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PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 9 January 2024
Time: 6.30pm,
Location: Council Chamber
Contact: Lisa Jerome 01438 242203
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 - 29 NOVEMBER AND 7 DECEMBER 2023

To approve as a correct record the Minutes of the previous meetings held on 29 November and 7 December 2023

Pages 3 – 22

3. 23/00637/FP- LAND OPPOSITE 25 AND 26 ST. ALBANS DRIVE, STEVENAGE, HERTS

To consider the erection of 3 no. 3 bedroom dwellinghouses with associated parking, landscaping, access and ancillary works.

Pages 23 – 52

4. 23/00357/OP - LAND AT 2 MARLBOROUGH ROAD, STEVENAGE, HERTS

To consider outline planning permission (all matters reserved) for the erection of 2no. three to four bed dwellings.

Pages 53 – 78

5. 23/00762/FP - OAK LODGE, RECTORY LANE, STEVENAGE, HERTS

To consider the change of use from dwellinghouse (Use Class C3) to residential institution for the care of up to 4 children (Use Class C2).

Pages 79 – 94

6. 23/00900/FP - 2 - 24 BUCKTHORNE AVENUE AND 26 - 48 BUCKTHORNE AVENUE, STEVENAGE, HERTS

To consider the installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alteration to external ventilation (Nos. 2- 24 And 26 - 48 Buckthorn Ave

Pages 95 – 104

7. INFORMATION REPORT - DELEGATED DECISIONS

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

Pages 105 – 116

8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

Pages 117 – 118

9. URGENT PART I BUSINESS

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

10. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

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

11. URGENT PART II BUSINESS

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

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Wednesday, 29 November 2023

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair) (Chair), Claire Parris (Vice-Chair) (Vice Chair), Julie Ashley-Wren, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Adam Mitchell CC, Ellie Plater, Graham Snell, Carolina Veres and Conor McGrath

Start / End Time: Start Time: 6.30pm
End Time: 7.55pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Rob Broom and Anne Wells .

Councillor Conor McGrath substituted for Councillor Rob Broom.

There were no declarations of interest.

2 22/00781/RMM - LAND TO THE NORTH OF STEVENAGE, OFF NORTH ROAD AND WESTON ROAD, STEVENAGE

The Committee considered a report in respect of application 22/00781/RMM seeking the construction of a Country Park including access, layout and landscaping pursuant to Outline permission 17/00862/OPM. The Principal Planning Officer reminded Members that this application had been deferred from the 14th March 2023 Planning Committee.

The Principal Planning Officer advised that the site was allocated in the Local Plan through Policy HO3 which gave full provision of the site and included things such as residential units and a site for a school. A requirement of this policy was a Country Park. The Local Plan Policy NH8 which related to the provision of the North of Stevenage Country Park. In 2020 outline planning permission was approved.

The houses to the south were approved and there had been several reserved matters applications considered including Phase 1D of 115 residential units, Phase 1A-C of 243 residential units, and the infrastructure which included the drainage for the Country Park. There would be a flood attenuation basin which would be grass lined and would only fill up in occasions of flooding.

Photos of the site plan and location were presented which included the locations of the community orchard, the potential animal grazing, the toilet block and car park,

the footpaths around the site, and the grounding tower.

The Chair introduced Chris Naylor, an objector, to address the Committee.

Mr Naylor addressed the committee and stated that the Country Park would ruin the historic fields and believed that this was an urban fringe park rather than the restoration and recreation of the fields for a rural meadow. The previous application was deferred asking for deeper engagement with residents, but he believed the application had not changed to reflect any concerns. He raised concerns on the size and occupancy of the car park, such as hospital staff using it, and the cycle superhighway and suggested that there should be a better connection. He raised further concerns around the proposed mound and the number of bins within the park.

The Chair thanked Mr Naylor for his contribution to the meeting.

The Chair then introduced Jo Unsworth, the developer, to address the Committee.

Ms Unsworth advised that the proposals were supported by the Planning Officers and Stevenage Direct Services who would eventually manage the park. The aim of the Country Park was to create a landscape that Forster would've recognised in the early 20th century. For example, planting species referred to in Forster's writing, biodiverse hay meadows, and replicating original field patterns. This would increase the biodiversity by 59% through planting woodlands, hedgerows, and a community orchard. The Country Park would be free, open, and accessible to all. The plans had changed in response to feedback and included downgrading the side of the paths, redesigning the toilet block, and changing half of the carpark to an overflow agreement. The widths of paths were a key concern but was specified in a legal agreement to ensure the park could be enjoyed by all. Alternative car park locations were explored but were not viable. Accessible routes needed to be less steep and not made of gravel. She reminded Members that the works of the Country Park including landscaping and provision of facilities would cost the developers in excess of £1.8m. If this was not obtained from the developers, it would have to be funded by the Council in the future.

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

The Principal Planning Officer provided Members with further detail on the application. There would be a 50-space car park and toilet block, a footpath network, flood attenuation basins, community orchard, wayfinding signs, seats, and cycle stands.

The most northern field would be including the regrading of additional soil. There was also a link to the NS1 development in North Herts. There would be reinforced grass across half the car park to lessen the impact as well as additional cycle parking. Field 2 would potentially be used for grazing of animals in the future. Public rights of way would be retained. The community orchard would also have access to Weston Road.

The proposed redesigned toilet block was kept as a single story with a grass seed

roof to reduce the visual impact. There would be curved edges and a space for an information panel to provide historic information of the park and any other local matters. She then presented some visuals to show the development over time.

She highlighted the late representation that had been sent to Members. One was from an additional consultation with Herts Sports and Disability Foundation as well as a further consultation with Chesfield Park over concerns of trespassing. Officers advised a condition would be imposed requesting further detail on boundary measures around that area to prevent possible access.

Further to the March Committee where Members voted to defer the application, the reasons and concerns addressed were set out in the report and included:

- An updated baseline assessment for biodiversity net gain on the site had been submitted. The reassessment net gain was approximately 60%.
- Further consultation was aimed at groups in the area that may have use of the Country Park and hadn't had earlier opportunities for consultation. The groups that responded were engaged and provided informative responses of areas that were beneficial or could be approved.
- Engagement with local schools was being explored to gain involvement with information posters around the site marking the sites historical and heritage connections.
- The additional soil deposited in the northern field did not create a mound. There would be a regrading of the existing contours and would continue the slope. From evidence in terms of the impact on the carbon footprint to take soil offsite, the impact carried significant weight compared to the visual aspect.
- The Local Highways Authority stood by their previous comments on the scheme including the use of Weston Road as a quiet connection route through to Great Ashby for cyclists. Alternative options that were presented providing an access further south were not acceptable.
- There was full consideration of the comments provided by users in regard to the width of the footpaths such as cycling, running and disability groups, while also considering the requirements from the Local Highway Authority and the Councils Parks Maintenance team. Options to narrow the pathways were considered and addressed in the reports, however the provision of a fully accessible park outweighed the lower impact on the heritage assets.
- In response to concerns from a neighbouring resident, the footpath to the rear of Rooks Nest House had been moved further into the park and additional landscaping had been proposed along the boundary to reduce the impact.
- Justification of the car park size had been given in terms of the size of other car parks within the area, not just Stevenage. A comparison had been made with Great Ashby park which had issues with the limited size of the car park.

The Principal Planning Officer advised that alternative options for elements of the proposals had been proposed from third parties in consultation. Firstly, a cycling connection across the site to meet aims to promote cycling within the development with connections to existing neighbouring developments and the proposed NH1 site

in North Herts. The connections needed to be made at several intersections on the Western side of the Park to ensure they met the aims and objectives. In Officers and the Highways Authority's opinion, a simplistic East to West line would not be sufficient in its own right.

An alternative car park had also been proposed by Rectory Lane, however, the area of land was in close proximity to listed buildings as well as a designated green link and wildlife site and these impacts had not been assessed. Additionally, there was no clear route into the park and there had been no assessment on the safety of a road junction into Rectory Lane. Furthermore, the land was not owned by the developers.

A few Members asked questions in relation to the access to the proposed toilet block. In response, the Principal Planning Officer advised that it wouldn't have 24-hour access and would operate down to dusk times. There was a storage area in the toilet block for maintenance and there would be regular checks along with the maintenance of the park. The disabled toilet space was raised in report and there was a provision to impose a condition to seek an additional layout if what was proposed wasn't sufficient. There were two unisex toilets and a disabled toilet.

