential properties and future occupiers of the development.

9. Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 when assessed using SAP10 emission factors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.

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

10. Prior to the commencement of works above slab level, details of the ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.

REASON:- To ensure there is step free access to the amenity garden area which will be utilised by the future occupiers of the development.

11. Prior to commencement of works above slab level, a detailed scheme of Secured by Design Section 2: Physical Security of the Home measure for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme prior to occupation of each block and be retained thereafter.
REASON:- In order to design out crime and to ensure the development has a safe and attractive environment.
12. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works shall take place until revised plans, including the details of any external cycle stores, showing the provision of 948 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.
REASON:- To ensure the provision of cycle parking spaces in line with the Council's adopted Parking Standards SPD.
13. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.
REASON:- To ensure the development has an acceptable appearance and to protect infrastructure associated with the railway line managed by Network Rail.
14. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-
- (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - (ii) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.
- Where a housing and infrastructure phasing plan is agreed, no occupation shall take place than in accordance with the agreed housing and infrastructure phasing plan.
REASON:-
15. Prior to first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.
REASON:- Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potentially pollution incidents.
16. Prior to first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.
REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity,

17. 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, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.
REASON:- To prevent harm to human health and pollution of the water environment.

INFORMATIVES

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

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

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

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

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

or by telephoning 0300 1234047.

2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:
www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

4. **Parking and Storage of materials:** The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. **Obstruction of public highway land:** It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. **Debris and deposits on the highway:** It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. **Avoidance of surface water discharge onto the highway:** The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. **Construction Management Plan (CMP):** The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
9. **Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.):** The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
OR by emailing travelplans@hertfordshire.gov.uk.
12. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
13. 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. We would 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

PRO-ACTIVE STATEMENT

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

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD 2020; Design Guide SPD 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2021 and Planning Policy Guidance.

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

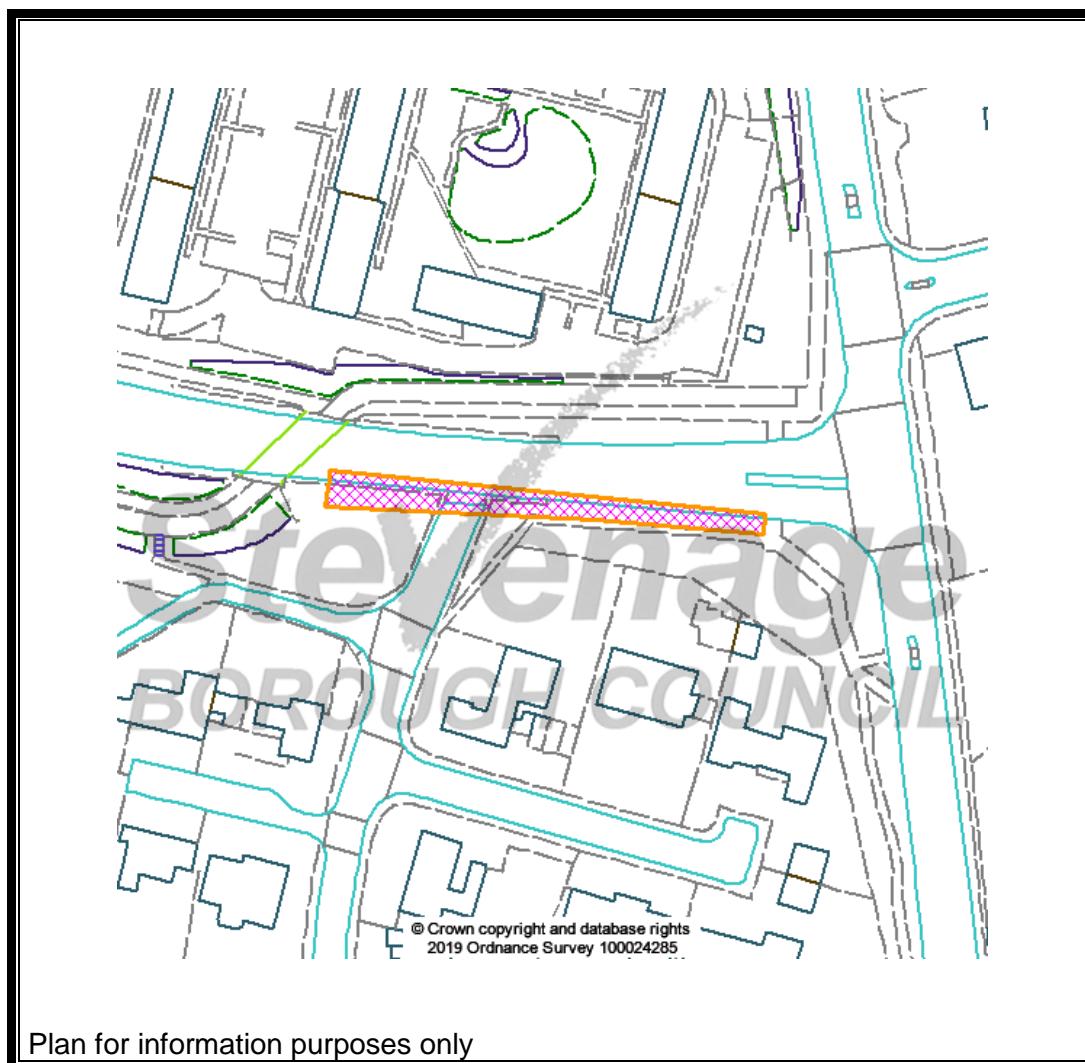
Date: 25 May 2023

Author: James Chettleburgh 01438 242242

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: James Chettleburgh 01438 242242

Application No:	23/00006/FP
Location:	Eastern end of Coreys Mill Lane, Stevenage
Proposal:	Conversion of 7 no. parking layby bays into 15 no. end on parking bays with additional footpaths and associated works.
Drawing Nos.:	R/163/1; R/163/2.
Applicant:	Stevenage Borough Council
Date Valid:	4 th January 2023
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the eastern side of Coreys Mill Lane in close proximity with the junction with North Road. The site comprises 7 no. pay and display layby parking bays, highway verge and public footpath. Bordering the site's boundary is an area of mature trees and vegetation which forms a buffer between Coreys Mill Lane and Whitney Drive. The surrounding area comprises Lister Hospital along with a mixture of residential properties which are of varying architectural styles.

2. RELEVANT PLANNING HISTORY

- 2.1 21/01239/FP - Conversion of 12 no. existing parking layby bays into 24 no. end on parking bays with additional footpaths and associated works – Application not proceeded with.

3. THE CURRENT APPLICATION

- 3.1 This current application seeks planning permission for the conversion of 7 no. pay and display layby bays into 15 no. end on parking bays. The proposal also comprises the provision of a new 2m wide footpath which would be positioned at the backend of the parking bays.
- 3.2 The parking bays are being provided in order to compensate for the bays which need to be removed on North Road. This is because the area these current bays are positioned will need to be utilised as part of Hertfordshire County Council Active Travel Funding (ATF) programme. This will potentially include a new separated two-way cycle route combined with the proposed re-configuration of the Coreys Mill Lane and North Road junction. This will also potentially include the provision of two new parallel crossings for pedestrians and cyclists.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to nearby properties and a site notice was displayed on a nearby lamp post. At the time of drafting this report, no comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 The principle of the proposal is acceptable and no recommended condition. If approved, when the applicant comes to implement the scheme under the Agency Agreement, they should submit the plans and some explanatory notes to Hertfordshire County Councils' Safety team.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. 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 May 2019)

GD1 High Quality Design.
NH6 General Protection for Open Space.
SP8 Good Design.
IT5 Parking and Access.
IT8 Public Parking Provision.

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy Charging Schedule

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

7 APPRAISAL

- 7.1.1 The main issues for consideration in the determination of this application are the impact of the loss of this piece of amenity land on the character and appearance of the area, the impact on neighbour amenity and the acceptability of the new parking in highway safety terms.

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

7.2 Impact upon the Character and Appearance of the Area

- 7.2.1 The application site forms land in the ownership of the Hertfordshire County Council (HCC) and constitutes a small area of landscaped open space i.e. the highway verge as defined by policy NH6 of the Stevenage Borough Local Plan (2019). Policy NH6 for general protection of open space states that the loss of unallocated open space should have regard to the quality

and accessibility of the open space, whether the open space is serving its function and purpose, and whether alternate space(s) would remain available for community use.

- 7.2.2 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.3 It is considered that the proposed development, whilst it reduces the overall size of the highway verge within Coreys Mills Lane, it only relates to a small parcel of land whereby the larger area of open space just to the south of the application site would not be affected by the proposed works. In addition to this, due to the limited size of the parcel of land affected by the proposal combined with the fact it is bordered on three sides by hardsurfacing, it would not be considered suitable as recreational open space.
- 7.2.4 In view of the points raised, it is not considered that the loss of this small area of open land / highway verge would harm the character and appearance of the area but would, in fact, be facilitating the provision of replacement pay and display parking which are to be removed along North Road. This is in order to allow HCC to deliver its Active Travel programme along this stretch of North Road as set out in paragraph 3.2 of this report. Furthermore, as the land is currently not used for any particular purpose, it is considered that the proposal would not harm the form or function of the open space, nor that it needs to be re-provided.

7.3 Impact on Amenity

- 7.3.1 The properties most affected by the proposed parking area would be Nos. 86 to 90 Whitney Drive as well as no. 109 Whitney Drive, which lie to the south of the application site. However, it is not considered that the conversion of the parking area to cater for 8 additional spaces would significantly worsen the noise and disturbance generated to an unacceptable level. This is because firstly, the parking area lies adjacent to the existing surface road of Coreys Mill Lane which already generates an element of noise. Secondly, the residential properties most affected by the proposal are positioned between 9m and 20m from the parking area, which is a reasonable separation distance. Consequently, it is not considered the development would generate a level of noise harmful to the amenities of residential properties over and above existing background noise levels.

7.4 Highway Safety implications

- 7.4.1 With regard to access and highway safety, the proposal involves only modest works to HCC owned land. All of the parking bays have been designed to meet the standards which are set out in the Department for Transport (DfT) Manual for Streets and HCC Highways Design Guidance. Therefore, they would be of a sufficient size to accommodate a standard car. In addition, the parking bays have been designed to ensure there is the necessary vehicle-to-vehicle visibility splays to ensure vehicles can safely manoeuvre into and out of the spaces without prejudicing highway safety.
- 7.4.2 Following consultation with the County Council as Highway Authority, they have raised no objection to the proposal in terms of highway safety. This is because the parking bays meet all the necessary highways standards given there would be a 6m turning area in the carriageway. In addition, the parking area would be located on a local access road with the capacity to accommodate the parking area as well. In terms of traffic generation, HCC has not raised any concerns as the development proposed would not result in a significant increase in vehicle movements along Coreys Mill Lane to significantly impact upon the local highway network. This is especially given the fact the proposal is merely replacing the pay and display bays which are to be lost on North Road.

- 7.4.3 In terms of the proposed footpath arrangement which forms part of the development scheme, this has been designed in consultation with HCC. This is to ensure that the proposal appropriately connects with the Active Travel works which are due to take place along North Road and at the junction of Corey's Mills Lane. For reference, these Active Travel works which are to be undertaken by Hertfordshire County Council comprise new pedestrian and cycle routes along North Road and at the junction of Corey's Mill Lane in order to encourage a modal shift away from the private car. The footpath has also been designed so people can safely move along the back edge of the parking bays as well as providing pedestrian access into Whitney Drive.
- 7.4.4 Given the aforementioned assessment, the County Council concludes that the development would not prejudice the safety and operation of the highway network subject to a condition on the car parking area access points. Whilst they have not suggested any conditions, it is recommended a condition on the materials to be used in the construction of the parking area is secured as part of any permission. This is to prevent any loose material being deposited on to the highway which could pose a threat to highway safety. The new spaces would be provided and maintained by the Council's Engineering Services Section.

7.5 Equality, Diversity and Human Rights

- 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.
- 7.5.3 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.
- 7.5.4 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.
- 7.5.5 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities. This is because the proposal does not comprise the alteration or removal of parking bays which are utilised by persons who are disabled. In addition, the footpath has been designed to meet current standards to ensure people who are using for example a wheelchair can safely travel along this stretch of Coreys Mill Lane without hinderance.

8 CONCLUSIONS

- 8.1 The proposed creation of the additional parking facilities on Coreys Mill Lane to compensate for those being lost on North Road is not considered to harm the form and function of the structural open space or be detrimental to the character and appearance of the area. Furthermore, the works would not harm the amenities of the occupiers of adjoining premises

or cause any detriment to highway safety. It is, therefore, recommended that planning permission be granted.

9 RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the conditions below with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. The suggested conditions are as follows:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: R/163/1; R/163/2.
REASON:- For the avoidance of doubt and in the interest 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 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 0800 and 1330 on Saturdays. These hours relate to noise which is audible at the site boundary.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
4. The development hereby permitted shall not be brought into use until the proposed parking spaces and public footway have been constructed as identified on drawing R/163/1; R/163/2 and the carriageway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
REASON:- To ensure suitable, safe and satisfactory planning and development of the site.
5. The new parking area shall be constructed in a hard surfacing material as identified on drawing number R/163/1; R/163/2 in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).
REASON:- To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

INFORMATIVE

Public Information on Planning Applications

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

Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above

number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Hertfordshire County Council as Highways Authority

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary under the Agency Agreement to submit plans to Hertfordshire County Council's Highway Safety Team. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:-

<https://www.hertfordshire.gov.uk/services/transtreets/highways/>

or by telephoning 0300 1234047.

Pro-active Statement

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.

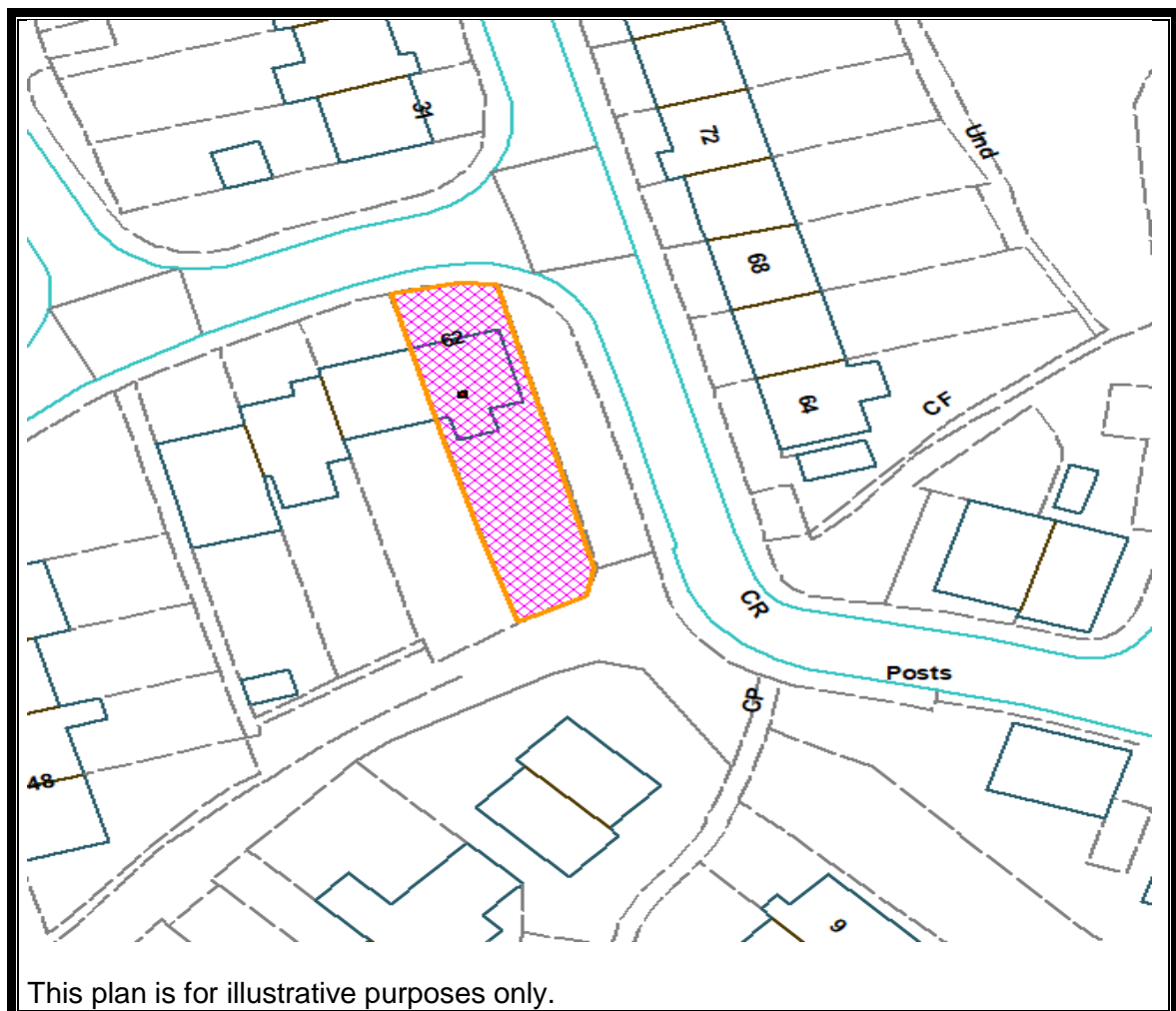
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011-2031 adopted 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 July 2021 and Planning Policy Guidance.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	25 May 2023	
Author:	Lewis McGann	07936 349276
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Lewis McGann	07936 349276

Application No :	23/00147/FP
Location :	62 Ferrier Road, Stevenage
Proposal :	Change of public amenity land to residential and single-storey side and rear side extension.
Drawing Nos.:	1456_YPUK_P001; 1456_YPUK_P002_P2; 1456_YPUK_P003; 1456_YPUK_P004; 1456_YPUK_P005_P2; 1456_YPUK_P006_P2
Applicant :	Mr Ian Harvey
Date Valid:	03 March 2022
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is an end-terrace dwelling located on the corner of a T-junction at the eastern most end of Ferrier Road just to the north of Magellan Close. The application property is sited in a fairly long narrow rectangular shaped plot with a decent sized hard paved front curtilage that provides vehicular access to Ferrier Road and is large enough to accommodate two off-street parking spaces. To the rear of the application site lies a larger, predominantly grassed back garden that is entirely enclosed by wooden fencing up to 2m high with a significant amount of vegetation around its southern perimeter. A wooden gated entrance adjacent to the east of the main dwelling provides pedestrian access along the eastern flank of the main dwelling into the rear garden.
- 1.2 Adjacent to the north of the application site lies Ferrier Road followed by a strip of public open greenspace owned by Hertfordshire County Council (HCC) and the residential property of No.31 Ferrier Road. Adjacent to the west lies the attached neighbouring property of No.60 Ferrier Road whilst to the south lie the neighbouring properties of No.8A and No.8B Magellan Close. Adjacent to the east of the application site runs a strip of Council owned grassed informal open space which extends along the majority of the application site's length and is the subject to the land sale request made as part of this planning application.
- 1.3 The application property itself is constructed of a buff brick course with a gable-end dual-pitched roof clad in brown interlocking concrete roof tiles and a white fascia trim. A single storey front porch element also constructed of matching buff brick with a mono-pitch roof clad in matching brown interlocking concrete roof tiles attaches to the eastern side of the front elevation of the main dwelling. The fenestration to the property is finished with white uPVC.
- 1.4 The surrounding area is characterised by dwellings of a similar age and style to the application property, typically laid out as straight or staggered rows of two storey terraces. These dwellings are typically set within regimented building lines that typically face the roadside in standard sized, regular shaped plots.

2. RELEVANT PLANNING HISTORY

- 2.1. No relevant planning history

3. THE CURRENT APPLICATION

- 3.1. This application seeks planning permission for the change of public amenity land to residential land to facilitate the construction of a single-storey side and rear extension.
- 3.2. The application comes in before the Planning and Development Committee as it has been called-in by Councillor Booth. The Councillor called in this application in terms of impact on neighbouring properties, impact on the character and appearance of the area, residential amenity, car parking and highway issues, impact on trees and landscaping and the loss of the open space.

4. PUBLIC REPRESENTATIONS

- 4.1. The application was publicised by way of neighbour letter and a site notice. No comments were received.

5. CONSULTATIONS

5.1. Hertfordshire County Council as Highways Authority

- 5.1.1 The proposals are for a Change of public amenity land to residential and single-storey side and rear extension. Ferrier Road is maintainable by the highway authority and is unclassified and provides a local access function in the road hierarchy. The vehicle speeds past this site are limited to 30 mph.
- 5.1.2 The proposals will have little if any affect on the surrounding highway network, therefore, notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council (HCC) as Highway Authority does not wish to restrict the granting of permission.
- 5.1.3 HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.
- 5.1.4 AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
- 5.1.5 AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007)

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay

(para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12).

6.2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

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

Policy SP8: Good Design;
Policy GD1: High Quality Design;
Policy NH6: General Protection for Open Space;
Policy IT5: Parking and Access

6.4 Supplementary Planning Documents

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

7. APPRAISAL

7.1.1 The main issues for consideration are the acceptability of the change of use from amenity land to residential garden, the design and visual impact of the proposed extensions on the character and amenity of the area and on neighbour amenity, car parking provision and highway implications.

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

7.2 Change of Use of Amenity Land

7.2.1 The area of land in question is currently in the ownership of Stevenage Borough Council and is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.

7.2.2 The plot of amenity land subject to this change of use application is sited immediately to the east of the application site and extends along the majority of the application site's eastern side boundary. The plot forms approximately half of a slightly larger area of grassed informal open space which also stretches in width from the eastern side boundary of the application site to the roadside. This larger area of grassed informal open space then connects to further Council owned areas of grassed informal open space to the south-west and south-east with other areas of grassed informal open space spread throughout the wider residential estate. Further along to the south-east meanwhile lies the ancient lane of Sheafgreen Lane whilst the principal amenity greenspace of Chells District Park lies a short distance to the north-east.

- 7.2.3 The plot of land subject to this application is rectangular in shape and has a maximum length of approximately 28.5m, a maximum width of approximately 2.2m and a total area of approximately 59.5sqm. A single lamp column is located near the south eastern corner of the plot close to the public footpath whilst a dropped kerb with a grasscrete easement leads from the roadside to halfway down the rear garden of No.62 and a large mature tree lies just beyond the southern boundary of the plot. It is expected that the plot of land subject to this application would be enclosed with wooden fencing to increase the overall size of the garden belonging to No.62, and to facilitate the construction of a single-storey side and rear extension whilst still maintaining pedestrian access along the eastern flank of the main dwelling into the rear garden.
- 7.2.4 The presence of a dropped kerb and grasscrete easement towards the southern end of the plot of land subject to the change of use application is noted. This easement would have historically provided vehicular access from the roadside into the rear garden of No.62 however today there is only a pedestrian gateway entrance into the rear garden of No.62. Nevertheless, it is also noted from the photos taken during the site visit to the application site that this easement is now being used as a form of off-street parking. Whilst the granting of planning permission to change the use of the plot of land subject to this planning application from public amenity land to residential land would result in the loss of this off-street parking space, this should not be taken into consideration as part of the assessment of the acceptability of the proposed change of use as the easement itself is not a parking space and has never been purchased by anyone to be used for that such purpose. To use this easement for off-street car parking is technically unlawful as the easement along with the rest of the larger area of grassed informal open space belongs to Stevenage Borough Council. At the same time the existence of this easement has no bearing on the proposed extension as the application site already has adequate parking provision and the proposal would not increase the number of bedrooms to the application property.
- 7.2.5 It is also accepted that the larger area of grassed open space containing the plot of land subject to the change of use application could be used as an informal play space for children. However, given its relatively small size and location adjacent to the main road it would not be considered the safest or most appropriate place for children to play. Notwithstanding this, whilst the proposal would significantly reduce this area of grassed open space, larger areas of grassed open space can still be found a short distance away to the west, south-west, and south-east as well as a variety of other smaller and similar sized areas of grassed open space throughout the surrounding residential estate. As a result, there are still a sufficient amount of grassed informal open spaces to provide some amenity value to the surrounding properties and those travelling along Ferrier Road. Furthermore, enclosing the plot of land in question with wooden fencing would not have a detrimental impact on the overall openness of the street scene. Given the aforementioned factors, the change of use is considered acceptable in policy terms as it would not undermine the Council's policy to protect open spaces.

7.3 Design and Visual Impact

- 7.3.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.3.2 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.

- 7.3.3. Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.
- 7.3.4 In terms of its size and scale, the proposed extension works would replace the existing single storey rear conservatory and would span the entire rear elevation of the application property before wrapping around the south-eastern corner of the main dwelling and spanning the majority of the property's eastern flank. The proposed change of use from public amenity land to residential land would facilitate the erection of the proposed single-storey side extension by widening the application site by approximately 2.2m in order to create enough space for the proposed extension to fit wholly within it whilst maintaining pedestrian access along the eastern flank of the main dwelling into the rear garden.
- 7.3.5 The rear element of the proposed extension would measure a maximum of 9.15m in width, 2.15m in depth and 3.5m in height from the top of the mono-pitch roof, with the height of the eaves set at 2.6m. The side element of the proposed extension would measure a maximum of 9.05m in length, 2.15m in depth and 3.5m in height from the top of the mono-pitch roof, with the height of the eaves set at 2.6m. In addition to these works the existing porch that attaches to the front elevation of the property would be removed except for its canopy roof which would remain over the front door.
- 7.3.6 In being only 2.15m in depth, the rear element of the proposed extension would easily adhere to the 3.5m depth standard for single-storey rear extensions within 1m of the side boundary of the house as set out in the Council's adopted Design Guide (2023), whilst in being only single storey in height its ridgeline would be set well below the ridgeline of the main dwelling. The fact that it would replace an existing rear conservatory which is already fairly visible from Ferrier Road to the east also means that its visual impact on the surrounding street scene would be limited.
- 7.3.7 The side element of the proposed extension meanwhile would be located on the eastern side of the main dwelling at the end of the terrace facing the roadside and so would not compromise the rhythm of the street by creating a cramped or terraced appearance. Whilst it would be visible from along the section of Ferrier Road to the east, the fact that it is only single-storey and set against the two-storey main dwelling means that visually it would not have a visually overbearing impact on the surrounding street scene. Given the dimensions of the proposed works therefore, they would be of a suitable size for the dwelling and would appear proportionate and subservient to the two-storey main house and would not be unduly prominent or incongruous, thereby respecting the character and appearance of the immediate surrounding area and the architectural integrity of the terraced dwellings within the vicinity.
- 7.3.8 With regards to the visual impact of the changes to the boundary treatment on the character and appearance of the immediate surrounding area, the new boundary treatment would be of a height and style like other properties in the wider area and would be of a similar appearance to that which already encloses the application site. The proposed boundary treatment changes are therefore not considered to detrimentally impact the character and visual appearance of the immediate surrounding area.
- 7.3.9 In terms of the finish of the proposed works, the walls of the proposed extensions would be constructed of a buff brick course that matches the main dwelling whilst the wrap around mono-pitched roof would be clad with brown interlocking concrete roof tiles and a white fascia trim that also match the main dwelling. The proposed side element would feature one window measuring 0.8m x 1.1m in its northern elevation to the east of the front door facing across the front curtilage of the application site towards the roadside whilst another two windows

measuring 1.2m x 1.1m would be located in its eastern flank elevation facing the adjacent area of grassed informal open space with the roadside beyond.

- 7.3.10 The proposed rear element meanwhile would feature a triple panel set of bi-fold doors in its rear elevation facing towards the back garden of the application site as well as a full height window measuring 1.1m x 2.1m and a smaller standard window measuring 1.2m x 1.1m. In addition to this, the mono-pitch roof slope of the proposed rear element would feature three evenly spaced out Velux skylights measuring 0.8m x 1m in its roof slope. All of the described fenestration would be finished with white uPVC to match the main dwelling. With construction materials that match those of the main dwelling the proposed single-storey side and rear extension would have an acceptable appearance that does not detract from the character of the dwelling or the immediate surrounding street scene.