Some Members asked questions around the access and management of the car park, including whether there would be a barrier. The Principal Planning Officer advised that the car park was barriered and there was a condition imposed to seek further details of what the barrier would be and where it would be located. In terms of car park use, the Assistant Director (Planning & Regulatory) advised that the car park was not physically adjacent to residential streets so by design they hoped it would limit the amount of people using it to the car park and not the surrounding streets. The Country Park intended to service Stevenage however it wouldn't exclude people outside of Stevenage. It was a relatively small car park for the size of the park.

A Member asked a question in relation to the park maintenance. The Principal Planning Officer advised that the drainage management was done through the management company of the developer who would have access over Council land as and when was needed.

A Member asked whether the car park was near the Weston Park Cemetery. It was advised that the Country Park car park was completely separate.

A Member asked how many EV charging points were in the car park. The Principal Planning Officer advised that there was a requirement in the transport supplementary planning document (SPD) for at least a 20% active provision. The details of what type of charging points was controlled through a condition but would have to meet the level stated in the SPD.

Another Member asked what the mound in the 1A field was. The Principal Planning Officer advised that the amount of soil was lesser around the outside and was greater in the middle, however it followed the contours of the land. There was a suggestion of a condition to impose a management plan of the soil to ensure it was acceptable for a meadow to be planted on it.

A Member asked how wide the public consultation was. The Principal Planning Officer advised that the application itself went through several rounds of public consultation. The amended plan went to third parties specifically written into the application as well as site notices being put up. The level of consultation through the statutory process was significant and other third parties were consulted. From the deferral they looked at other groups that hadn't been part of the initial consultations.

Another Member asked what the timeline for the delivery of the Country Park was. The Principal Planning Officer advised that the following Item was related to the variations of the Section 106 (S106) timings due to the delay in agreeing the proposal to the Country Park. The Country Park was proposed to come forward in two phases, the northern area in a second phase due to the grounding work. The developers were bound by the S106 timings to provide the Country Park and transferring it to the Council. The Assistant Director (Planning & Regulatory) added that there were trigger dates linked to stages of the residential developments.

A Member asked whether the outcome of the speed limit consultation of Western Way had been publicised. The Assistant Director (Planning & Regulatory) advised SBC were not party to the outcome as it was an HCC consultation.

Some Members asked questions in relation to the grounding tower. The Assistant Director (Planning & Regulatory) advised that electricity providers had their own default powers to put the grounding tower where it was the most suitable for them. The Principal Planning Officer added that the UK Power Network had their own permitted development rights to carry out certain works without needed to come through planning. They looked at where the placement was best, and the current pylon was within the Country Park.

A few Members asked questions in relation to the number of bins within the park. The Principal Planning Officer advised that they were guided through the Parks and Amenities team on how other parks within Stevenage worked and the level that was acceptable for them. There was a possibility for a reduction if Members were minded.

A Member asked a question in relation to the access to footpaths and whether the works would impact these. The Principal Planning Officer advised that they were designated public rights of way. If there were closures needed, they would have to be accepted by the County Council Public Rights of Way team and suitable diversions would have to be in place. They were working with the developers to ensure the footpaths that were open were being looked after.

Another Member asked for the justification for the fencing that had been put up. The Principal Planning Officer advised that there was fencing in the area of the western side. There were permissions to deal with works to do with the drainage and so it would be an active site. The area for the toilet block was also an active part of the site as they were carrying out infrastructure works. Wherever there were active works they were being fenced off.

A Member queried what would happen if they refused. The Assistant Director

(Planning & Regulatory) advised that the Committee would have to explain in planning terms why they were rejecting it. There was a requirement for the Country Park and the transfer would still take place, but the Council would not have the funds to provide the Country Park that had been requested.

It was **RESOLVED:** That the application 22/00781/RMM be **GRANTED** reserved matters planning permission, subject to the conditions and reasons set out in the report, with the inclusion of additional conditions to re-assess the street furniture proposed in the Country Park and boundary treatments on all boundaries with Chesfield Park to the north-east of the site, and with the Assistant Director (Planning & Regulation) being delegated authority, in consultation with the Chair and Vice-Chair of the Planning & Development Committee, to amend or add to the suggested draft conditions prior to the decision notice being issued.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: BM1-NPA-CP-OS-DR-L-3100-A-C04; BM1-NPA-CP-OS-DR-L-3101-A-C04; BM1-NPA-CPOS-DR-L-3102-A-C04; BM1-NPA-CP-OS-DR-L-3103-A-C04; BM1-NPA-CP-OS-DR-L-3104-A-C04; BM1-NPA-CP-OS-DR-L-3105-A-C04; BM1-NPA-CP-OS-DR-L-3106-A-C04; BM1-NPA-CP-OS-DR-L-3107-A-C04; BM1-NPA-CP-OS-DR-L-3108-A-C04; BM1-NPA-CPOS-DR-L-4052-A-C03; BM1-NPA-CP-OS-DR-L-4053-A-C03; BM1-NPA-CP-OS-DR-L-4054-A-C03; BM1-NPA-CP-OS-DR-L-5101-A-C04; BM1-NPA-CP-OS-DR-L-5102-A-C04; BM1-NPA-CP-OS-DR-L-5103-A-C04; BM1-NPA-CP-OS-DR-L-5104-A-C04; BM1-NPA-CPOS-DR-L-5105-A-C04; BM1-NPA-CP-OS-DR-L-5106-A-C04; BM1-NPA-CP-OS-DR-L-5107-A-C04; BM1-NPA-CP-OS-DR-L-5108-A-C04; BM1-NPA-CP-OS-DR-L-7420-A-C01; BM1-NPA-CP-OS-DR-L-7421-A-C01; M1-NPA-CP-OS-RP-Y-4600-A-C01; BM1-NPA-V1-OS-DR-L-7400-A-C04; BM1-NPA-V1-OS-DR-L-7407-A-C01; BM1-OC-RMA-XX-DR-C-4000-R08; BM1-OC-RMA-XX-DR-C-4001-R06; BM1-OC-RMA-XX-DR-C-4002-R06; BM1-OC-RMA-XX-DR-C-4003-R06; BM1-OC-RMA-XX-DR-C-4004-R06; BM1-OC-RMA-XX-DR-C-4005-R06; BM1-OC-RMA-XX-DR-C-4006-R07; BM1-OC-RMA-XX-DR-C-4007-R06; BM1-OC-RMA-XX-DR-C-4008-R07; BM1-OC-RMA-XX-DR-C-4012-R06; BM1-OC-RMAXX-DR-C-4013-R04; BM1-OC-RMA-XX-DR-C-4014-R05; BM1-OC-RMA-XX-DR-C-4015-R03; BM1-OC-RMA-XX-DR-C-4016-R04; BM1-OC-RMA-XX-DR-C-4017-R02; BM1-OCRMA-XX-DR-C-4018-R03; BM1-OC-V1-ZZ-DR-C-0042-P08; P1708.TB.01_B;
2. Notwithstanding the details as set out in the approved plans, prior to installation of any street furniture within the Country Park details of their design and materials shall be submitted to and approved in writing by the local planning authority. The street furniture to be included are covers, benches, bins, picnic benches, wayfinding markers, information posts, signage, and bollards. In addition, details of lifesaving equipment to be positioned near the retention basins / within the Country Park shall also be provided for the local planning authority's written approval. The development shall thereafter be carried out in accordance with the approved details within each respective phase of delivery of the Country Park, including the provision of lifesaving equipment, unless otherwise agreed in writing by the local planning authority.
3. Prior to commencement of any works relating to landscaping within the Country Park, a landscape planting timeframe document shall be submitted to and approved in writing by the Local Planning Authority. This document shall detail the sequence of planting for each phase and/or field area of the Country Park as identified on

Drawing number BM1-NPA-V1-OS-DRL-3100-A C04 hereby approved. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

4. Prior to the construction of the LEAP (local equipped area of play) or any imaginative play areas, details of all play equipment (including imaginative play), fencing and surfacing materials to be used within the LEAP along with a detailed maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be constructed in accordance with the approved materials prior to first use of any given phase of the Country Park hereby permitted unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the commencement of any works, details of any temporary boundary treatment needed to prevent unauthorised vehicular access (including off road motor-vehicles) to access any respective phase of the Country Park whilst under construction shall be submitted to and approved in writing by the Local Planning Authority. The temporary boundary treatment shall be installed in accordance with the approved details of works of any given phase of construction for the Country Park and shall remain in place until relevant permanent measures have been installed prior to first use of any given phase of the Country Park.
6. Prior to the commencement of any phase of the Country Park, details of measures to prevent off-road vehicles (other than those authorised for construction and maintenance purposes) shall be submitted to and approved in writing by the Local Planning Authority. The preventative shall be installed and put in place prior to the first use of each phase of the Country Park unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the construction of the car park hereby permitted, details of the access deterrents for the car park, including any bollards, access gates and height restriction barriers shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to the commencement of the Country Park hereby permitted, measures to avoid antisocial behaviour and nuisance for neighbouring properties which back onto the Country Park, such as the use of defensive planting, shall be submitted to and approved in writing by the Local Planning Authority.
9. Prior to commencement of any works relating to the provision of drainage features hereby approved, a Drainage Timeframe Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy will identify the works to be carried out, their sequence of construction and an indication of timeframes for each stage. The works shall thereafter be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. The development hereby permitted shall be carried out in accordance with the soft and hard landscaping details submitted, unless otherwise agreed in writing by the Local Planning Authority.
11. All planting, seeding and turfing comprised in the approved landscaping details as agreed under condition 5 of this approval within each respective Phase of the delivery of the Country Park shall be carried out in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the

completion of the approved development whichever is the sooner within each respective Phase of the delivery of the Country Park.