7.4 Impact on residential amenity

- 7.4.1 Policies SP8 and GD1 of the Local Plan 2019 require development proposals to have regard to the guidance contained within the Design Guide SPD 2023. Policy GD1 also requires that development does not adversely impact the amenities of neighbouring occupiers. Appendix C of the Design Guide SPD states that the Council will assess proposals for residential extension in terms of their impacts on privacy, outlook, and natural light.
- 7.4.2 Considering firstly the attached property to the west of the application site at No.60 Ferrier Road, whilst the rear element of the proposed extension would be hard up to the fenced shared boundary with this neighbouring property, at only 2.15m in depth with a maximum height of 3.5m and the eaves set at 2.6m, this element of the proposed works would meet with all of the criterion set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. As a result, had the proposed works included only this element, then it could have been constructed under permitted development.
- 7.4.3 In addition to the above, the existing rear conservatory at 2.15m in depth and 2.75m in height with the eaves set at 2.4m is identical in depth and only 0.75m smaller than the rear element of the proposed works. These factors in addition to the fact that this neighbouring property also has a relatively deep back garden of its own means that the residents of this property would still maintain a good outlook from their rear habitable windows.
- 7.4.4 In terms of loss of light from the closest rear habitable windows of No.60, the closest window to the shared boundary with the application site is in fact a windowed door which serves a living room. Whilst the proposal fails the 45-degree test on both the proposed plans and elevations from this windowed door it is not the only light source into the rear living room of No.60. This is because there is a larger set of windows situated further along No.60's rear elevation which also serve the living room. As a result, it can be argued that the proposed rear extension would not have a detrimental impact on the amount of daylight and sunlight entering into the rear habitable room of this neighbouring property. Moreover, the applicant could construct a single-storey rear extension at 3m in depth under permitted development which would have a greater impact than that which is proposed. In addition to this, the proposal merely replaces the existing conservatory which currently has a limited level of impact to the neighbouring property with respect to daylight.
- 7.4.5 Turning to the proposed side element of the extension works, due to being attached to the far side of the proposed rear element and the eastern flank wall of the main dwelling whilst also being set back approximately 0.3m from the rest of the main dwelling's front elevation, it would not be visible to the residents of No. 60. Therefore, this part of the proposal would not have any impact on No. 60 in terms of loss of outlook, sunlight, daylight and overshadowing.

- 7.4.6 In terms of the impact upon the privacy of the closest neighbouring property at No.60 Ferrier Road, the proposed single-storey rear element of the proposal would be windowless on its flank elevation and constructed from brick whilst the triple-panel bi-fold doors and two windows in the rear elements main elevation would face towards the rear garden of the application site. As a result, this property would not suffer from any loss of privacy as result of the proposed works.
- 7.4.7 With regards to the impact of the proposed single-storey side and rear extension on the remaining properties in the neighbourhood, the only other neighbouring properties that would have any view of the proposed works would be the properties running along Ferrier Way to the east at No.64, No.66, No.68, No.70 and No.72, No.74 and No.76 who would all be able to see an upper portion of the proposed works from above the eastern boundary fence line of the application site. Whilst the proposed works would result in the application property moving approximately 2.2m closer to this row of properties, they would still all retain a separation distance of at least 15m from the application property which is more than sufficient to ensure that the proposed works would not have any detrimental impact on any of these properties in terms of loss of outlook, daylight, sunlight or overshadowing.
- 7.4.8 Whilst the side element of the proposed extension would feature two windows in its flank facing towards this row of properties, the 2m high wooden fencing along the eastern boundary of the application site would screen much of these windows from view and prevent any detrimental impact occurring to any of these neighbouring properties by way of overlooking or loss of privacy.

7.5 Car Parking and highway implications

- 7.5.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.
- 7.5.2 The proposal would not result in an increase to the number of bedrooms within the property, therefore there is no requisite requirement for additional off-street parking to be provided on the application site. The proposal is therefore considered acceptable in this regard.
- 7.5.3 With regards to highway safety, the proposal has been designed to ensure that it does not impact on the visibility splays of the junction which remain open and free of encumbrances. HCC Highways meanwhile in their consultation response to the proposal did not raise any highway safety concerns, with the affected section of road located in a 30mph zone towards the end of a cul-de-sac. As a result, they did not wish to restrict the granting of permission but did recommend the inclusion of two advisory notes to ensure that any works carried out within the highway were done in accordance with the provisions of the Highway Act 1980.

7.6 Impact on trees and landscaping

- 7.6.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In this instance however there are no trees located on the plot of amenity land subject to the change of use application.
- 7.6.2 The only vegetation that would be impacted by the proposed change of use application would be the hedgerow running along the existing fence line at the rear of the application site. The cutting back or removal of some of this vegetation would be acceptable as it is privately owned and not protected in any way and there is plenty of other soft landscaping in the area. With respect to trees, the land which is subject to this application does not comprise of any trees which would be affected by the proposal. The nearest trees all fall outside of the application site boundary.

7.7 Equality, Diversity and Human Rights

- 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.
- 7.7.3 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.
- 7.7.4 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.
- 7.7.5 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

8. CONCLUSIONS

- 8.1 In conclusion, taking all the aforementioned into account, it is considered that the proposal due to its siting, design and scale would not cause harm to the character and appearance of the dwelling or the wider street scene. Furthermore, the proposal would not harm the amenities of neighbouring residential properties. The change of use of the land from public amenity land to residential use meanwhile would not harm the character and appearance of the area and the loss of the open space has been demonstrated to be acceptable. There are no trees that would be lost or negatively impacted by the proposal whilst only a very small amount of soft landscaping would need to be removed. The proposed single-storey side and rear extension should therefore be granted planning permission.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the conditions below with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. The suggested conditions are as follows:-
1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1456_YPUK_P001; 1456_YPUK_P002_P2; 1456_YPUK_P003; 1456_YPUK_P004; 1456_YPUK_P005_P2; 1456_YPUK_P006_P2.
REASON:- For the avoidance of doubt and in the interests of proper planning

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. The materials to be used in the construction of the external surfaces of the works hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance
4. The area of land shown in blue on the approved ' Site Location Plan' located to the east of the curtilage of No.62 Ferrier Road, shall be enclosed with timber fencing no higher than 2m high, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- In the interests of highway safety and to protect the visual amenity of the area.

Pro-active Statement

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.

INFORMATIVES

Community Infrastructure Levy

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

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

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

Public Information on Planning Applications

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

Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

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

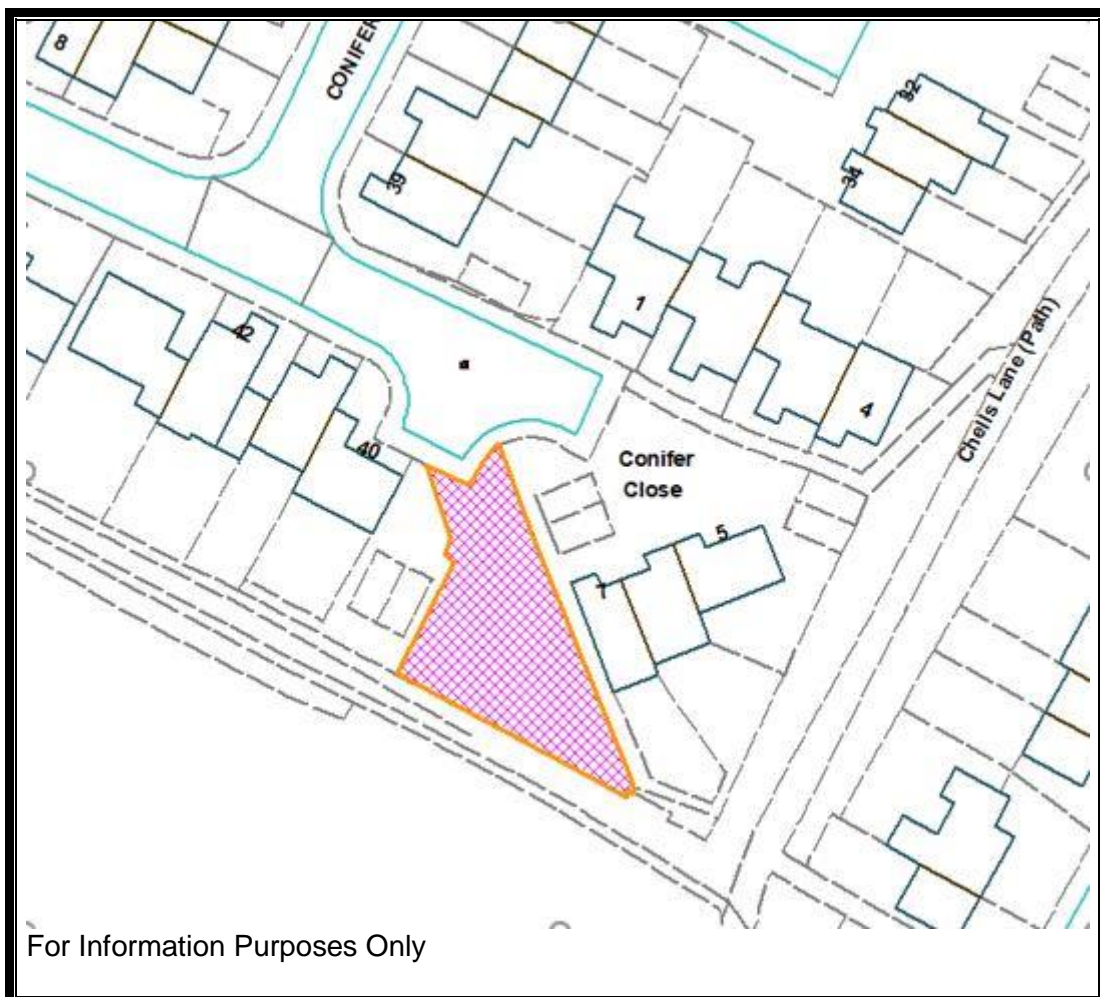
10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted March 2023, Parking Provision Supplementary Planning Document October 2020.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework (2021) and Planning Policy Guidance.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	25 May 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	22/00674/FP
Location :	Land Between 40 Conifer Walk and 7 Conifer Close
Proposal :	Proposed 3 bedroom detached dwelling and alterations to existing parking area
Drawing Nos.:	L1200/11-B; L1200/12-B; L1200/01; L1200/02; L1200/13; L1200/14; L1200/21; L1200/LP;
Applicant :	Sajjad Fozi and Amir Hossein
Date Valid:	22 July 2022
Recommendation :	GRANT PLANNING PERMISSION



For Information Purposes Only

1. SITE DESCRIPTION

- 1.1. The application site is a small area of amenity grassland and a tarmacked hardstand area for 3 vehicles which lies at the eastern end of Conifer Walk, between No.40 Conifer Walk and No.7 Conifer Close. To the rear of the site is Lanterns Lane which intersects with Chells Lane just to the south-east of the site and the woodland known as Lanterns Wood lies beyond.

2. RELEVANT PLANNING HISTORY

- 2.1 81/3/0500/81 – Residential development.
- 2.2 2/0146/87 – Residential development of 131 dwellings, garages, estate roads and private drives in Chells Manor “Fairlands” and “Greenlands”.
- 2.3 There are also applications for similar development proposals within Stevenage which are particularly relevant to this current application which are detailed below.
- 2.4 An Enforcement Notice was served on the owner of the site of land at Watercress Close, Coopers Close and Walnut Tree Close for the unauthorised erection of 2m high hoarding, enclosing the open space between all three connecting roads (ref: 20/00102/ENFAPL). The notice was appealed to the Planning Inspectorate, and the appeal dismissed as the Inspector found the hoarding to be permitted development, and the land private and thus able to be closed off.
- 2.5 21/00057/FP - Land at Watercress Close, Coopers Close and Walnut Tree Close. Erection of two detached dwelling houses including new site access from Watercress Close and 560sqm of publicly accessible open space to the south of the site. Permission was refused by the Planning & Development Committee on 9 December 2021 and subsequently allowed on appeal under reference number APP/K1935/W/22/3298826. The Inspector noted that as the land was privately owned and had been enclosed (see 2.2 above), there was nothing to compel the owners to return the land to public use.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of 1no. three bedroom detached dwelling with associated parking spaces and visitor space. The dwelling would be approximately 8.3m wide, approximately 6.9m deep on the eastern side and approximately 5.6m deep on the western side, approximately 5m high to the eaves at the front and approximately 5.5m high to the eaves at the rear and approximately 7.1m high to the ridge.
- 3.2 The application would result in the loss of two of the three visitor parking spaces and access to the site would be via the area currently used as visitor spaces.
- 3.3 The application comes in before the Planning and Development Committee as it has been called-in by Councillor McGuinness. The Councillor called in this application in terms of impact on neighbouring properties, impact on the character and appearance of the area, residential amenity, car parking and highway issues and the loss of the open space.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of a site notices, public representations have been received from the following:
 - Conifer Walk: 9; 39; 40; 41; 42; 45; 48; 50; 68;
 - Conifer Close: 1; 2; 3; 4; 5; 6; 7;

- Knights Templars Green: 22

4.2 A summary of the comments received are set out as follows:

- The construction will create unacceptable high risk to local residents;
- Roads are heavily congested and more housing and construction vehicles will compound this issue;
- Already a sufficient amount of housing being built the other side of Gresley Way;
- Children use this area to play;
- Nowhere for construction vehicles to park;
- Loss of visitor spaces will result in cars being pushed further out and onto The White Way;
- Accident waiting to happen with construction traffic in an already congested street;
- Emergency vehicles and refuse vehicles already cannot get through the street due to congestion;
- New dwelling/construction will be 2m from side of house and disruption from noise, movement and dust will be unacceptable;
- Will be overbearing and intrusive on surrounding properties;
- We sold land to developer and the boundary fence is supposed to be 1.8m high along its entire length and not 0.9m and 1.5m as shown on the plans;
- This land is well used by children and adults alike, especially since COVID and is important for our mental well-being;
- Plans show they will be using my private driveway for access;
- SBC used to maintain the site but due to vehicles parked in the visitor spaces they couldn't get access so stopped and local residents took over maintenance for the last 10 years;
- Access to the proposed parking spaces appears insufficient if cars are parked in the visitor spaces and on the driveways of the garages;
- Where will construction vehicles park? At no time at all can they block access to Conifer Close;
- Have service providers (gas, water, electric) been made aware of the proposal?
- We can do without a feature tree on site that will go unmaintained and cause issues to foundations etc from roots;
- There are no benefits to the street by building this dwelling;
- Whilst the existing arrangement is for 3 vehicles, with agreed tandem parking between neighbours, we can get 5 cars parked here so the loss of the parking is more unacceptable than it would appear;
- Concerned about health and safety of residents during construction;
- Loss of this green space will cut off social interactions and force people to stay isolated in their homes;
- I am 100% sure that the original developer wanted this green space to stay as green space forever otherwise they would have developed it themselves;
- Sight of the trees in the adjacent woodland will be lost;
- The property contravenes the 25-degree and 45-degree lines and will block light to Nos. 6 & 7 Conifer Close;
- The feature tree will further exacerbate loss of light to existing properties. Under the Right to Light Act new trees cannot be planted to obstruct existing windows that have had light for 20 years or more;
- There will be lots of strangers coming and going from the site which we won't be able to track should anything happen;
- Will CIL be paid?
- Can contractors guarantee/reassure residents that construction will not impact our foundations?

- Can we have details of the boiler flue? Flue emissions can be dangerous so we would like exact details of its location to ensure the contractor is adhering to Building Regulations;
- Can we have details of the block paving and any other areas of hard surface to ensure there is no flood risk;
- No case has been made to justify one dwelling given the largescale development nearby and that there are many SBC properties left empty so there cannot be a viable demand for housing case. With No.34 being empty for at least 7 years why do we need a new dwelling in the road?
- I am very sad and angry that a house will be built on our green space which is home for a lot of wildlife and safe place for us children to play;
- No details of storm or sewer pipes;
- Site was the original developer's dumping ground when building the estate so could contain all types of contamination, including asbestos;
- There is a TPO protected Oak tree nearby which must not be harmed;
- No details of the heating system to be used in the house; this needs to be checked to ensure the developer is abiding by climate change adaptations;
- What is being done to mitigate the loss of the green space?
- The Human Rights Act provides a right to peaceful enjoyment of our homes which will be jeopardised by the construction of the dwelling;
- With no known timescales for construction then SBC do not know how long we will be subjected to harmful impacts;
- No construction management plan submitted;
- Do not believe the plans are accurate and the floor area does not meet minimum standards and the red line is wrong;
- Existing manhole appears to be outside of the red line plan and is outside of the red line plans for Conifer Close properties so who will maintain it?
- Can the applicant please provide all the information required by HCC Highways in AN3 and AN4 of their comments on 24/02/2023;
- Can the applicant provide all the background data used in their Transport Dynamics report as 2 days' worth of data is not enough to make a proper assessment and the report should be withdrawn.

4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

- 5.1.1 03.08.2022: Objection - no pedestrian access to the site and lack of information on the existing parking spaces.
- 5.1.2 24.02.2023: Approve - Drawing No 1200/11 Rev B demonstrates there is now a suitable access for pedestrians as shown by the purple hatched area. The Highway Authority note the parking spaces meet the requirements of Manual for Streets 8.3.58, which states 'The recommended dimensions of off-street parking bays are that they are laid out as a rectangle at least 4.8 m long by 2.4 m wide for the vehicle'. In respect of the Technical Note February 2023 section: Review of Existing Off-Street Parking Facilities. The Highway Authority recognise that SBC are the parking authority therefore, parking must be measured against SBC's SPD adopted 2020, Section Residential Parking Standards. Subject to the informatives, this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission.

5.2 SBC Arboricultural and Conservation Manager

5.2.1 15.12.2022: Objection - building a dwelling in such close proximity to a mature lane/hedgerow and the woodland behind it, is not advisable. I foresee a great deal of inconvenience caused by the maturing trees in the lane and woodland. I also foresee future pressure onto the council to trim the hedgerow and the woodland due to the proximity to the proposed dwelling.

5.2.2 01.03.2023: Approve - I revisited the site today in light of the applicants' latest comments and can confirm that I am minded to accept that, due to the direction the proposed dwelling would be facing, the light obstruction and overhanging of the woodland would not be as excessive as I first thought. I would suggest however that a condition is added for the applicant to arrange for the nearest Hazel tree in the lane be coppiced before the commencement of the building works, in order to prevent direct encroachment.

5.3 Thames Water

5.3.1 No objection, wish to impose ground water conditions

5.4 Affinity Water

5.4.1 No comments received

5.5 UK Power Networks

5.5.1 No comments received

5.6 Transco (Gas)

5.6.1 No comments received

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development

plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

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

6.3 Planning Practice Guidance

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 Adopted Local Plan (2019)

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

SP1 - Presumption for Sustainable Development;
SP2 - Sustainable Development in Stevenage;
SP7 - High Quality Homes;
SP8 - Good Design;
SP11 - Climate Change, Flooding and Pollution;
SP12 - Green Infrastructure;

IT5 - Parking and Access;
HO5 - Windfall Sites;
HO9 - House Types and Sizes;
GD1 - High Quality Design;
FP1 - Climate Change;
FP7 - Pollution;
NH5 - Trees and Woodland;
NH6 - General Protection for Open Space;

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy

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

7. APPRAISAL

7.1.1 The main issues for consideration are the acceptability of the proposal in land use policy terms, both as a windfall housing site and loss of amenity space; design and impact on the character and visual amenity of the area; amenity of future occupiers and neighbouring properties; and highways, access and parking provision.

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

7.2 Land Use Policy Considerations

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

7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). The application site is an area of open space and is not allocated for residential development within the Local Plan. As such, the land therefore regarded as a 'windfall site'.

7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.

7.2.4 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and it does not overburden existing infrastructure.

7.2.5 For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition of previously developed land excludes private residential gardens and public open space. The proposed dwelling is located wholly within

the area of open space; consequently, it is considered that the proposal does not constitute development of previously developed, brownfield land. Therefore, the proposal is contrary to criterion (a) of Policy HO5. Consequently, as the proposal is not in accordance with Policy HO5, an assessment must be made as to whether or not the benefits of the development outweigh the loss of the open space and adjacent tarmac area for unallocated visitor parking. In addition, an assessment has to be made as to the impact the development will have on the wider environment.

- 7.2.6 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is approximately 1km (2-minute drive/10-minute walk) to the Chells Manor neighbourhood centre; approximately 2.5km (5-minute drive/15-minute walk) from The Glebe neighbourhood centre; and approximately 2.5km (10-minute drive/30-minute walk) to Sainsbury's on Magpie Crescent. There are two primary schools within 15-minutes' walk and two secondary schools within 30-minutes' walk. A bus route operates along The White Way with the closest stops approximately 5-minutes' walk. As such, the application site is considered to have an acceptable level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a sustainable location.
- 7.2.7 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.8 Further to the above, Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As identified above, the site has good access to local facilities and services and also good access to the public transport network. The site has been demonstrated to be in a sustainable location and as such would comply with criterion (e) of the Policy HO5 of the Local Plan.
- 7.2.9 Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. The site is not located near to any allocated development sites and is therefore acceptable in this regard.
- 7.2.10 Turning to 5-year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.11 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the Local Planning Authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

- 7.2.12 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.
- 7.2.13 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.
- 7.2.14 The Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer). Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged.
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), it identifies that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the Borough. The Design Guide SPD (2023) outlines that housing is an area of weakness across the town. One of the main issues is the lack of an appropriate mix of housing sizes, types and tenures with a high proportion of three-bedroom properties, and a lack of one and two bedroom properties. The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National guidance, and, where appropriate, densities will need to be raised in order to meet these targets for new homes. This will need to be carefully balanced with the need to retain open space provision within the urban area as access to open space was a key original feature of the town.
- 7.2.16 The proposed development seeks to deliver 1no. three bedroom detached dwelling. As such, the proposed development is not strictly in accordance with Policy HO9 as it would not fully seek to deliver alternative housing types to three-bedroom dwellings, although it would provide a detached dwelling. Moreover, paragraph 60 sets out that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Therefore, this proposal will help to support the Governments currently adopted policy objective of delivering more housing.

- 7.2.17 Policy SP2 (Sustainable Developments) states permission will only be granted where proposals can meet a number of criteria. Included in these criteria are the following:
- promote journeys by bus, train, bike and foot and reduce the need to travel;
 - Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
 - Produce places and spaces that enable people to live a healthy lifestyle;
- The proposal meets these criteria as mentioned previously in this report.

7.2.18 Setting aside the impact upon the character and appearance of the area and upon the amenities of neighbouring properties, which are considered elsewhere in this report, the application is considered to be contrary to the NPPF and criterion (a) of Local Plan Policy HO5. Nonetheless, the proposed development would contribute to the aim of boosting housing supply without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide one new dwelling and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal. However, on balance, having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

7.3 Loss of Open Space

- 7.3.1 The open space is an original design principle of the estate and was annotated on the approved plans of the estate in the 1990's as open space. However, the space was never transferred to the Council and the original records held by the Council do not include a Section 52 Agreement (now a S106) to cover maintenance of the land. Until the land was sold at auction, it is believed that the land had been maintained by the Council and local residents. However, following the auction, the site is in private ownership and has not been maintained by any party since.
- 7.3.2 The parking area to the front of the site is included within the red line of the site and was also sold at auction as part of the land package so is also now in private ownership. This parking area was noted on the approved plans of the estate in the 1990's as 3 visitor spaces. As above, this area of land was never transferred to the Borough or County Council's. There were no conditions or other restrictions attached to the original planning permission, nor any Section 52 Agreement under the Town and Country Planning Act 1971 (now Section 106 under the Town and Country Planning Act 1990 (as amended)) that required these spaces to be retained in their built form.
- 7.3.3 Paragraph 119 of the NPPF states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' The Council must consider whether the provision of one housing unit outweighs the harm of the loss of and impact on the open space.
- 7.3.4 Policy NH6 of the Local Plan for the general protection of open space would allow planning permission of any existing, unallocated open space (or part of any open space) where the loss is justified having regard to:-
- The quality and accessibility of the open space;
 - The existence, or otherwise, of any interventions to improve quality or access;
 - Whether the open space is serving its function or purpose; and
 - Whether alternate space(s) would remain available for community use.

Furthermore, reasonable compensatory provision should be made in the form of:

- Replacement provision of a similar type, size and quality;
- The upgrade of other, existing open space; or
- Exceptionally, a commuted sum to secure open space provision elsewhere.

- 7.3.5 The Local Plan expands on the policy by suggesting that there is an inevitability that some spaces will come under pressure from development proposals across the life of the plan. Therefore, it is important to ensure that the most valuable open spaces continue to be protected and open spaces only succumb to development where a positive outcome can be demonstrated.
- 7.3.6 The area of open space is relatively small and enclosed on two sides by dwellings, one side is bounded with high timber fencing with a public footpath and woodland beyond and the frontage, whilst open plan, is bounded by a small tarmac area which is for vehicle parking. The land appears well maintained towards the front of the site but is left more overgrown/wild towards the rear and a small amount of household rubbish was observed piled into a corner adjacent to the garages for Nos.40 and 41. Local residents advise that this area is used as an informal play space by local children, and this was observed by Officers on one site visit.
- 7.3.7 Notwithstanding the above, one of the greatest factors in this case is the ownership of the land. Whilst they have not done so, being in private ownership the owner of the land could restrict access to the site at any time, as did the owners of the land at Watercress Close, Coopers Close and Walnut Tree Close. The Council served an Enforcement Notice (see section 2 of this report) regarding the enclosure of the land which was quashed by the Planning Inspectorate as it was deemed to be Permitted Development. The Inspector also removed any reference of the loss of the access to the open space from the Enforcement Notice.
- 7.3.8 The loss of the open space in respect of Policy NH6 is noted. However, given the land is in private ownership, and the previous appeals on similar applications (which are significant key material considerations), it is considered that a refusal for development, or prevention of the enclosure of the land to restrict public access, could not be upheld on appeal.
- 7.3.9 Being a small area of grassland, which is overgrown with brambles in places and has been used as a depository for household rubbish, it offers only a moderately positive impact on the street scene and wildlife, especially as, when vehicles are parked on the tarmac area, the land is obscured from view from the public domain. Further, given its proximity to parking areas, driveways and the highway, and being open to the front, there are risks of pedestrian-vehicle interactions. There is an alternative area of open space less than 100m to the west and the extensive public parkland at Chells Park is within a 10-minute walk along with significant areas of publicly accessible woodland for walks and nature.
- 7.3.10 In conclusion, given the aforementioned assessment, it is considered that there are sufficient areas of hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against and there are publicly accessible areas of open space for play purposes within acceptable distance. The benefits of providing additional housing are considered to outweigh any harm caused by the loss of this small area of open space, which it must be borne in mind, is in private ownership and is currently only accessible to the public because the owner has not enclosed it.

7.4 Design and Visual Impact on the Character and Appearance of the Area

- 7.4.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should

ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and, appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 7.4.2 Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.
- 7.4.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 7.4.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design
- 7.4.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns’ built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.6 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council’s Design Guide SPD (2009) generally reflects the aforementioned policies whereby it seeks development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.4.7 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.4.8 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;

- landscape;
- materials; and
- their detailing.

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

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

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

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

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

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

7.4.12 The application site is located within the confines of a residential estate, formed of semi-detached and detached dwellings, which are relatively uniform in design and materials with red facing brickwork and tiled dual pitched roofs with some having areas of smooth painted render and horizontal timber cladding either at ground or first floor or in some cases on the entirety of the front elevation. Further to the western end of Conifer Walk there are buff coloured brickwork properties and some examples of mock Tudor timber features to the front elevations. Most properties in the immediate area appear to have attached single garages with a hardstand for one vehicle to the front, giving them 2 spaces.