12. All hard surfacing comprised in the approved landscaping details as specified in condition 7 of this approval shall be carried out prior to first use of the each phase of delivery of the Country Park hereby permitted or, the completion of each phase of delivery of the Country Park, whichever is the sooner.
13. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of each phase of delivery of the Country Park 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.
14. 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.
15. Before any development commences, (including any site clearance or demolition works, (but excluding work on the site access(es)) trees on the site shall be protected in accordance with Drawing number BM1-NPA-V1-OS-DR-L-7404-A-C01 Tree Protection Enclosure Plan as hereby approved. Such protection may be inspected by the Local Planning Authority prior to the commencement of the work and these measures shall be maintained until the conclusion of all site and building operations within each respect phase of delivery of the Country Park.
16. No development above slab level of the toilet block hereby permitted shall be carried out until details/samples of the materials to be used in the construction of the toilet block (including the grass sedum roof and how this roof is to be maintained) have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details/samples.
17. Prior to first use of the proposed car park, details of the height restriction barrier to be sited at the start of the entrance road into the Country Park red line shall be submitted to and approved in writing by the local planning authority. The barrier shall be installed in accordance with the details approved prior to first use of the car park unless otherwise agreed in writing by the local planning authority.
18. The proposed earthwork remodelling proposed to the northern field of the Country Park shall not exceed in size, scale, form or area those measurements identified on Drawing number BM1-OC-RMA-XX-DR-C-4016-R04 Earthworks Assessment.
19. All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development within each phase(s), are to be cleared outside the birdnesting season (March - August inclusive) or if clearance during the bird-nesting season cannot 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.
20. The development hereby approved shall be carried out in accordance with the Landscape and Management Plan dated 05/08/2022 by Nicholas Pearson

Associates, unless otherwise agreed in writing by the local planning authority.

21. Prior to first use of or transfer of the Country Park (in its respective phases) to Stevenage Borough Council, whichever is the sooner, all pedestrian and cycle routes within each respective phase shall be constructed and made ready for use, unless otherwise agreed in writing by the local planning authority.
22. Prior to first use of each respective phase of the Country Park, all identified ecological improvement works and/or features that do not expressly form part of the landscaping works shall be provided in accordance with the details of the Design and Access Statement and Drawing Number BM1-NPA-V1-OS-DR-L-3100-A C04 hereby approved, unless otherwise agreed in writing by the local planning authority.
23. Prior to first use of each respective phase of the Country Park the identified and approved cycle parking in the form of Sheffield stands, shall be made available and ready for use within its respective phase of the Country Park. The cycle parking shall thereafter be retained for its intended and specific use.
24. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.
25. Prior to relevant works in phase 2A of the Country Park, details of any external lighting to be installed on the toilet block building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall be provided before phase 2 of the Country Park is made available for use by the public.

3 **23/00529/S106 - LAND TO THE NORTH OF STEVENAGE, OFF NORTH ROAD AND WESTON ROAD, STEVENAGE**

The Committee considered a report in respect of application 23/00529/S106 seeking the modification of Schedule 2 Clause 2.2, 4.4, 4.5, 4.6 and 4.7, Schedule 3 Clause 3.2, Schedule 5 Part 1 Clause 1.2, 1.5 and 2.1.1 and Schedule 7 Clause 2.1 and 2.4 to Section 106 Agreement (dated 01.09.2022) approved. under planning permission reference number 17/00862/OPM.

The Principal Planning Officer advised that there were clauses within the Section 106 (S106) agreement that stated developers had to meet certain deadlines and requirements. It was unrealistic for developers to meet the targets previously set due to the delays in applications. There was a prior to commencement delay due to the Country Park application being deferred earlier in the year. The application proposed to increase and move the date triggers to take into account the delays going through the planning process.

Some Members raised concerns on the movement of the trigger dates. The Assistant Director (Planning & Regulatory) advised that the new trigger dates aimed to follow the same ratio of timings as if it hadn't been pushed back. For example one had been pushed back by 6 months as the Country Park application was delayed by

8 months. Many still had end dates and others were based on residential development.

Jo Unsworth also added that there was a limit on the number of dwellings that could be built. There were also long stop dates within the S106 agreements and dates when both phases of the Country Park and the school land had to be transferred to SBC.

Another Member asked whether the housing market impacted the demand. The Planning Manager for Bellway advised that work had commenced on the residential phases and there was no intention from Bellway to stop the sales so there would be no impact on their behalf.

A Member asked when the commencement date was. The Assistant Director (Planning & Regulatory) advised that the commencement date was when the developers started work on the residential site. There was a guaranteed date when SBC received the Country Park and school site. There was currently a lot of archaeological work happening on the site.

The Principal Planning Officer advised that several reserved matters had been approved and the developers were at liberty to start building. There was a lot of infrastructure underway and some of the site was still an active archaeological site. The report enabled works to carry on without the Country Park, which they could not start, but would have deadlines.

Another Member asked what would happen if the recommendation was turned down. The Assistant Director (Planning & Regulatory) advised that the reasoning for the amendments were to enable the Country Park to come in its own time but would guarantee a transfer.

It was **RESOLVED:** That the application 23/00529/S106 be **GRANTED** a variation to the S106 Planning Obligation as set out in the table in the report and subject to final drafting and to delegate authority to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed Solicitor to agree the precise wording of the variation to the agreement.

4 **URGENT PART I BUSINESS**

There was none.

5 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

6 **URGENT PART II BUSINESS**

There was none.

CHAIR

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Thursday, 7 December 2023

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair), Claire Parris (Vice Chair), Julie Ashley-Wren, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm
Time: End Time: 8.30pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillor Adam Mitchell CC.

There were no declarations of interest.

2 MINUTES - 26 AND 31 OCTOBER 2023

It was **RESOLVED** that the minutes of the Planning and Development Committees held on 26 October 2023 and 31 October 2023 be approved as correct records and signed by the Chair.

3 REVISED CONTAMINATED LAND INSPECTION STRATEGY

The Council's Senior Environmental Health and Licensing Manager presented a report to the Committee relating to the Council's revised Contaminated Land Inspection Strategy.

The Committee was advised that Section 78(B) of Part 2A of the Environmental protection Act 1990 placed a duty on local authorities to inspect their areas to identify contaminated land and conferred regulatory powers to deliver against that duty. Published Statutory Guidance produced by the Department for Environment, Food and Rural Affairs set out how local authorities should meet this duty including a written strategy setting out the Council's strategic approach which had been formally adopted and published.

The committee was advised that the purpose of the Strategy had four main tasks:

- To establish the Council's aims, objectives and priorities with respect to contaminated land taking into account the characteristics of the area;
- To set out the Council's approach to strategic inspection, the prioritisation of detailed inspection and remediation activity;

- To describe how the statutory regime fits with the Council's broader approach for dealing with land contamination using other legislation and voluntary remediation or as part of wider regeneration work; and
- To elaborate on how the Council's approach would seek to minimise unnecessary burdens on the taxpayer, businesses and individuals where it is reasonably practical to do so.

Officers advised that the change in approach focussed on how the Contaminated Land regime fits with Planning and Development Control in particular. The new strategy appended to the officer's report had been updated to reflect the new guidance as well as the Planning Policy Framework and following the announcement of the ending of the National Contaminated Land Grants Programme by DEFRA a replacement scheme had not been announced requiring that the scheme be altered.

It was noted that previously some planning application sites had contaminated land and could be identified as having potential for concern. This would be addressed through the planning process required by the National Planning Policy Framework and a much greater number of sites to be addressed than under the previous regime.

It was **RESOLVED** that the publication of the Contaminated Land Inspection Strategy be approved for external consultation until 4 February 2024.

4 **NEW PROCEDURES FOR DEALING WITH TELECOMMUNICATIONS PRIOR APPROVALS**

The Committee received a verbal update from the Development Manager on the new procedures for dealing with Telecommunications Prior Approvals which had been agreed with the Chair and Vice-Chair of the Committee along with the Portfolio Holder for Environment and Performance.

The Committee was advised that although having been issued by Officers in a timely manner, a recent decision had not reached the Applicant in the required legislative timescale. This meant that the application had been allowed as under the legislation applications were automatically approved if the 56 day target was not met. The new procedure would reduce the timescale for determination of telecommunication applications to 45 days from 56 days. This would allow greater time for the decision notice to be received by the applicant which would be sent by post and also emailed to the applicant.

The Development Manager also advised that the weekly list of applications would now refer to a reduced call-in time for Members of 2 weeks for prior approval applications.

It was **RESOLVED** that the update be noted.

5 **DRAFT PROCEDURE FOR HOUSES IN MULTIPLE OCCUPATION (HMO) ENFORCEMENT**

The Development Manager gave the Committee a verbal update on a new draft

procedure for Houses in Multiple Occupation (HMO) enforcement.

The Committee was advised that the new draft procedure had been drawn up by both Planning and Environmental Health Officers as a result of concerns from both Members and Officers regarding HMO properties. All 310 properties would be reviewed and inspected in relation to the Article 4 Direction.

A 2 year programme would be undertaken to look at all records and information on these properties. Properties would then be written to where there could be a potential planning breach or to ascertain information from the land owner as to whether they were lawful. Any unlawful properties would be brought to the Committee for potential enforcement action.

A quarterly update report would also be produced to ensure Members were kept up to date with the ongoing work in this area.

It was **RESOLVED** that the update be noted.

6 **23/00482/FP - CINNABAR, OLD STEVENAGE**

The Committee considered an application for the change of use of parking bays to facilitate construction of an outdoor seating area associated with 56-58 High Street, Stevenage.

The Senior Development Officer reminded the Committee that the current application had been deferred by the Committee in October 2023 when Members sought clarity on the implications of the newly adopted Levelling Up and Regeneration Act 2023 in terms of the issuances of licences for outdoor seating on pavements. She advised that the key change from the new Act was that the time-limited pavement licence provisions were made permanent.

The Chair then invited Mrs Gray and Mr Hills, both objectors to the application, to address the Committee.

Mrs Gray advised that with the reduction of the parking spaces proposed, access to the shops would be made more difficult for disabled people who would not be able to park outside of the shops. There had been no consultation with the local businesses which would be impacted by the use and lack of parking. The High Street should remain a thriving area for all businesses and not just for a few.

Mr Hills recognised the need for cultural premises in the High Street but was concerned about other local businesses. In relation to the car park in Primett Road, in his opinion, this was not an alternative for elderly, disabled or wheelchair users as it was too far away. The weather was also not conducive for the use of outdoor tables for eating and drinking.

The Chair then invited Mr Russell Linnard, on behalf of the applicant to address the Committee. Mr Linnard advised that no objections had been raised by Herts County Council as Highways Authority, SBC Engineers Department or BEAMS and this application was a great opportunity to enhance the overall experience for residents

and wider users of the High Street.

The Chair thanked all speakers for their contributions to the meeting.

The Senior Planning Officer then advised Members that the issue of the change of use of the land would be covered by a pavement licence, therefore, this application was only concerned with the proposed engineering works which comprised the removal of 4no. on-street parking bays, construction of a widened public footpath and associated kerbs and ancillary works.

Members asked a number of questions and the following responses were given:

- Stevenage Borough Council would issue the pavement licence which was a separate function of the Council and not a planning matter;
- Officers could raise with the County Council the issue of the lack of disabled parking spaces in the area;
- The parking at the front of the premises was not a designated parking space although it was accepted that informal parking took place currently;
- Public safety was not a planning consideration;
- The new legislation encouraged businesses to have outdoor seating arrangements;
- In response to a request from members regarding a potential compromise regarding the parking at the front of the premises, Officers agreed they would speak to the applicant regarding the parking concerns.

It was **RESOLVED** that application 23/00482/FP – Cinnabar, Old Stevenage, be deferred to allow for further discussions and negotiations with the Applicant and Herts County Council as Highway Authority regarding the area to the front of the premises currently proposed for outdoor seating, remaining as allocated parking spaces.

7 **23/00734/FP - 1-4 AND 5-8 MOUNT PLEASANT FLATS, WESTON ROAD, STEVENAGE**

The Committee considered an application for the installation of external wall insulation in render finish and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell façade, new windows and doors and an upgrade of ventilation and top up of loft insulation.

The application was before the Committee as the applicant was Stevenage Borough Council.

The Senior Planning Officer advised that the retrofit of the properties was being undertaken by the Council to improve the energy efficiency of the buildings and also contribute to the achievement of the Council's carbon emission targets. It would also improve the lives of the occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.

The Committee was advised that the only issue in the assessment of the application was the impact of the character and appearance of the area. There were no

changes to the number of units within the building and no enlargement of the buildings or number and locations of fenestrations so there would be no change to the car parking provision nor any changes to existing impacts on neighbouring properties.

It was **RESOLVED** that application 23/00655/FPM be **GRANTED** planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; 7059-CTS-20-000-D-A-4103; 7059-CTS-20-000-D-A-4101; 7059-CTS-20-000-D-A-4104; 7059-CTS-20-000-D-A-4102; 7059-CTS-20-000-D-A-4404; 7059-CTS-20-000-D-A-4403-P02; 7059-CTS-20-000-D-A-4405-P02; 7059-CTS-20-000-D-A-4406-P02; 7059-CTS-20-000-D-A-4410; 7059-CTS-20-000-D-A-4411-P02; 7059-CTS-20-000-D-A-4412-P02; 7059-CTS-20-000-D-A-4403; 7059-CTS-20-000-D-A-4404-P02; 7059-CTS-20-000-D-A-4405; 7059-CTS-20-000-D-A-4406; 7059-CTS-20-000-D-A-4410-P02; 7059-CTS-20-000-D-A-4411; 7059-CTS-20-000-D-A-4412;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

INFORMATIVE

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>.

8 **23/00107/OPM - 18 NORTH ROAD, STEVENAGE**

The Committee considered an application for outline planning permission for the demolition of existing dwellinghouse and erection of an up to 76 bedroom care home (Use Class C2); detailed design of access with appearance, landscaping, layout and scale as reserved matters.

The application was before the Planning and Development Committee as it was a major development.

The Principal Planning Officer advised that the main issues in the assessment of the application were:

- The principle of the development;
- Standard of accommodation;
- Character and appearance of the area;
- Impact on neighbouring amenities;
- Parking;
- Highway Safety;
- Ecology, arboriculture and biodiversity;
- Flood risk and drainage;
- Climate change and sustainability;
- Land contamination;
- Developer obligations and CIL;
- Other material considerations.

The Committee was advised that the application proposed the erection of a four storey, 76 bed care home on the site which was currently in use as a (vacant) single family dwelling. 19 trees were proposed to be felled with a 3:1 replacement planting scheme with a biodiversity net gain of 12.51% (on-site).

The Chair invited Mr Khan and Ms Clarke both objectors to the application to address the meeting.

Mr Khan advised that his property shared a 25m boundary with No 18 North Road. He advised that along with the proposed development causing a loss of daylight and sunlight to his property there were a number of other flaws with the application. The large patio sized windows and south facing balcony would increase noise levels and overlooking and privacy issues. The BRE recommendations with regard to loss of light had not been adhered to. Mr Khan advised that it was disappointing that the developer had not been concerned with the loss of light to the neighbouring properties.

Ms Clarke, Case Manager Community Without Walls, then addressed the Committee on behalf of her client who lived in an adapted property adjacent to 18 North Road and had severe and complex disabilities, requiring 24 hour care. The development would have a severe impact on her client's health with the noise of the

development, the noise of cars and visitors to the proposed care home and the reduction of light and overlooking to the adapted property. She hoped that the Committee would take into consideration the impact the proposed development would have on her client if it were to be approved.

The Chair thanked both speakers for their contributions to the meeting.