- 7.4.13 In terms of visual appearance, the application site is located at the far eastern end of Conifer Walk, where it meets with Conifer Close. The highway has a large number of cars parked on it at this end of Conifer Walk and can become congested. Further away from the application site, the highway is less congested. The application site is highly visible in the street scene and in such instances, the design of the dwelling is important so as not to detract from the character and appearance of the area.
- 7.4.14 The proposed dwelling would be lower in height than No.7 Conifer Close which is the closest neighbouring property. No.7 is approximately 9m-9.5m high to the ridge whilst the proposed dwelling is approximately 7.5m high to the ridge (a difference of approximately 2m). Owing to ground level changes, the difference in height, when viewed from the front elevation is approximately 1.3m.
- 7.4.15 The proposed dwelling would be constructed with brickwork, concrete interlocking tiles and uPVC windows and doors to match with the surrounding properties, thereby having an acceptable appearance in the street scene. The property would have a two-storey projection on the front elevation which would have a dual pitched gable front lower than the main ridge height. It is noted that no other property has this form of front projection, however, given the varying degrees of design in this street, it is not considered harmful to the visual amenities of the area to allow a degree of architectural individuality which adds interest to the street scene. The use of matching materials can be secured by way of a condition to ensure a high-quality finish and a good level of visual cohesion.
- 7.4.16 In terms of siting, the front elevation of the proposed dwelling would be in line with Nos.5 to 7 Conifer Close, although being shallower in depth than No.7, the rear elevation would be approximately 2.7m behind the rear elevation of No.7. There would be approximately 2m between the side of the proposed dwelling and the side of No.7, which would be split 1m either side of the boundary, which maintains the 1m access path to the side of No.7 and gives the proposed dwelling a similar access path into their rear garden. The front corner of the proposed dwelling would be approximately 4.3m from the double garage structure belonging to Nos.40 and 41 Conifer Walk. The front of the dwelling would be set back approximately 5m from the back edge of the visitor parking space and approximately 12m from the back edge of the public footpath. In this regard, it is not considered that the dwelling would appear to extend the terrace of Nos.5 to 7.
- 7.4.17 The total plot size within the red line plan is approximately 265sqm whilst the dwelling itself would have a footprint of approximately 51sqm. As such, it is not considered to be an overdevelopment of the plot size.
- 7.4.18 In summary, the proposed development would be acceptable in design, scale and massing and with matching materials to the existing neighbouring properties, it would have an acceptable appearance in the street scene and therefore not harm the visual amenities of the area. Accordingly, the proposal complies with Policies HO5, GD1 and SP8 of the Local Plan (2019), the adopted Design Guide SPD (2023), the National Design Guide (2019), the NPPF (2021) and Planning Practice Guidance.

7.5 Impact on Amenity

Outlook and Amenity

- 7.5.1 The closest neighbouring property is No.7 Conifer Close. The proposed dwelling does not project beyond their front or rear elevations and only has one small obscure glazed window at ground floor on the side elevation which serves a toilet. Given this, as a toilet is a non-habitable room, there is no breach of 45-degree or 25-degree lines for daylight/sunlight. It is noted that a local resident believes the property will breach these lines but given the proposed dwelling will not extend past the front or rear of No.7, this is not possible.

- 7.5.2 In this regard, the proposed dwelling would not have a detrimental impact on this neighbours' outlook nor would it give rise to overlooking or loss of privacy of habitable rooms. In terms of overlooking of their rear garden, being a terraced property, their rear garden is already overlooked, obliquely, by two other properties and so it is not considered that any oblique view from upstairs windows in the proposed dwelling would result in a detrimental worsening of the existing arrangement.
- 7.5.3 In terms of the outlook and amenity of the proposed dwelling, No.7 projects approximately 2.5m beyond the rear of the proposed dwelling which is considered acceptable and unlikely to result in a poor outlook from rear habitable rooms. The depth of the rear garden from the rear elevation ranges from 3m to 12m and therefore the future occupiers would have a satisfactory outlook.
- 7.5.4 No.40 Conifer Walk is approximately 13m from the front of the proposed dwelling. There is no minimum front to side separation in the Design Guide SPD (2023), however, 13m is considered an acceptable distance such that future occupiers of the proposed dwelling would maintain a satisfactory outlook from their front windows. No.40 has no windows in their side elevation so no loss of privacy would occur in this regard.

Private Amenity Space

- 7.5.5 The Design Guide SPD (2023) requires all new dwellings to have a private amenity space of at least 50sqm and a depth of at least 10m. The submitted plans show that the dwelling would have an amenity space of at least 91sqm and the depth off the rear elevation of the dwelling ranges between 3m and 12m which is considered acceptable.
- 7.5.6 Comments from local residents regarding the unsuitability of the private amenity space for family usage are noted. However, the topography of this development site is not so different from other neighbouring properties in the immediate area which would also have a sloped rear garden. The submitted topographical survey shows that on the eastern side of the plot, the garden closest to the house is at 108.725mASL (metres above sea level) whereas the furthest part of the garden would be 107.26mASL. A fall of approximately 1.5m over a 12m distance is not considered unacceptable. On the western side of the plot, the ground levels fall from 108.835mASL to 107.84mASL; this results in a fall of approximately 1m over a distance of 2m. Again, this is considered acceptable.

Living Space Standards

- 7.5.7 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards (NDSS). Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.
- 7.5.8 The submitted plans show that the property would have 3 bedrooms for 4 people. The NDSS requires an internal floor area of 84sqm for this type of property and the plans show that it would provide 84.8sqm which exceeds this requirement and is therefore acceptable.
- 7.5.9 Furthermore, the National Government document 'Technical housing standards – nationally described space standards' 2015, advises a single bedroom to be a minimum of 7.5sqm and a double should be at least 11.5sqm. The double bedroom is 11.9sqm and the singles are 9.3sqm and 9.6sqm. As such, all bedrooms are acceptable in size.
- 7.5.10 Comments from local residents about the floorspaces on the plans being inaccurate are noted, however, Officers have measured the plans and calculated both the overall floor area and the bedroom sizes to be the same as stated on the plans.

- 7.5.11 In summary, the proposed development would be unlikely to cause undue harm to the amenities of the neighbouring properties. The proposed development would have sufficient private amenity space and gross internal floorspace which ensures the amenities of future occupiers would be acceptable and therefore the proposed development would comply with Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2021) and Planning Practice Guidance.

7.6 Impact on the Environment

- 7.6.1 The application site is an area of open grassland and prior to the original development in the 1990's, the site was part of open fields. Therefore, there would be very low risk of contamination. However, it is noted from comments from local residents that they believe the site was used as a waste disposal area by the developers and could contain contamination from the likes of asbestos. This can be dealt with via the imposition of a condition as detailed in point 7.6.2 below.

- 7.6.2 Following consultation with the Council's Environmental Health section, they have raised no concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy to be submitted for approval in the event that contamination is identified during the construction phase of development.

Groundwater

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

Air Quality

- 7.6.4 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).

- 7.6.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.

- 7.6.6 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO2 emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

- 7.6.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.

- 7.6.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can

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

- 7.6.9 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Borough Council's Environmental Health department.

Light Pollution

- 7.6.10 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:

- a) the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
- b) health and safety of the public; and
- c) The compliance with statutory environmental quality standards.

- 7.6.11 Turning to the operational side of the development, the dwelling would be set back from the main highways and therefore any external lighting is not considered to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties.

- 7.6.12 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

7.7 Trees and Landscaping

- 7.7.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.

- 7.7.2 To the south of the site runs Lanterns Lane which has a Group Tree Preservation Order (TPO 37) on it and beyond this is a woodland area. This woodland is not protected by a TPO and is within the ownership of Stevenage Borough Council.

- 7.7.3 The Council's Arboricultural Manager initially raised concerns about possible impacts between the proposed dwelling and the woodland/Lanterns Lane. However, upon further assessment of the site and plans, he concluded that the proposed dwelling would be orientated such that it would not be directly facing the woodland and as such the possible light obstruction and overhanging of the woodland trees into the garden that he was initially concerned about, would not be as excessive as he first believed and, with suitable works undertaken to one Hazel tree which is closest to the application site, he removed his objections. This work would be required prior to commencement of development and can be secured via a suitably worded condition.

- 7.7.4 There are no trees or hedgerows within the application site as existing and so there would be no loss of such as a result of the proposed works. As covered in points 7.3.9 and 7.3.10 above, the site is a small area of grassland, containing brambles and being overgrown to such an extent as to be unusable at the rear, and which has been observed by Officers to be well maintained by local residents to the front of the site, i.e. grass cut very short to allow children to play. In this regard, it is not considered that the site would be a substantial offering in terms of wildlife, and, given the adjacent Lanterns Lane and woodland, there are higher quality wildlife offerings outside of the application site; therefore, it is considered that there are sufficient areas of hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against.

7.7.5 The originally submitted block plan showed a new “feature tree” (species to have been determined at a later date) within the front curtilage behind the visitor parking space. Following a number of objections from local residents about this inclusion, the agent opted to remove this tree from the amended plans. As such, all concerns raised about obstruction of light and damage to foundations are considered to have been addressed and are no longer pertinent to the determination of this application.

7.8 Parking Provision and Highways Implications

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

7.8.2 The Parking Provision SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. As a three-bedroom property, the development would be required to provide 2 spaces. The submitted plans shows that the proposed development would have 2 spaces in the front curtilage of adequate size.

7.8.3 The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. The submitted plans show that the new dwelling and the visitor space will both be served by active charging points. This can be secured with a suitably worded condition.

7.8.4 Local residents have raised concerns regarding the loss of 2 of the 3 visitor spaces on the tarmac area of the application site. However, as noted previously in this report, the tarmac area was included in the auction sale and is now within private ownership. Whilst it is noted that the original development plans indicate this area to be allocated as 3 visitor spaces, this area was never transferred in ownership to either Stevenage Borough Council or Herts County Council. Further, there were no conditions or other restrictions attached to the original planning application and no legal agreement in place which required these spaces to be retained in their originally built form. In this regard, the Council has no legal powers available to it to prevent the loss of these spaces at any time, for any reason, by the current private owner.

7.8.5 Policy IT5 of the Local Plan states that planning permission for development proposals which result in the loss of off-street parking spaces (excluding public car parks) or formally defined on-street bays will be granted where:

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

However, it should be noted that the tarmac area for visitor spaces is privately owned and not a formal, publicly owned or maintained parking area.. Given there are no conditions or legal agreements that could prevent these visitor spaces from being lost at any point, and that the land is privately owned, the Council does not have sufficient grounds to require a like for like replacement under Policy IT5, nor are there sufficient grounds to warrant a refusal on this basis which could be successfully defended at appeal.

7.8.6 Notwithstanding this, the applicant has agreed to make part of the application site available as 1 visitor space. It is considered acceptable to impose a condition on any planning permission granted that this visitor space is made available at all times to visitors and is not to be used by the occupiers of the proposed dwelling as additional parking.

- 7.8.7 Further, the amended block plan, L1200/11-B, shows that this publicly available space will have a publicly available, pay to use, electric vehicle charging point which is considered to be a public benefit to the scheme.
- 7.8.8 Concerns were also raised by Herts County Council as Highways Authority and local residents with regards to the access to the site, shown as crossing over the hardstand of the double garage structure for Nos.40 and 41. The Highways Authority also expressed concerns over pedestrian access to the site. Concerns were also raised by local residents with regards to the red line plans including areas of hardstand to the front of the garages.
- 7.8.9 However, the applicant provided Officers sight of the Land Registry plans for the application site, as well as Nos.40 and 41, which clearly show that the red line plan accompanying the application is accurate and therefore the owners of Nos.40 and 41 do not in fact own all of the hardstand to the front of their garages, and indeed, never have done since the properties were constructed in the 1990s.
- 7.8.10 The developer's deeds require that they always maintain a right of way for Nos.40 and 41 to access their garages and vice versa. It should be noted that this is a civil matter and not something the Council can advise on, nor can conditions be imposed to ensure this occurs. Any obstructions by any party to another party would be a private matter. So whilst concerns from residents are noted regarding potential obstructions, the site layout is an historical set-up and potential obstructions between the garages and the existing visitor spaces has always been a possibility.
- 7.8.11 It is noted that the amended block plan shows the boundary fence between the site and the garage of No.41 to be 1.8m high along the side of the garage and behind it whilst lowering to 0.9m to the front of the garage. The owner of this garage has written to advise that this fence should be 1.8m high for its full length as per the sale of the land. However, a fence height of 1.8m high to the front of the garage would impede driver visibility when entering/exiting the application site and the hardstand to the garages. Therefore, the lower height of 0.9m to the front of the garage is considered acceptable in this instance to ensure the safety of users of the highway.
- 7.8.12 Amended plans were submitted which address the Highway Authority's concerns over pedestrian access and they removed their objection in this regard. Further, they also confirmed that the parking spaces were adequately sized and the vehicle-vehicle and vehicle-pedestrian inter visibility accords with the principles in Manual for Streets, section 7.8.3 (2007).
- 7.8.13 Having fully assessed the application and the additional data provided by the applicant's transport advisor, the Highways Authority are satisfied that the development will not result in detrimental harm to the safety and efficiency of the local highway network. They have requested the imposition of a condition to require the submission of a Construction Management Plan prior to commencement of development. Concerns from residents regarding the accuracy of the submitted data area noted, however HCC Highways do not share these concerns and have considered the submitted data to be acceptable.
- 7.8.14 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). This recently adopted SPD requires three bed dwellings to provide 3 cycle parking spaces. The submitted plans indicate that there is a cycle storage shed within the curtilage which would be acceptable in this regard.
- 7.8.15 Whilst comments from local residents regarding highway safety and on-street parking is noted, the Highways Authority are satisfied that the development would not cause harm to highway safety and the Local Planning Authority has no reason to go against the advice of the Highway Authority in this regard.

7.8.16 The Highways Authority have requested that a condition is imposed should permission be granted that requires the submission of a Construction Management Plan (CMP) prior to commencement of development. The CMP will require full details of the construction vehicle numbers, parking arrangements, traffic management and storage compounds amongst other things, to be submitted and approved by HCC Highways before the development can commence. In this regard, suitable mitigations can be put in place to minimise impacts on local residents. Failure to comply with the requirements of the CMP can be dealt with through the Council's enforcement powers where necessary.

7.8.17 it is noted that a local resident requested full details of the CMP and a number of the informatics that HCC Highways requested to be imposed. However, these details are not required to be submitted prior to the granting of permission and have not therefore been prepared at this stage.

7.9 Other Matters

Waste and Recycling

7.9.1 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x 600 x 800
60ltr Bag (Black)	Recyclables -Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables -Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

7.9.2 The submitted plans indicate that the front curtilage can accommodate the required vessels without hindering the car parking provision. The Highways Authority are satisfied with the location of the storage area.

Climate Change

7.9.3 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-

- reducing energy demand;
- using passive environmental systems, e.g. natural ventilation;
- daylighting and passive solar gains;
- using high levels of insulation and air tightness in the fabric of the building;
- specifying energy efficient services, controls and appliances;
- implementing water recycling and the provision of water butts;
- using renewable energy;

- using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
- using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.

7.9.4 No details have been submitted so it is considered appropriate to impose a condition to request the details prior to work progressing beyond slab level.

Community Infrastructure Levy

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

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

7.9.6 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

7.9.7 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

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

Equality, Diversity and Human Rights

7.9.9 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.

7.9.10 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.