The Principal Planning Officer then clarified to the Committee that in relation to loss of light, the 50% reduction in daylight referred to in Mr Khan's address was actually a 50% reduction in vertical sky component. Officers were of the view that there would be significant harm caused to neighbouring premises with the loss of daylight and the impact of noise, in particular for the disabled resident in 4 Daltry Road. In addition, Officers advised that as set out in detail in the officer report and addendum, there were unacceptable drainage proposals for the proposed development.

In response to a question, Officers advised that the Developer had engaged with the Council at the early stages of the application, however, when the situation became clear in respect of the impact on neighbouring properties the Developer advised that they would not be making any further changes to the application and had not had any further engagement with the Council.

Members expressed the view that any reasons for refusal should be as robust as possible, in view of the likelihood of the Council's decision being appealed. Members asked Officers if the grounds for refusal could be strengthened, particularly in relation to overdevelopment.

In relation to the environment, a Member expressed concern regarding the application not being supported by an energy strategy and that no detailed measures had been put forward in terms of adaptation to climate change. Also concerns had been raised by the Herts and Middlesex Wildlife Trust (HMWT) regarding bio-diversity net gain. Officers advised that initially, the issue of biodiversity had been overcome but although comments had not yet been received from HMWT, Officers had reviewed the application and had formed the view that the application met the statutory tests in this area.

Officers advised that in relation to Energy, although no strategy had been put forward at this stage, this could have been picked up at reserved matters stage.

It was **RESOLVED** that application 23/00107/OPM – 18 North Road, Stevenage, Herts be **REFUSED** for the following reasons:

1. The proposed development, by reason of its scale and siting, would unduly deprive the occupants of 4 Daltry Road of natural light, resulting in dark, gloomy, and ultimately intolerable living conditions. The proposal is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2019, the Council's Design Guide SPD (2023) and the aims and objectives of chapter 12 of the NPPF 2023.
2. The proposed development, by reason of its scale and siting, would cause excessive noise throughout the construction and operational phases, resulting

in intolerable living conditions for the occupants of 4 Daltry Road. The proposal is therefore contrary to Policies GD1 and FP7 of the Stevenage Borough Local Plan 2019 and the aims and objectives of chapter 12 of the NPPF 2023.

3. The applicant has failed to demonstrate that the proposed development would adequately deal with surface water runoff, which could result in increased flood risk to the site itself and elsewhere. The proposal is therefore contrary to Policies FP11 and SP2 of the Stevenage Borough Local Plan 2019 and the aims and objectives of chapter 14 of the NPPF 2023.
4. The proposed development, by reason of the layout of the balcony and fenestration, and proximity to the shared boundary, would unduly deprive the occupants of 20 Daltry Road of privacy, resulting in unacceptable living conditions. The proposal is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2019 and the aims and objectives of Chapter 12 of the NPPF 2023.

9 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report be noted.

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

It was **RESOLVED** that the report be noted.

11 **URGENT PART I BUSINESS**

None.

12 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

13 **URGENT PART II BUSINESS**

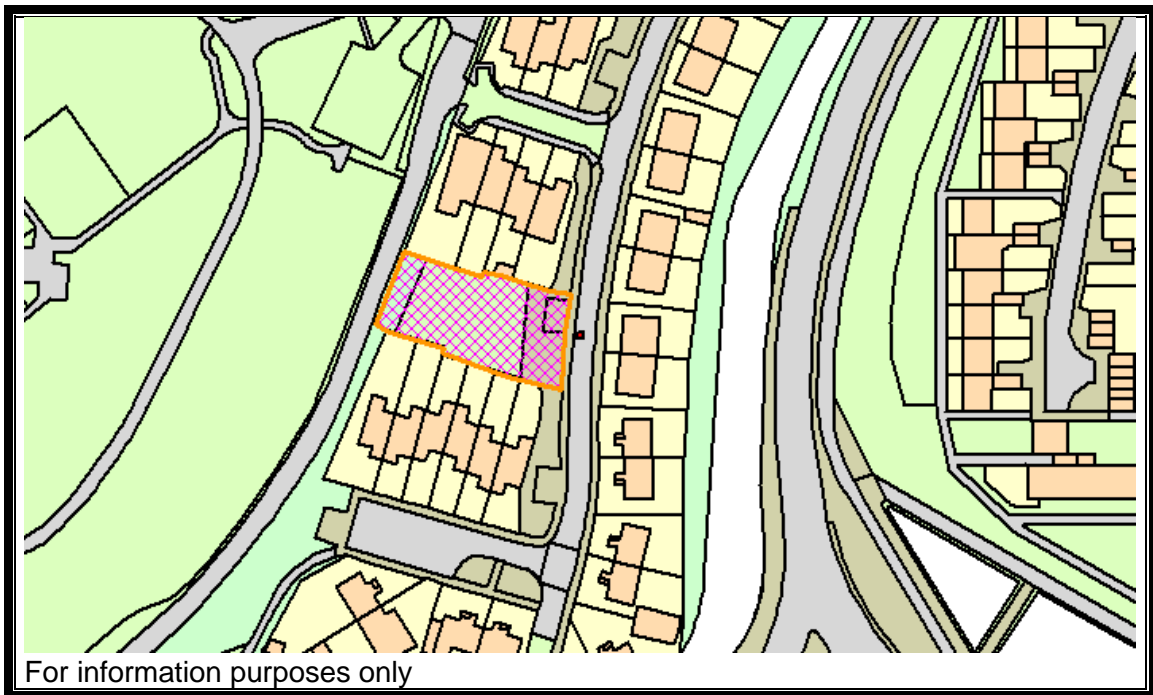
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 January 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00637/FP
Location :	Land Opposite 25 and 26 St Albans Drive, Stevenage, Herts
Proposal :	Erection of 3 no. 3 bedroom dwellinghouses with associated parking, landscaping, access and ancillary works.
Drawing Nos.:	LS2077-01; 22077.su1.01; 22077.su1.02; 22077.wd2.03; 22077.wd2.04; 22077.wd2.05; 22077.wd2.01-B; 22077.wd2.02-A;
Applicant :	Stevenage Borough Council
Date Valid:	16 August 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The site currently comprises an informal area of public amenity space to the rear of two sets of terraces, Nos. 37 to 46 St Albans Drive which is fully laid to grass. The western boundary of the site is enclosed with tall, mature hedgerow and trees with the highway of Weston Road and the cemetery beyond, whilst the eastern boundary is open to the highway of St Albans Drive and has a communal parking bay for approximately 3 vehicles.

- 1.2 The surrounding properties are generally two storeys in height and of a uniform scale, design, and materials. They are constructed of red brick to the ground floor and buff/yellow brick to the first floor with dual pitched tiled roofs. Opposite the site, to the east, is a pair of bungalows constructed with red brick with dual pitched tiled roofs.
- 1.3 During the case officer's site visit it was noted that there appears to be some moderate on-street parking congestion in only some parts of St Albans Drive, with the northern and southern ends being most congested.

2. RELEVANT PLANNING HISORY

- 2.1 None.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of 3no. three-bedroom dwellings with 6no. car parking spaces on land which is owned by the Council and designated as an informal area of public open space.
- 3.2 The existing communal parking bay will be retained in-situ and remain unchanged.
- 3.3 This application has been referred to the Planning and Development Committee for its decision as Stevenage Borough Council is the landowner and applicant and there have been more than 5 objections to the application.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of site notices, 117 letters of representation were received.
- 4.2 A summary of the comments received are set out below:

- Lack of public engagement;
- Loss of public open green space for children to play and dog walkers;
- Already lost children's playground and now this land;
- There would be no green space left in the street;
- Area is used by local nursery in the summer;
- Many school children use this road to access local schools;
- Unattractive and out of keeping with area;
- Loss of outlook and privacy;
- Loss of views;
- Will block daylight and sunlight;
- Exacerbate on-street parking congestion;
- Construction traffic will block the road and access to properties;
- Disruption from construction noise, dust and traffic;
- Only for the wealthy and not local residents;
- Do not need 3 houses when 800 are being built across the road on Forster Country;
- Swift and bat boxes should be installed;
- Loss of wildlife;
- Will remove rear access to gardens;
- Is it even financially viable/possible to build 3 houses?
- Could increase crime rates;
- Will affect house prices;

- Will lose the parking bay next to the site;
- Greed of Council;
- Build them somewhere else;
- Side extension to No.46 refused on grounds of being detrimental to open character of street scene;
- Does not comply with front to back or back to side separation distances;
- Contrary to policy HC4 for loss of health and community facilities;
- No biodiversity net gain identified;
- Solar panels and air source heat pumps are not adequate under Building Regulations to meet climate change adaptations;
- This is not a fabric first approach development and will not likely achieve future homes standards;
- No drainage strategy supplied – remove greenspace, remove natural flood defence;
- There is enough housing in the town if it was used properly;
- Residents who have lived here 20-30 years should not have to put up with this;
- Cycle sheds need to be at the front not in rear gardens to encourage their use.

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. Thames Water

5.1.1 Having reviewed the details, we have no comments to make at this time.

5.2. SBC Environmental Health

5.2.1 No objections subject to standard conditions for contaminated land, dust emissions and noise.

5.3. SBC Parks and Amenities Green Spaces Manager

5.3.1 A Biodiversity Net Gain calculation is required and if a shortfall is identified then a financial contribution will be required to off-set the loss elsewhere. We have concerns regarding the hedgerow and scrub habitat along the western boundary and loss of habitat – we would need to see full landscaping proposals to ensure benefits to local wildlife are secured. All rear access paths must be hard landscaped. Details of the landscape management will be required. Planting adjacent to the car parking areas is of concern so consideration will be required for opening of car doors, vehicle overhangs, visibility, access and egress. Planting will need to ensure no washing of soil on to surrounding paths and roads.

5.4. Herts County Council as Highways Authority

5.4.1 The Highways authority does not wish to restrict the granting of planning permission subject to conditions requiring details of visibility splays.

5.5. Herts Police Crime Prevention Design Advisor

5.5.1 Pleased to see the scheme designed to meet Secured by Design as this is proven to reduce incidents of burglary by more than 70% and can also significantly reduce opportunities to commit vehicle crime and anti-social behaviour. There were 17 incidents between August 2022 and July 2023, of which 10 were for anti-social behaviour and 4 were assaults. Given this, we support the application.

5.6. SBC Arboricultural and Conservation Manager

- 5.6.1 From an Arboricultural viewpoint, I have no objections. However, the boundary fences must not impact on the mature hedgerow to the rear. The mature Ash and Field Maple trees in the hedgerow could potentially impact on the proposed gardens in the afternoons and therefore a condition will be required to secure relevant and necessary works to the hedgerow.

5.7 Herts and Middlesex Wildlife Trust

- 5.7.1 No comments provided.

5.8 Affinity water

- 5.8.1 No comments provided.

5.9 SBC Waste and Recycling Manager

- 5.9.1 No comments provided.

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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:
- maintaining supply and delivery of housing.
 - making effective use of land with the allowance of mansard roof extensions to suitable properties.
 - significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
 - strengthening policies around achieving well-designed and beautiful places.
 - requirement for councils to prepare Local Design Codes.
 - no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
 - local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
 - change to policies on Biodiversity.
- 6.2.2 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.

- 6.2.3 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 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. 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 79 of the NPPF. This will be in addition to the preparation of an Action Plan. 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 under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.
- 6.2.4 Turning to 5-year housing land supply, the Council 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 confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations, and it also has to produce an Action Plan in order to boost housing delivery.
- 6.2.6 The Council is now commencing preliminary work into a 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. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.

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 2019 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 Adopted Local Plan (2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Climate change, flooding and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT5: Parking and access;
Policy IT6: Sustainable transport;
Policy HO5: Windfall sites;
Policy HO9: House types and sizes;
Policy GD1: High quality design;
Policy FP1: Climate change;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland;
Policy NH6: General Protection for Open Space.

6.6 Supplementary Planning Documents

- Parking Provision Supplementary Planning Document October 2020
- Stevenage Design Guide Supplementary Planning Document January 2023.
- The Impact on Biodiversity SPD 2021
- Developer Contributions SPD 2021

6.7 Community Infrastructure Levy

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.

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application 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 considerations indicate otherwise.

7.2 Principle of Development

Provision of Housing

7.2.1 The National Planning Policy Framework (NPPF, 2023) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is an area of public open space in St Albans Drive, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'.
- 7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.4 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:
- a) The site is on previously developed land or is a small, underused urban site;
 - b) There is good access to local facilities;
 - c) There will be no detrimental impact on the environment and the surrounding properties;
 - d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
 - e) The proposed development would not overburden existing infrastructure.
- 7.2.5 The land in question forms a small area of open space which is fully grassed. There is a mature hedgerow containing some trees on the western rear boundary whilst the western front boundary is open to the vehicular highway. Informally, the land is used by local children for play and is of a good size to accommodate this informal function. There are some smaller pockets of open space within the street, and a much larger area 100m to the north which is fully bounded by residential dwellings and soft landscaping so as to provide a safer environment for children to play without encountering vehicular traffic.
- 7.2.6 In light of the above, the site is considered to be a small, underused urban site. In this respect, the proposal accords with criterion (a) of Policy HO5.
- 7.2.7 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is located close to an established bus route along Canterbury Way and Great Ashby Way. Two secondary schools, two primary schools, the historic Old Town High Street and the St. Nicholas Neighbourhood Centre are within 10-20 minutes' walk, whilst a large Sainsbury's supermarket is a 5-10 minute drive. As such, the application site is considered to have a good level of access to local facilities and alternative forms of travel to the private car and therefore deemed to be within a reasonably sustainable location.
- 7.2.8 The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable, and the purpose of the CIL payment is to mitigate infrastructure impacts. In these respects, the proposal accords with criteria (b), (d) and (e) of Policy HO5.
- 7.2.9 It is possible that the development would have a detrimental impact on neighbouring properties but if this were the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.

- 7.2.10 Paragraph 60 of the NPPF (2023) states that to support the Government's objective of significantly boosting housing supply, it is important that a sufficient amount, and variety, of land comes forward where it is needed, that the needs of groups with specific housing requirements are met, and that land with permission is developed without unnecessary delay. In addition, para 60. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. As such, 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 three new dwellings and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be limited and therefore only attracts moderate weight in favour of the proposal.
- 7.2.11 Policy HO9 (House types and sizes) of the Local Plan (2019) states 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 terraced properties, and a lack of one- and two-bedroom properties.
- 7.2.12 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.
- 7.2.13 However, despite the imbalance, there remains a need for further three-bedroom properties in the Borough. The development would help to meet this need, albeit three dwellings would not make a significant contribution on its own. A three-bedroom dwelling is also considered to be appropriate given that it would be surrounded by other units of a similar size. Providing these as market units is acceptable since there is no requirement for developments of fewer than 10 dwellings to offer affordable housing. For these reasons, the proposal is considered to accord with Policy HO9.
- 7.2.14 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:
- (g) promote journeys by bus, train, bike and foot and reduce the need to travel;
 - (j) Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
 - (k) Produce places and spaces that enable people to live a healthy lifestyle;
- The proposal meets these criteria as mentioned previously in this response.

Loss of Public Open Space

- 7.2.15 The area of land in question is currently in the ownership of SBC and is designated as an undesignated 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.

- 7.2.16 The area of land in question is sited on the western side of St Albans Drive, bounded by terraced dwellings to the north and south and the vehicular highway to the east. It is a modest sized area of grassland. The western boundary contains a mature hedgerow, associated scrub habitat and some mature trees, with the highway of Weston Road beyond.
- 7.2.17 The overall land size is approximately 730sqm and measures approximately 40m deep and 20m wide. It is fully laid to grass with an area of communal off-street parking at the front. It offers a strong, positive contribution to the street scene and wildlife. There is another similar, albeit smaller area of land just to the north and a further, much larger area of land at the far northern end of the road although this only appears to be publicly accessible via a small alleyway which may not be immediately clear to members of the public. There is a substantial public open park between Great Ashby Way and Ripon Road which offers football pitches, generalised open space and a children's play area.
- 7.2.18 Given the aforementioned assessment, it is considered that there are other areas of amenity space for recreation use and suitable hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against. The benefits of providing additional housing are considered to outweigh any harm caused by the loss of this small area of open space.
- 7.2.19 There is a large area of public open space at the northern end of St Albans Drive, which is sited away from vehicular highways and is therefore a safer, and larger, public open space for members of the public, especially children, to enjoy safely without conflict from passing motor vehicles. This site is approximately 100m to the north.
- 7.2.20 There are a large number of mature trees, hedgerows, wild highway verges and wooded areas in the vicinity which all provide a haven for wildlife and are not due to be removed.