- 7.9.11 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.
- 7.9.12 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.
- 7.9.13 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use and the dwelling has been assessed to not result in harm to neighbouring properties through overlooking or loss of privacy. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.
- 7.9.14 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

7.10 Other Matters Raised in Representations

- 7.10.1 Service providers (gas, water and electricity) were all consulted on the planning application. only Thames Water responded to the consultation. Should issues arise during construction with regards to underground services then the developer will need to make contact with the relevant provider.
- 7.10.2 Concerns regarding health and safety of residents during construction are noted but are not covered by the Planning legislation as it would be for the Health and Safety Executive, police or HCC Highways to deal with construction practices or highway obstructions.
- 7.10.3 The Right to Light Act is not a planning consideration as it is a separate piece of legislation which falls outside of planning law. As such, it would be a civil matter to resolve between affected parties. Notwithstanding this, the feature tree has been removed from the plans which was the reason for this being raised as a concern.
- 7.10.4 Concerns regarding foundations, drainage, construction of the dwelling and boiler emissions are noted but they are not material planning considerations and are dealt with by Building Control under the Building Regulations.
- 7.10.5 The application is put forward by a private developer and not Stevenage Borough Council. Further, the development under construction off Gresley Way is within the jurisdiction of East Herts District Council. As such, the provision of large-scale housing developments by either Council are not relevant to the determination of this application. Each application is determined on its individual merits and the Council's own housing stock/empty properties is not a material consideration in this application.

8. CONCLUSIONS

- 8.1 In summary, it has been established that the proposed dwelling fails to accord with criterion (a) of Policy HO5 as it would be located on land which does not meet the definition of previously developed land as stated within the NPPF (2021) nor is it considered to be a small underused urban site.
- 8.2 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.3 The development would provide one additional dwelling, making a limited contribution to the aim of boosting housing supply, which in this instance, would not be through the redevelopment of a sustainable brownfield site. This is a limited public benefit to the proposal given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal.
- 8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts limited weight in favour of the proposal.
- 8.5 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and is acceptable in this regard; this carries moderate weight in favour of the proposal.
- 8.7 The development has been assessed to be acceptable in terms of private amenity space in accordance with the adopted Design Guide (2023) and Policy GD1 of the Local Plan (2019). This carries moderate weight in favour of the development.
- 8.8 Taking the aforementioned into account, whilst the proposed development would not be strictly in accordance with Policies HO5(a) and NH6, it has been demonstrated that there would be public benefits arising from the development in the form of economic contributions from construction and future occupiers. The proposal has been demonstrated to not harm the character and appearance of the area nor the amenities of neighbouring properties, and so it has been identified in the overall planning balance, that the overall benefits of the scheme outweigh any policy conflicts identified. Therefore, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued,

where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
L1200/11-B; L1200/12-B; L1200/01; L1200/02; L1200/13; L1200/14; L1200/21; L1200/LP;
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 above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.
REASON:- To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 5 No demolition or construction work which is audible at the site boundary relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 6 Prior to the first occupation of the dwelling hereby permitted the parking provision as shown on approved plan L1200/11-B, shall be constructed, hardsurfaced and made ready for use. Any new areas of hardstanding created, or existing areas which are replaced, shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 7 The visitor parking space shown on approved plan L1200/11-B shall be made available for visitors only and shall not be used as additional parking by the occupiers of the dwelling hereby approved.
REASON:- To ensure that adequate parking facilities are available to visitors in the interest of highway safety.

- 8 Prior to the occupation of the dwellinghouse hereby permitted, the parking spaces shown on approved plan L1200/11/B shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development
- 9 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 10 Prior to the first occupation of the dwelling hereby permitted, the cycle storage as detailed on plan L1200/11-B shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
REASON:- To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 11 Prior to the first occupation of the dwelling hereby permitted, the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified on plan number L1200/11/B.
REASON:- To ensure the general waste and recycle store is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.
- 12 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 13 Any trees or plants comprised within the approved plans which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 14 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
REASON:- Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).
- 15 Prior to the commencement of development, the hazel tree in the adjacent woodland shall be coppiced to the satisfaction of the Local Planning Authority upon submission of an application for works to a tree protected by a Tree Preservation Order.
REASON:- To ensure the development does not have an adverse impact on the adjacent woodland area.

- 16 Prior to the first occupation of the dwelling hereby approved, the boundary treatments as shown on approved plan L1200/11/B shall be erected and completed.
REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 17 No development shall take place (including demolition and site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter, the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:
- 1) Construction vehicle numbers, type, routing;
 - 2) Access arrangements to the site;
 - 3) Traffic management requirements;
 - 4) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
 - 5) Siting and details of wheel washing facilities;
 - 6) Cleaning of site entrances, site tracks and the adjacent public highway;
 - 7) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - 8) Provision of sufficient on-site parking prior to commencement of construction activities;
 - 9) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - 10) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
 - 11) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays only (These times relate to works which are audible at the boundary)
 - 12) hours of construction operations including times of deliveries and removal of waste;
- REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way.
- 18 Notwithstanding the provisions of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions or loft conversions including dormer windows / roof extensions shall be constructed on the dwelling hereby approved unless permission is granted on an application made to the Local Planning Authority.
REASON:- To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the locality.

For the Following Reason(s):-

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

INFORMATIVES

1 **Public Information on Planning Applications**

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

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in their acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction
- Work relating to fire safety
- Work affecting access and facilities for disabled people
- Completion

Please phone Hertfordshire Building Control on 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

- 4 **Party Wall etc. Act 1996**
Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>
- 5 **Hertfordshire County Council as Highways Authority**
Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 6 **Hertfordshire County Council as Highways Authority**
Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 7 **Hertfordshire County Council as Highways Authority**
Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 8 **Hertfordshire County Council as Highways Authority**
Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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. We would 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020 and Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance.

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Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

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

1. Application No : 22/00440/FPH
Date Received : 11.05.22
Location : Coreys Cottage, Coreys Mill Tates Way Stevenage Herts
Proposal : Two storey rear and side extension and replacement garage
Date of Decision : 27.03.23
Decision : **Planning Permission is GRANTED**

2. Application No : 22/00441/LB
Date Received : 11.05.22
Location : Coreys Cottage, Coreys Mill Tates Way Stevenage Herts
Proposal : Two storey rear and side extension and replacement garage.
Date of Decision : 27.03.23
Decision : **Listed Building Consent is GRANTED**

3. Application No : 22/00841/COND
Date Received : 16.09.22
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 14 (Construction Management Plan - Temporary Access) attached to planning permission 17/00862/OPM
Date of Decision : 31.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
4. Application No : 22/01099/COND
Date Received : 14.12.22
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of conditions 7 (Method Statement Ecology) and 8 (Construction Environmental Management) attached to planning permission 17/00862/OPM
Date of Decision : 31.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
5. Application No : 22/01103/FPH
Date Received : 19.12.22
Location : 35 Walnut Tree Close Stevenage Herts SG2 9RS
Proposal : Single storey rear extension
Date of Decision : 11.04.23
Decision : **Planning Permission is GRANTED**
6. Application No : 23/00015/FPH
Date Received : 08.01.23
Location : 6 Medalls Path Stevenage Herts SG2 9DX
Proposal : Proposed front extension
Date of Decision : 29.03.23
Decision : **Planning Permission is GRANTED**

7. Application No : 23/00017/FPH
Date Received : 09.01.23
Location : 109 Hertford Road Stevenage Herts SG2 8SH
Proposal : Erection of boundary wall and fence
Date of Decision : 17.04.23
Decision : **Planning Permission is GRANTED**
8. Application No : 23/00025/FPH
Date Received : 11.01.23
Location : 1 Keats Close Stevenage Herts SG2 0JD
Proposal : Single storey rear extension and repositioned garden wall to widen existing parking bay.
Date of Decision : 22.03.23
Decision : **Planning Permission is GRANTED**
9. Application No : 23/00036/FPH
Date Received : 16.01.23
Location : 71 Oaks Cross Stevenage Herts SG2 8LR
Proposal : Single storey front extension
Date of Decision : 28.03.23
Decision : **Planning Permission is GRANTED**
10. Application No : 23/00070/COND
Date Received : 23.01.23
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 9 (Biodiversity Monitoring Strategy) attached to planning permission reference number 17/00862/OPM
Date of Decision : 11.04.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

11. Application No : 23/00092/FPH
Date Received : 28.01.23
Location : 2 Oakdell Stevenage Herts SG2 8BZ
Proposal : Proposed garage conversion
Date of Decision : 21.04.23
Decision : **Planning Permission is REFUSED**

For the following reason(s);

Planning Permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.

The proposed development, if approved, would result in inadequate car parking provision to serve the property in line with the Council's adopted parking standards. The loss of the existing garage is therefore 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 Car Parking Standards SPD (2020), the National Planning Policy Framework (2021) and Planning Practice Guidance.

12. Application No : 23/00093/CLPD
Date Received : 30.01.23
Location : 56 Park View Stevenage Herts SG2 8PS
Proposal : Lawful Development Certificate (Proposed) for a single storey rear extension and associated raising of roof to existing single-storey side wing
Date of Decision : 21.03.23
Decision : **Certificate of Lawfulness is APPROVED**

13. Application No : 23/00096/FPH
Date Received : 30.01.23
Location : 2 Mildmay Road Stevenage Herts SG1 5TW
Proposal : Proposed part single-storey, part two-storey front extension and retention of existing boundary wall.
Date of Decision : 24.03.23
Decision : **Planning Permission is GRANTED**
14. Application No : 23/00098/FPH
Date Received : 30.01.23
Location : 20 East Close Stevenage Herts SG1 1PP
Proposal : Single storey side and rear extension and first floor side extension
Date of Decision : 17.04.23
Decision : **Planning Permission is GRANTED**
15. Application No : 23/00105/FPH
Date Received : 31.01.23
Location : 4 Ruckles Close Stevenage Herts SG1 1PE
Proposal : Variation to condition 1 (approved plans) attached to planning permission 22/00969/FPH to increase size of single-storey front extension
Date of Decision : 11.04.23
Decision : **Planning Permission is GRANTED**
16. Application No : 23/00108/FPH
Date Received : 01.02.23
Location : 1 And 2 Langmoor Cottages Symonds Green Road Stevenage Herts
Proposal : Demolition of existing detached garages and single-storey front extension, two-storey side extensions and single-storey rear extension at 1 and 2 Langmoor Cottages.
Date of Decision : 28.04.23
Decision : **Planning Permission is GRANTED**

17. Application No : 23/00028/FP
Date Received : 03.02.23
Location : Woolenwick Junior School Bridge Road Stevenage Herts
Proposal : Multi Use Games Area (MUGA) enclosed by a 3m high metal fence and associated gate
Date of Decision : 03.04.23
Decision : **Planning Permission is GRANTED**
18. Application No : 23/00111/TPTPO
Date Received : 03.02.23
Location : 191 Fairview Road Stevenage Herts SG1 2NA
Proposal : Lateral growth, shortened back to suitable growth points to 1no. TPO Pin Oak Tree (T3 of TPO 79).
Date of Decision : 30.03.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
19. Application No : 23/00113/COND
Date Received : 06.02.23
Location : Matalan Danestrete Stevenage Herts
Proposal : Partial discharge of conditions 6 (Construction traffic management plan) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1
Date of Decision : 21.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
20. Application No : 23/00115/COND
Date Received : 06.02.23
Location : Matalan Danestrete Stevenage Herts
Proposal : Partial discharge of conditions 13 (Contractors Storage) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1
Date of Decision : 21.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

21. Application No : 23/00117/COND
Date Received : 06.02.23
Location : Matalan Danestrete Stevenage Herts
Proposal : Partial discharge of condition 19 (Construction method statement) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1
Date of Decision : 29.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
22. Application No : 23/00118/COND
Date Received : 06.02.23
Location : Matalan Danestrete Stevenage Herts
Proposal : Partial discharge of condition 20 (Plant and machinery enclosure) attached to planning permission 14/00559/OPM to allow commencement of construction works for Phase 1
Date of Decision : 29.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
23. Application No : 23/00122/FPH
Date Received : 07.02.23
Location : 22 Badgers Close Stevenage Herts SG1 1UH
Proposal : Single-storey rear extension and front porch
Date of Decision : 31.03.23
Decision : **Planning Permission is GRANTED**

24. Application No : 23/00125/FPH
 Date Received : 09.02.23
 Location : 91 Elbow Lane Stevenage Herts SG2 8LN
 Proposal : Single storey front extension
 Date of Decision : 29.03.23
 Decision : **Planning Permission is GRANTED**
25. Application No : 23/00126/FPH
 Date Received : 09.02.23
 Location : 148 Fairview Road Stevenage Herts SG1 2NS
 Proposal : Demolition of existing extensions to property and construction of
 a single-storey side and rear extension.
 Date of Decision : 04.04.23
 Decision : **Planning Permission is GRANTED**
26. Application No : 23/00127/CLPD
 Date Received : 09.02.23
 Location : 12 Swale Close Stevenage Herts SG1 6DF
 Proposal : Lawful Development Certificate (Proposed) for a single-storey
 rear extension and garage conversion
 Date of Decision : 12.04.23
 Decision : **Certificate of Lawfulness is APPROVED**

27. Application No : 23/00137/FP
Date Received : 13.02.23
Location : Leyden Works Leyden Road Stevenage Herts
Proposal : Change of use from Use Class E(g)(iii) (Industrial) to Use Class F1(f) (Place of worship).
Date of Decision : 11.04.23
Decision : **Planning Permission is REFUSED**

For the following reason(s);
Planning Permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.

The proposed F1(f) use of the building as a church / place of worship is contrary to Policies SP3, EC2a and EC3 of the Stevenage Borough Local Plan (2019) which cumulatively seek to retain the application site for B1(Office), B2(Industrial) and B8(Storage or distribution) uses. Given that the application site is protected for employment use the proposal is also contrary to the National Planning Policy Framework 2021 which seeks to support sustainable economic growth. The loss of employment premises is not considered to be justified particularly as there is an identified need for more employment land for the Borough which would be exacerbated by the loss of this unit.