Conclusions on Principle of Development

- 7.2.21 Overall, the site is considered to be suitable for the provision of housing. It is a small, underused urban site surrounded by existing residential development within a residential area. Developing the site for residential purposes would not have any fundamentally unacceptable impacts on the environment or surrounding properties, nor would it overburden existing infrastructure or compromise the delivery of housing on allocated sites.
- 7.2.22 In addition, due to the under-delivery of housing as identified in recent HDT scores published by DLUHC in December 2023 (see paragraph 6.2.3), paragraph 11(d) of the NPPF is engaged and that there is now a presumption in favour of delivering sustainable development. In addition, the Council's specific policies on housing are deemed to be out of date, so significant weight must be given to increase the delivery of new homes as required under the NPPF. Therefore, in providing three new market dwellings, the development would make a small but nonetheless positive contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwellings, but this is a neutral matter. The construction activity would provide a small boost to the local economy.
- 7.2.23 The benefits of retaining the site as structural open space are considered to be limited considering its size, suitability for other uses (e.g., recreation), and the presence of other much larger and higher quality open space in the immediate vicinity.
- 7.2.24 Having regard to the above, it is considered that the loss of the open space is justified, given the significant benefits of providing three market dwellings due to paragraph 11(d) of the NPPF being engaged. It follows that the development is acceptable in principle.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 In terms of design, paragraph 131 of the NPPF (2023) 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 135 of the NPPF (2023) 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.
- 7.3.2 Paragraph 139 of the NPPF (2023) 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.
- 7.3.3 Paragraph 136 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”.
- 7.3.4 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.
- 7.3.5 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.
- 7.3.6 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 (2023) generally reflects the aforementioned 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.
- 7.3.7 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.

7.3.8 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.

7.3.9 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.

7.3.10 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.

7.3.11 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Sections B (Built Form) and H (Homes and Buildings) 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.

- 7.3.12 The application site is located in a residential area. The properties in this neighbourhood are uniform in scale, design, and massing and all have good sized private rear gardens. The properties are all constructed in red brick at ground floor and buff-yellow brick at first floor with dual pitched tiled roofs. There are some bungalows which are constructed with red brick and dual pitched tiled roofs.
- 7.3.13 In terms of visual appearance, the submitted plans show that the proposed terrace of dwellings would be two storey and constructed with red brick and a dual pitched tiled roof with solar PV panels on the western front roof slope and a flat roof canopy over the front door. The prevailing character on this western side of St Albans Drive is for the terraces to be aligned north to south, whilst this proposal seeks to align the properties east to west. Whilst this would be at odds with the character on the western side of the road, the properties on the eastern side of the road are aligned in the same manner as the proposed dwellings so it would not be entirely out of keeping with the overall setting of the street scene.
- 7.3.14 The siting of the parking spaces to the front of the development is acceptable as this is the case for a number of communal parking areas along the road.
- 7.3.15 The western boundary hedgerow and trees would remain untouched and would therefore preserve this high-quality amenity and screen the properties from Weston Road.
- 7.3.16 Comments from local residents regarding a previously refused planning permission for No.46 St Albans Drive on the basis of harming the street scene are noted. The application in question, 19/00207/FPH was withdrawn by the agent and not refused. This application related to the erection of a two-storey side extension on an end of terrace dwelling adjacent to the vehicular highway. This would have extended the building line towards the highway to the detriment of the rhythm of the street scene. The proposed development that forms this current application is not the same and the proposed dwellings would be set behind the established building line and therefore this historic application is not a material consideration in the assessment of this current application.
- 7.3.17 Overall, the proposed development would be acceptable in design, scale and massing and with the use of high-quality materials, it would have an acceptable appearance in the street scene and therefore not unduly harm the visual amenities of the area.

7.4 Impact on Neighbouring Amenities

Outlook and Amenity

- 7.4.1 In relation to the impact of the proposed development on existing residential amenity, the most affected properties would be Nos. 37-42 to the south and Nos. 43-46 to the north. Nos.25 and 26 are the closest properties to the east of the site.
- 7.4.2 In assessing the impact on neighbouring amenity, the Council's Design Guide SPD (2023) sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments, the recommended separation distances 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 Back to Side	25m 15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back Back to side	20m 12m
Over 2 storeys between existing and new dwellings	Back to Back Back to Side	35m 25m
Between new dwellings over 2 storeys in height	Back to Back Back to Side	30m 20m

- 7.4.3 Given the orientation of the proposed dwellings, they would have a back to side relationship with the northern and southern neighbouring properties. In this regard, there is a requirement for a minimum separation distance of 15m. The submitted plans show that this would be achieved at first floor level. There is no front-to-front separation distance in the Design Guide, however the front of the proposed dwellings would be approximately 28m from the front of the bungalows to the east of the site. This is considered acceptable.
- 7.4.4 There are 2no. windows proposed at both ground floor and first floor on both side elevations of the proposed dwellings. However, these would all serve bathrooms or W.Cs and as such would be obscurely glazed so no direct overlooking or loss of privacy would occur in this regard between the dwellings and the neighbouring properties. In terms of future protections, it is not possible to install new windows at first floor on the side elevations that are clear glazed without planning permission so the Council would be able to control this aspect in future if it were to arise.
- 7.4.5 In terms of outlook, the separation distance between the rear habitable windows of the northern and southern neighbouring properties is adequate to ensure a level of outlook is maintained. The habitable rooms in the proposed dwellings would have sufficient outlook to both the front and rear.

Daylight and Sunlight

- 7.4.6 An independent sunlight and daylight assessment by a qualified and competent person has been undertaken in line with the guidance set out in the Building Research Establishment (BRE) (2022) "Site Layout Planning for Daylight and Sunlight, a guide to good practice" and submitted with the application. The following sections of this report relate to the submitted assessment.
- 7.4.7 The results confirm that the proposed development does not fully comply with the BRE numerical guidelines (see 7.4.9). However, the BRE guide makes clear that, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.
- 7.4.8 Dealing with daylight, the BRE guidelines operate on the principal that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the VSC is below 27% but is not reduced to less than 0.8 times its former value, then the reduction in daylight would not generally be noticeable to the owner/occupiers and therefore, the level of impact is not sufficient to warrant refusal. Further, the distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 7.4.9 All windows on properties 37 to 43 St Albans Drive that require a pass for VSC do so, except one at No.41 (identified as window 39 in the report). However, the room served by that window, is also served by another window which passes the test; further the failed window is already partially obstructed by the projecting wing of No.41.
- 7.4.10 With regards to the daylight distribution test, all rooms with a requirement for daylight pass the daylight distribution test.
- 7.4.11 Turning to sunlight and overshadowing, all windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the

total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

- 7.4.12 All gardens and open spaces tested meet the BRE recommendations for overshadowing.
- 7.4.13 The submitted report also identifies that there would be a very small increase to shadowing of the rear gardens of the northern neighbouring properties but that this overshadowing would be limited to the bottom of the gardens and would not impact on the dwellings nor the immediate rear patio areas (appendix 3 of the submitted Daylight and Sunlight Assessment).
- 7.4.14 The results demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties. Non-compliance with the BRE recommendations is limited to the vertical sky component test in respect of one window at 41 St Albans Drive. Taking into account the overall high level of compliance with the BRE recommendations, and the mitigating factors set out in 7.4.9, there is no daylight or sunlight reason why planning permission should not be granted.

Private Amenity Space

- 7.4.15 In respect to private amenity space, section H (Homes and Buildings) of the Design Guide SPD (2023) requires that all dwellings should have private amenity space. Developments should normally aim to achieve a minimum useable communal area of 50 square metres per dwellings with a minimum depth of 10m. Garage courts, parking areas and bin storage areas are not considered as part of the useable garden amenity requirements.
- 7.4.16 The submitted site layout plan shows that all dwellings would meet this requirement and the development is therefore acceptable in this regard.
- 7.4.17 The existing footpath access to the rear gardens of existing dwellings would be retained so no loss of access to those gardens already served by rear access would occur. It is noted that No.37 to the south does not have a rear gate on their boundary and so whilst the development would extend along their rear garden, it would not be removing any existing access. Additionally, Nos. 43 and 44 to the north do not currently have a footpath to the rear of their garden for access but under the proposed development, a footpath would extend across their rear gardens allowing for future access subject to easement permissions from the future landowners. Rear access for the middle property in the proposed terrace would be via a footpath that runs around the northern and western boundary of the northern house in the terrace.

Living Space Standards

- 7.4.18 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.
- 7.4.19 The submitted plans show that all dwellings exceed the overall floor space standards for a two storey, three-bedroom, four person dwelling and all bedrooms meet the minimum floor space requirements.
- 7.4.20 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 (2023) and planning practice guidance.