28. Application No : 23/00138/FPH
Date Received : 14.02.23
Location : 7 Grayling Way Stevenage Herts SG1 4FR
Proposal : Partial Garage Conversion
Date of Decision : 24.03.23
Decision : **Planning Permission is GRANTED**

29. Application No : 23/00141/FP
Date Received : 16.02.23
Location : 97 Oaks Cross Stevenage Herts SG2 8LT
Proposal : Change of use from C3 (Dwellinghouse) to C2 (Residential institutions) Use for care of 3 children aged between 8-18.
Date of Decision : 30.03.23
Decision : **Planning Permission is GRANTED**
30. Application No : 23/00142/FP
Date Received : 17.02.23
Location : 22 Linkways Stevenage Herts SG1 1PR
Proposal : Conversion of the dwellinghouse into 2no. one bedroom flats.
Date of Decision : 30.03.23
Decision : **Planning Permission is GRANTED**
31. Application No : 23/00143/FPH
Date Received : 17.02.23
Location : 424 Archer Road Stevenage Herts SG1 5HW
Proposal : Erection of a single storey front extension and part single-storey, part two-storey rear extension
Date of Decision : 17.04.23
Decision : **Planning Permission is GRANTED**
32. Application No : 23/00145/FPH
Date Received : 18.02.23
Location : 19 Whitney Drive Stevenage Herts SG1 4BE
Proposal : Part first floor extension, part two storey, part single storey front extension, single storey side extension and side dormer window.
Date of Decision : 17.04.23
Decision : **Planning Permission is GRANTED**

33. Application No : 23/00150/FPH
Date Received : 20.02.23
Location : 14 Woodfield Road Stevenage Herts SG1 4BP
Proposal : Single-storey rear extension
Date of Decision : 11.04.23
Decision : **Planning Permission is GRANTED**
34. Application No : 23/00151/FPH
Date Received : 21.02.23
Location : 141 Lonsdale Road Stevenage Herts SG1 5DF
Proposal : Single storey front, side and rear extension
Date of Decision : 14.04.23
Decision : **Planning Permission is GRANTED**
35. Application No : 23/00154/FPH
Date Received : 21.02.23
Location : 26 Christie Road Stevenage Herts SG2 0NG
Proposal : Single-storey rear infill extension and alterations to existing extension roof.
Date of Decision : 14.04.23
Decision : **Planning Permission is GRANTED**
36. Application No : 23/00159/COND
Date Received : 23.02.23
Location : Station Car Park North Lytton Way Stevenage Herts
Proposal : Discharge of condition 7 (SuDS management and maintenance) attached to planning permission reference number 22/00843/FPM
Date of Decision : 12.04.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

37. Application No : 23/00161/TPCA
Date Received : 24.02.23
Location : 119 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Prune back to safe level 1No: Eucalyptus Tree which is about 20 meters from the house and is about 40 meters tall
Date of Decision : 29.03.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
38. Application No : 23/00162/FPH
Date Received : 24.02.23
Location : 95 Haycroft Road Stevenage Herts SG1 3JT
Proposal : Part two storey, part single storey rear extension
Date of Decision : 18.04.23
Decision : **Planning Permission is GRANTED**
39. Application No : 23/00165/CLED
Date Received : 28.02.23
Location : 45 York Road Stevenage Herts SG1 4ET
Proposal : Certificate of lawfulness (Existing) use as a 7 bedroom HMO (Use Class Sui-Generis)
Date of Decision : 06.04.23
Decision : **Certificate of Lawfulness is REFUSED**
- For the following reason(s);
The applicant has failed to provide sufficient evidence that the property has been operating as a larger House of Multiple Occupation for a continuous period of 10 years. Therefore, it is considered on the balance of probabilities that the use of the premises as a larger House in Multiple Occupancy within Use Class Sui Generis of the Town and Country Planning (Use Classes) Order 1987 has not occurred for a continuous period of 10 years. Therefore, for the purposes of S.171B of the Town and Country Planning Act 1990 it is considered that the use of the premises for Sui Generis purposes is not lawful.

40. Application No : 23/00166/FPH
Date Received : 28.02.23
Location : 53 Stanmore Road Stevenage Herts SG1 3QE
Proposal : Single storey rear extension following demolition of existing conservatory.
Date of Decision : 20.04.23
Decision : **Planning Permission is GRANTED**
41. Application No : 23/00167/FPH
Date Received : 28.02.23
Location : 157 Kimbolton Crescent Stevenage Herts SG2 8RN
Proposal : Single-storey front and rear extensions.
Date of Decision : 21.04.23
Decision : **Planning Permission is GRANTED**
42. Application No : 23/00170/FPH
Date Received : 01.03.23
Location : 18 Whitesmead Road Stevenage Herts SG1 3LB
Proposal : Single storey front and rear extensions
Date of Decision : 20.04.23
Decision : **Planning Permission is GRANTED**
43. Application No : 23/00172/COND
Date Received : 01.03.23
Location : 67-69 High Street Stevenage Herts SG1 3AG
Proposal : Discharge of condition 4 (Air Conditioning Units) attached to planning permission reference number 22/00833/FP
Date of Decision : 24.03.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

44. Application No : 23/00175/FPH
Date Received : 03.03.23
Location : 4A Lymington Road Stevenage Herts SG1 2PE
Proposal : Proposed conversion of garage to habitable accommodation.
Date of Decision : 04.04.23
Decision : **Planning Permission is GRANTED**
45. Application No : 23/00177/COND
Date Received : 03.03.23
Location : Station Car Park North Lytton Way Stevenage Herts
Proposal : Discharge of condition 28 (Remediation carried out) attached to planning permission reference number 21/01264/FPM
Date of Decision : 13.04.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
46. Application No : 23/00178/FPH
Date Received : 04.03.23
Location : 5 Walsham Close Stevenage Herts SG2 8SS
Proposal : Two-storey side extension
Date of Decision : 26.04.23
Decision : **Planning Permission is GRANTED**
47. Application No : 23/00179/FPH
Date Received : 05.03.23
Location : 27 Kymswell Road Stevenage Herts SG2 9JU
Proposal : Single storey side extension
Date of Decision : 25.04.23
Decision : **Planning Permission is GRANTED**

48. Application No : 23/00187/AD
Date Received : 07.03.23
Location : Unit 4A Roaring Meg Retail Park London Road Stevenage
Proposal : Installation of 6 no. internally illuminated fascia signs, 2 no. digital screen advertisements, and 1 no. internally illuminated round sign.
Date of Decision : 21.04.23
Decision : **Advertisement Consent is GRANTED**
49. Application No : 23/00188/FPH
Date Received : 07.03.23
Location : 69 Raleigh Crescent Stevenage Herts SG2 0EG
Proposal : Erection of front porch
Date of Decision : 10.05.23
Decision : **Planning Permission is GRANTED**
50. Application No : 23/00189/FPH
Date Received : 07.03.23
Location : 18 Fishers Green Stevenage Herts SG1 2JA
Proposal : Part single-storey, part first floor front extension.
Date of Decision : 14.04.23
Decision : **Planning Permission is GRANTED**
51. Application No : 23/00190/FPH
Date Received : 07.03.23
Location : 165 Shephall View Stevenage Herts SG1 1RR
Proposal : Single storey side extension
Date of Decision : 28.04.23
Decision : **Planning Permission is GRANTED**

52. Application No : 23/00191/NMA
Date Received : 07.03.23
Location : 5 Chestnut Walk Stevenage Herts SG1 4DD
Proposal : Non material amendment to planning permission 21/00300/FPH to install windows to the northwest front elevation and the southwest side elevation, installation roof lantern and parapet wall to the single-storey extension.
Date of Decision : 24.03.23
Decision : **Non Material Amendment AGREED**
53. Application No : 23/00192/FPH
Date Received : 08.03.23
Location : 26 Glenwood Close Stevenage Herts SG2 9QT
Proposal : Single storey front extension
Date of Decision : 28.04.23
Decision : **Planning Permission is GRANTED**
54. Application No : 23/00193/AD
Date Received : 08.03.23
Location : Stevenage Arts & Leisure Centre Lytton Way Stevenage Herts
Proposal : Replacement of 4 no. non-illuminated vinyl decal advertisements.
Date of Decision : 26.04.23
Decision : **Advertisement Consent is GRANTED**
55. Application No : 23/00195/FPH
Date Received : 09.03.23
Location : 14 Baddeley Close Stevenage Herts SG2 9SL
Proposal : Single storey front and rear extension.
Date of Decision : 25.04.23
Decision : **Planning Permission is GRANTED**

56. Application No : 23/00196/FPH
Date Received : 09.03.23
Location : Peacehaven 25 Hertford Road Stevenage Herts
Proposal : Demolition of existing outbuilding and construction of one storey outbuilding with a games room in the roof.
Date of Decision : 03.05.23
Decision : **Planning Permission is GRANTED**
57. Application No : 23/00200/FPH
Date Received : 11.03.23
Location : 29 Alleyns Road Stevenage Herts SG1 3PG
Proposal : Part single storey, part first floor and part two-storey rear extension, installation of rear dormer window, insertion of 3no. rooflights, chimney removal, installation of front porch canopy.
Date of Decision : 05.05.23
Decision : **Planning Permission is GRANTED**
58. Application No : 23/00205/COND
Date Received : 13.03.23
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of conditions 22 (Highways infrastructure (d) bus stops) attached to planning permission 17/00862/OPM
Date of Decision : 11.04.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

59. Application No : 23/00207/CLPD
Date Received : 13.03.23
Location : 9 Ten Acres Crescent Stevenage Herts SG2 9US
Proposal : Lawful Development Certificate (Proposed) for a single-storey rear extension.
Date of Decision : 28.04.23
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 and would have a width greater than half the width of the original dwellinghouse. In addition, the extension would project more than 3m from the original rear wall of this terraced dwellinghouse. Therefore, the proposed development would fail to accord with Schedule 2, Part 1, Class A (f) (i) and (j) (iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore, requires planning permission.
60. Application No : 23/00208/FPH
Date Received : 14.03.23
Location : 24 Augustus Gate Stevenage Herts SG2 7QY
Proposal : Single-storey rear extension; part two-storey, part first floor side extension.
Date of Decision : 05.05.23
Decision : **Planning Permission is GRANTED**
61. Application No : 23/00217/FP
Date Received : 20.03.23
Location : Ingredients House Caxton Way Stevenage Herts
Proposal : Installation of extract fan and associated vertical flue duct
Date of Decision : 24.04.23
Decision : **Planning Permission is GRANTED**

62. Application No : 23/00220/FPH
Date Received : 21.03.23
Location : 11 Furzedown Stevenage Herts SG2 9EN
Proposal : Erection of single storey rear extension and front porch.
Date of Decision : 12.05.23
Decision : **Planning Permission is GRANTED**
63. Application No : 23/00224/NMA
Date Received : 21.03.23
Location : Land Adjacent To 7 Chouler Gardens Stevenage Herts SG1 4TB
Proposal : Non material amendment to planning permission reference number 18/00704/OP to the location of the dwelling by 0.8 metres
Date of Decision : 11.04.23
Decision : **Non Material Amendment AGREED**
64. Application No : 23/00227/COND
Date Received : 21.03.23
Location : 12 Hollyshaws Stevenage Herts SG2 8NZ
Proposal : Discharge of condition 3 (materials) and 7 (construction management plan) attached to planning permission reference number 21/00957/FP
Date of Decision : 12.05.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
65. Application No : 23/00228/FPH
Date Received : 22.03.23
Location : 21 Trent Close Stevenage Herts SG1 3RS
Proposal : Single storey side extension
Date of Decision : 05.05.23
Decision : **Planning Permission is GRANTED**

66. Application No : 23/00230/FPH
Date Received : 23.03.23
Location : 25 Fellowes Way Stevenage Herts SG2 8BW
Proposal : Single storey rear extension
Date of Decision : 15.05.23
Decision : **Planning Permission is GRANTED**
67. Application No : 23/00238/TPCA
Date Received : 26.03.23
Location : 20 Orchard Road Stevenage Herts SG1 3HE
Proposal : Removal of 1no. Hawthorn tree; 1no. Maple tree, 1no. Beech tree; 2no. lawson Cypress trees and 1no. Holly hedge
Date of Decision : 03.05.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
68. Application No : 23/00242/HPA
Date Received : 29.03.23
Location : 11 Weston Road Stevenage Herts SG1 3RH
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.50m, for which the maximum height will be 3.47m and the height of the eaves will be 3.30m.
Date of Decision : 09.05.23
Decision : **Prior Approval is REQUIRED and REFUSED**
- The eaves of the enlarged part of the dwellinghouse would exceed 3m when within 2m of any curtilage of the original dwellinghouse. Therefore, the proposed development does not comply with Paragraph A.1(i) of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) England) Order 2015 (as amended).

69. Application No : 23/00253/HPA
Date Received : 03.04.23
Location : 369 Broadwater Crescent Stevenage Herts SG2 8HA
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.80m, for which the maximum height will be 3.10m and the height of the eaves will be 2.20m.
Date of Decision : 11.05.23
Decision : **Prior Approval is NOT REQUIRED**
70. Application No : 23/00256/NMA
Date Received : 03.04.23
Location : 15 The Pastures Stevenage Herts SG2 7DF
Proposal : Non material amendment to planning permission reference number 22/00751/FPH for amendment to dimensions of front extension and rear extension wall moved up to boundary.
Date of Decision : 20.04.23
Decision : **Planning Permission is GRANTED**
71. Application No : 23/00261/FP
Date Received : 04.04.23
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Installation of 3no single storey Portakabin buildings
Date of Decision : 15.05.23
Decision : **Planning Permission is GRANTED**
72. Application No : 23/00291/FPH
Date Received : 17.04.23
Location : 4 Wensum Road Stevenage Herts SG1 3XX
Proposal : Front Porch extension
Date of Decision : 11.05.23
Decision : **Planning Permission is GRANTED**

73. Application No : 23/00294/NMA
 Date Received : 17.04.23
 Location : 34 Granby Road Stevenage Herts SG1 4AS
 Proposal : Non-material amendment to planning permission 22/00842/FPH
 to amend the width of the bi-folding doors.
 Date of Decision : 10.05.23
 Decision : **Non Material Amendment AGREED**
74. Application No : 23/00326/NMA
 Date Received : 26.04.23
 Location : 12 Hollyshaws Stevenage Herts SG2 8NZ
 Proposal : Non material amendment to planning permission reference
 number 21/00957/FP to reconfigure internal layout resulting in
 amendments to placement and size of fenestrations and the front
 entrance porch and inclusion of wood burning stove and
 associated flue
 Date of Decision : 12.05.23
 Decision : **Non Material Amendment AGREED**

BACKGROUND PAPERS

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

Meeting: Planning and Development
Committee

Agenda Item:

Date: Thursday 25 May 2023

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242242

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242242

1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

- 2.1 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.
- 2.2 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.
- 2.3 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.
- 2.4 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.
- 2.5 22/00307/ENF. Car park to side of 8 Aintree Way. Appeal against the serving of an enforcement notice to remove the structure built around the car parking space and return the communal parking spaces to their original condition.
- 2.6 22/00769/HPA, 6 Badgers Close. Appeal against refusal of prior approval for a single storey extension which will extend beyond the rear wall of the original house by 6 metres, for which the maximum height will be 3 metres and the height of the eaves will be 3 metres.

3. DECISIONS RECEIVED

- 3.1 22/00471/FP, 48 Made Feld.
Appeal against refusal of planning permission for a two-storey side extension, single-storey front extension, part single-storey, part two-storey rear extension, rear dormer window, 2 no. front dormer windows, 2 no. roof lights to facilitate enlargement of existing property and to create 2 no. 1 bedroom flats, associated parking and ancillary works.
 - 3.1.1 The Inspector noted that whilst there is some variation in the design, the existing dwelling along with dwellings in the surrounding area are characterised by a strong and generally consistent rhythm and appearance of two-storey built form with simple roof designs. Dormer

windows are not a prevailing feature along Made Feld or Exchange Road, in the area that the appeal site is viewed in context with.

- 3.1.2 He went on to agree with the Council that the proposed rear dormer window, whilst it would be set within the roof and would not cover more than half of the roof, due to its design, size, position and massing, it would result in a bulky and prominent addition which would be harmful to the character and appearance of the existing dwelling. It would be out of keeping with the prevailing character of the area and given the corner position, it would be highly visible and dominant from public vantage points along Exchange Road resulting in harm to the character and appearance of the area.
- 3.1.3 With regards to the front dormer windows, whilst the Inspector did not agree that such additions would be harmful to the character and appearance of the area in and of themselves, He did conclude that they would be at odds with the prevailing character of the roof forms in this area and would therefore be harmful to the character and appearance.
- 3.1.4 The Inspector felt that as the rear dormer would be built within the confines of the roof slope and set away from the shared boundary with No.46 Made Feld, there would be no significant change to the outlook for this neighbour. However, he went on to say that whilst the dormer would be visible from the rear garden of No.46, it would be seen within the context of the existing roof slope and not protrude higher and as such would not have a significant additional effect on this neighbour.
- 3.1.5 The Inspector concluded that the proposal is contrary to the development plan as a whole and there are no other considerations which outweigh the harm.
- 3.1.6 The appeal is dismissed.
- 3.2 22/01001/FPH, 67 Siddons Road.
Appeal against refusal of planning permission for the raising of the ridge height to the main roof of the existing dwellinghouse and enlargement of existing rear dormer window.
- 3.2.1 The Inspector agreed with the Council that the sloping nature of Siddons Road results in roofs and frontages being staggered which create a rhythm and gives the area a distinctive character and appearance. He went on to agree that the raising of the ridge height would erode this character and result in a dominant feature in the street scene which would harm the architectural form of the dwelling as well as erode the rhythm of the other rooflines and frontages.
- 3.2.2 With regards to the enlargement of the existing rear dormer, the Inspector agreed that the proposal would be contrary to the adopted Design Guide (then 2009, now 2023). He agreed it would be a prominent feature with no other dormers in the terrace and its increased size would further exacerbate the change of roofline and architectural form, to the detriment of the character and appearance of the area. The proposal would be dominant, bulky and uncharacteristic.
- 3.2.3 The Inspector therefore concluded the proposal would harm the character and appearance of the host property and surrounding area. It would be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011-2031 and would also be contrary to the guidance contained within the SPD.
- 3.2.4 The Inspector concluded that the proposal is contrary to the development plan as a whole and there are no other considerations which outweigh the harm.
- 3.2.5 The appeal is dismissed.



Appeal Decision

Site visit made on 27 March 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 26th April 2023

Appeal Ref: APP/K1935/W/22/3306078

48 Made Feld, Stevenage, Hertfordshire SG1 1PQ

- 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 and Mrs Islam against the decision of Stevenage Borough Council.
 - The application Ref 22/00471/FP, dated 19 May 2022, was refused by notice dated 4 July 2022.
 - The development proposed is 2no. one bedroom flats, double storey rear extension, single storey front extension and loft extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that a previous planning permission under reference 19/00628/FP was granted for a similar scheme, excluding the front and rear dormer windows proposed under the appeal scheme. Works on the appeal site were at an advanced stage at the time of my site visit. This appeal relates to the whole proposal including front, side and rear extensions and alterations to enable the creation of two flats in addition to the existing dwelling, however the reasons for refusal given by the Council relate only to the proposed front and rear dormers.
3. The Council have provided the approved plans in relation to the previously approved scheme and it is clear that the differences in the schemes relate to the revised siting of the two front rooflights and the construction of two front dormer windows and the removal of three rooflights in the rear elevation and the construction of one rear dormer window. The proposed front and rear dormer windows were not present or under construction at the time of my site visit.
4. The Council have not objected to the two storey side extension, single storey front extension, part single storey, part two storey rear extension, 2 rooflights or the creation of the two flats. I have no evidence before me that would lead me to an alternative view on these elements of the scheme.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the original dwelling and the surrounding area; and

- the living conditions of the occupiers of 46 Made Feld with regard to outlook.

Reasons

Character and appearance

6. The appeal site consists of a detached two storey dwelling which has been recently altered and extended under a previous planning permission to provide two additional flats in addition to the existing dwelling. The appeal site is located on a prominent corner adjacent to the junction of Made Feld and Exchange Road. The majority of dwellings within the immediate vicinity of the appeal site are two storey dwellings that are terraced or semi-detached. The anomaly to this is the telephone exchange building directly to the rear of the appeal site which is significantly taller in scale.
7. The existing dwelling is different to others in the immediate vicinity, largely due to it being detached and of a different design. However, whilst there is some variation in the design, the existing dwelling along with dwellings in the surrounding area are characterised by a strong and generally consistent rhythm and appearance of two storey built form with simple roof designs. Dormer windows are not a prevailing feature along Made Feld or Exchange Road, in the area that the appeal site is viewed in context with.
8. The proposed rear dormer window, whilst it would be set within the roof and would not cover more than half of the roof, due to its design, size, position and massing, it would result in a bulky and prominent addition which would be harmful to the character and appearance of the existing dwelling. It would be out of keeping with the prevailing character of the area and given the corner position, it would be highly visible and dominant from public vantage points along Exchange Road resulting in harm to the character and appearance of the area.
9. The two dormer windows proposed to the front elevation facing Made Feld would be limited in size and would be set in from the side of the roof, above the eaves and lower than the ridge line. Due to the size, design and positioning proposed they would not result in an addition that would be harmful to the character and appearance of the existing dwelling. However, the proposed front dormers would still be at odds with the prevailing character of the roof forms of two storey dwellings in the locality and would therefore result in harm to the character and appearance of the area. The use of matching materials in the construction of the proposed dormer windows would not overcome this harm.
10. I therefore find that the proposal would be harmful to the character and appearance of the existing dwelling and the surrounding area. It therefore conflicts with policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 – 2031 Adopted May 2019 (LP) which seeks, amongst other things, that a proposed scheme respects and makes a positive contribution to its location and surrounds and achieves the highest standards of design. The proposal would also be contrary to the relevant paragraphs of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG).
11. The proposal also conflicts with the Stevenage Design Guide Supplementary Planning Document Adopted 21 October 2009 (SPD) which states that dormer windows can have a significant effect on the appearance of a property, as well

as impacting upon the street scene as a whole and that the introduction of such extensions, where there are no other examples within the street scene will be discouraged.

Living conditions

12. The proposed rear dormer window would add built form to the rear roof slope of 48 Made Feld in addition to the extensions already completed under the previous planning permission. Nonetheless, the additional built form would be contained within the confines of the existing roof slope and would be lower than the ridge line. The positioning of the proposed rear dormer, set away from the shared boundary with 46 Made Feld along with the fact that No 48 sits higher than No 46 means that outlooks from the rear windows of No 46 would not change significantly as a result of the proposed rear dormer.
13. I note the rear garden depths of the dwellings along Made Feld and the relationship with the adjacent exchange building which is a prominent feature in existing outlooks from those garden spaces. The proposed rear dormer window would be visible from the rear garden space of No 46 and the change would be noticeable. However, given the proposed rear dormer window would be viewed in the context of the existing building and that it would appear contained within the roofslope it would not result in an overbearing feature that would have a significant additional effect on the existing outlooks of occupiers of the rear garden of No 46.
14. I therefore find that the proposal would not be harmful to the living conditions of the occupiers of No 46 with regards to outlook. The proposal would therefore comply with policies GD1 and SP8 of the LP in so far as it relates to ensuring that proposals are designed so that they do not lead to an adverse impact on the amenity of neighbouring uses or the surrounding area. The proposal would also comply in this regard, with the relevant paragraph of the Framework, the PPG and the sections of the SPD which seek, amongst other things, to ensure that proposals do not have a detrimental effect on neighbouring properties and to ensure a high standard of amenity for existing users.

Other Matters

15. The appellant states that the appeal site is in a location with good access to services, facilities and transport links and that the proposal constitutes the effective use and optimisation of the appeal site. I recognise that there is support in the Framework for the optimisation of land and for the delivery of small sites which contribute to the housing mix of the area. However, this does not negate the requirement for new development to be designed to respond to the context of the surrounding area.
16. I acknowledge that the proposal includes the provision of two additional flats of a different design to the previously approved scheme and that the provision of the flats would provide social benefits through the provision of additional homes and economic benefits through the employment of local construction workers and future contributions to the local economy. However, given the scale of the scheme and due to the fact that the previous permission to provide the additional flats is already being carried out, these benefits would be limited and do not outweigh the harm I have identified above.

17. The appellant asserts that there would be no negative environmental or ecological impacts as a result of the proposal. The Council has not objected to the proposal on the principle of development, the proposed size of the living accommodation or private amenity space, issues relating to noise and pollution, car parking provision or waste and recycling facility provision. Even if I were to agree, a lack of harm in respect of these considerations would not weigh in favour of the proposal.
18. I note that no objections were received from interested parties, however, this has not led me to a different conclusion on the planning merits of this appeal.

Conclusion

19. The proposal is contrary to the development plan as a whole and there are no other considerations, including the Framework, which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR



Appeal Decision

Site visit made on 4 April 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/K1935/D/23/3316746

67 Siddons Road, Stevenage, Herts SG2 0PW

- 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 Neils Hammond-Quaye against the decision of Stevenage Borough Council.
 - The application Ref 22/01001/FPH, dated 8 November 2022, was refused by notice dated 29 December 2022.
 - The development proposed is a raised roof and enlarged rear dormer projection.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council submitted comments on the appellants statement of case during the consideration of the appeal, which the appellant has had the opportunity to respond to and has provided an updated statement. The comments made relate to an earlier version of the National Planning Policy Framework (the Framework) being referred to, Policies in the London Plan being referred to, comments on whether the proposal would be visible in the street scene and comments in relation to works nearby. As the appellant has had the opportunity to respond with an updated statement and the points are mostly to provide clarity, I do not consider that interested parties would be prejudiced if I take these amended statements into account and I shall therefore determine the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

4. 67 Siddons Road (No 67) is a two-storey terraced house located in a dense residential area. Siddons Road gradually rises, and the terraced houses rise with it which results in the roofs and frontages being staggered creating a rhythm which gives the area a distinctive character and appearance.
5. The proposed raising of the roof would erode this character and result in a house that is the same height as the neighbouring house at 69 Siddons Road. This would be particularly prominent due to No 67's frontage remaining to be staggered from those adjoining. Consequently, the house would stand out as a dominant feature on the street scene which would harm the architectural form

of the host dwelling as well as erode the rhythm of the other rooflines and frontages in the area.

6. There is an existing dormer to the rear of the property which extends almost the full width of the roof. The proposal seeks to increase the height of the dormer to match the proposed increase in height to the ridge as well as extend the width of the dormer to occupy the full width of the property.
7. The Council's Stevenage Design Guide Supplementary Planning Document Adopted October 2009 (SPD) provides guidance on roof extensions. The guidance suggests that extensions should not extend over more than half of the roof slope, raising of the ridge height to accommodate a loft conversion will not normally be considered acceptable and proposals must not threaten the integrity of the group of terraced houses or street scene and should be designed with a pitched roof. In this regard, the proposal is contrary to the guidance contained within the SPD.
8. There are no other dormers on the row of terraces of which the appeal dwelling forms part and as such it already stands out in the street scene. The proposal to increase its height and width would make it even more prominent. The dormer can in part be seen from Siddons Road and its increase in height would further exacerbate the change in the roof line and architectural form to the detriment of the character and appearance of the area. The dormer would be visible from Ferrier Road and Bronte Paths and due to there being no other dormers on the roofscape and the dormers overall width and height, the proposal would result in a dominant, bulky and uncharacteristic feature.
9. For these reasons, I conclude that the proposal would harm the character and appearance of the host property and surrounding area. It would be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011-2031 Adopted 22 May 2019 which, amongst other things, seeks to ensure development respect and makes a positive contribution to its location and surrounds as well as deliver substantial improvement to the image and quality of the towns built fabric. The proposal would also be contrary to the guidance contained within the SPD.

Other Matters

10. I have no reason to disagree with the Council's assessment that the proposal would not result in unacceptable harm to the living conditions of the occupiers of neighbouring dwellings. I also acknowledge that the proposal is not a listed building, nor is it located within a conservation area. However, these matters do not outweigh the harm identified.
11. The appellant has referred to several examples of rooflines in the area that are different in order to support the proposal. I do not have full details in respect of such examples so I cannot be sure of the circumstances of these. In any case, I have determined the appeal on its own merits, based on the evidence before me.
12. However, from site observations No's 59, 61 and 63 as well as 49, 51, 53, 55 and 57 Siddons Road are both rows of terraced houses which share the same rhythm in their rooflines and frontages that is characteristic of the area. Some of these houses share the same roof height, however, this is where the slope of Siddons Road flattens out and the overall height of the houses is the same as

well as their frontages being flush. This differs from the appeal proposal where there would be a visible change in the overall height of the dwelling when compared to others in the row.

13. No 34 Siddons Road is located at the end of a row of terraced houses and whilst alterations have been made the staggered roofline is still maintained. In respect of the dormer, it is not as prominent on the roofscape as the property is end terraced and it is located within a much smaller row of terraces when compared to the appeal proposal.

Conclusion

14. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR

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