7.5 Car Parking and Cycle Provision

- 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. The Council's Parking Provision and Sustainable Transport SPD (2020) requires 3-bedroom units to have 2 spaces. The submitted site layout plan shows that 6 spaces will be provided to the front of the development, adjacent to the existing communal parking bay.
- 7.5.2 Turning to disabled parking, in line with the Council's adopted Standards, 5% of the total number of spaces should be designated for disabled persons and should be incorporated within the provision and not necessarily in addition to it. The submitted plans show one space which is acceptable.
- 7.5.3 Visitor spaces are required at a standard of 0.25 spaces per dwelling, so 3 units will require 0.75 spaces, rounded up to 1 space. As the parking is unallocated then additional visitor spaces would not need to be provided.
- 7.5.4 It is noted that the existing three bay communal parking area at the front of the site will be retained as it is.
- 7.5.5 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). The recently adopted SPD requires one cycle parking space per bedroom. The submitted plans show that there is a cycle storage area within the rear garden of each property which is considered acceptable. Comments from local residents regarding the provision being within the front curtilage are noted, however, it is considered that providing the storage within the rear gardens is safer for the occupants.
- 7.5.6 The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network, but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. This can be secured with a suitably worded condition.
- 7.5.7 Herts County Council (HCC) as the Highways Authority have assessed the application and 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.
- 7.5.8 A major concern from local residents relates to on-street parking in the vicinity. Officers undertook site visits and found that whilst there is some on-street parking near to the site with no parking restrictions, there was no discernible level of congestion found close to the site. Most of the congestion appears to be at the northern and southern ends of St Albans Drive. Further, houses in the area appear to have off-street parking for at least 2 vehicles which meets the standards for 2- and 3-bedroom dwellings in the Parking Provision SPD. HCC Highways raised no concerns relating to highway safety.
- 7.5.9 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 would 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.
- 7.5.10 The Highways Authority have also requested a condition requiring the submission of a plan showing the vehicle – pedestrian visibility splays. This plan has been submitted by the

applicant prior to a decision being made and therefore it is considered acceptable to impose a condition requiring adherence to this plan.

- 7.5.11 Given the aforementioned assessment, and through the use of appropriately worded conditions, the development would be in accordance with the policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2023) and PPG.

7.6 Impact on the Environment

- 7.6.1 The application site is an area of open grassland and prior to the original development, the site was part of open fields. Therefore, there would be very low risk of contamination.
- 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 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 CMP 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 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. The site contains no trees although there is a mature hedgerow with associated scrub habitat and mature trees along the western boundary of the site.
- 7.7.2 The Council's Arboricultural Manager and Green Spaces Development Officer have raised no concerns from an Arboricultural viewpoint although they have raised concerns over the potential impact on the boundary hedgerow. The Arboricultural Manager has requested that a management plan is provided to undertake works to some of the trees within the hedgerow to ensure there is no impact between the trees and the proposed dwellings. This can be secured via a condition. They have also requested that any boundary treatments are carefully considered to ensure they do not impact on the hedgerow and associated scrub habitat and that all footpaths in that area are hard surfaced to ensure access to the hedgerow for maintenance.

7.8 Biodiversity, Ecology and Protected Species

- 7.8.1 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 recently adopted 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.

- 7.8.2 The site is located in an urban setting and is bordered by residential properties and pedestrian and vehicle highways. The wider environment is generally urban in nature comprising a mixture of residential buildings along with hardstanding, hedgerows, individual trees and amenity grassland. The application is accompanied by a Biodiversity Net Gain Assessment and Ecological Appraisal to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level. The survey comprised a desk top study from Hertfordshire Biological Records Centre and from the multi-agency Geographical Information for the Countryside (MAGIC). A field survey was also undertaken along with a Bat Survey.
- 7.8.3 The Ecological Appraisal identifies that no impacts on any designated sites are expected as a result of construction or use of the development. In addition, no habitats of conservation interest were present on site. The majority of the site is not considered to have any potential for protected species in its current condition.
- 7.8.4 The trees on the western boundary have potential for nesting birds, and it is therefore recommended that any tree works, or scrub removal is undertaken outside of the bird breeding season (which runs from March – August inclusive). If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged.
- 7.8.5 None of the trees have bat roosting potential. It is recommended that any external lighting is directed away from retained trees to minimise any potential impacts on foraging or commuting bats.
- 7.8.6 The ecological appraisal concludes that the site habitats have limited ecological interest, and given the size of the site, there are limited opportunities for habitat retention or creation and as such a biodiversity net gain is not achieved. This is discussed in more detail below. The report goes on to conclude that suitable mitigation measures for bird and bat boxes should be considered. This can be secured via a suitably worded condition.
- 7.8.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be shortfall of 0.07 habitat units, which equates to a 2.03% loss. To get to 10% net gain the applicant will need to provide a financial contribution. The biodiversity financial contribution would be secured via a s106 legal agreement should planning permission be granted and the money would be spent on improving biodiversity on another site in Stevenage to be agreed with the Council's Green Spaces Development officer.

7.9 Other Matters

Sustainable construction and climate change

- 7.9.1 Policy FP1 of the adopted 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.

7.9.2 The submitted Design and Access Statement provides details of the sustainability of the proposed development. It will be constructed to Building Regulations M4(1) standards and include the following, which can be secured via a condition:-

- Solar photovoltaic panels;
- Air source heat pumps for heating and hot water;
- Construction materials sourced from environmentally sustainable sources;
- All materials recycled wherever possible;
- Fabric first build approach;
- High levels of thermal insulation;
- Low emission heating appliances to meet Part L of the Building Regulations;
- Water saving measures such as flow restrictors, aerated taps and dual flush toilets;
- South facing windows are not expansive in size to minimise solar gains;.

7.9.3 Comments from local residents regarding the use of air source heat pumps and solar PV panels not meeting Building Regulations are noted. In addition, comments around the development also not being a fabric first development which fail to meet Future Homes Standards is also noted. However, these would be for the relevant Building Control authority to determine under any future Building Regulations applications and any subsequent changes to the scheme would be dealt with via formal discharge of planning conditions or amendments to the planning application under Section 73 of the Town and Country Planning act 1990 (as amended).

Waste and Recycling

7.9.4 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The layout plan shows that the properties have sufficient plot sizes to be able to store the required vessels within their rear gardens. The plans also include two areas for placements of receptacles on collection days that are adjacent to the parking area at the front of the site, and within 15m of the road in terms of drag distance, which complies with the 30m maximum in Manual for Streets.

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.

Equality, Diversity and Human Rights

- 7.9.8 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.
- 7.9.9 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.9.10 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.
- 7.9.11 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.
- 7.9.12 The scheme also seeks to deliver the necessary disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size and construction standards and have been located in an appropriate location in close proximity to the entrance of the dwellings.
- 7.9.13 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 Matters Raised in Representations

- 7.10.1 Matters relating to profit, and impact on house values are not material planning considerations and as such cannot be taken into consideration when determining this application. It is not for

the Council as Local Planning Authority to consider why the Council as landowner is selling the land for development as this is a commercial decision which is not a material planning consideration. The Local Planning Authority can only assess the application on material considerations and issues relating to the development proposal which have been covered in the preceding report.

- 7.10.2 Whilst financial viability is a material consideration, it is only for consideration on larger development proposals where the developer is unable to meet planning obligations such as affordable housing or financial contributions. Where developments are for less than 10 houses, the Local Planning Authority is not required to consider development viability.
- 7.10.3 The dwellings under construction on land known as Forster Country is 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. Notwithstanding and as set out in section 6 of this report, Stevenage has an identified need for housing in which this development would make a small contribution towards.
- 7.10.4 The land being used as a cut through by local school children is noted, however, the development does not impact on the public footpaths which adjoin the site so pedestrians would not be impacted in this regard and could still navigate through St Albans Drive.
- 7.10.5 Comments regarding the publication of the application are noted. The application was received on 16 August 2023 and all letters to neighbouring properties were sent out on 17 August 2023. Any postal delays in the receipt of the letters are out of the control of the Council. Additionally, a site notice was erected at the site on 22 August 2023 which was 3 working days from the application being received as a valid submission. In this regard, the Council undertook its requirements for publication of the application in an acceptable and timely manner in accordance with Central Government legislation.
- 7.10.6 Policy HC4 of the Local Plan relates to health, social and community facilities as defined by the Town and Country Planning (Use Classes) Regulations 2020 for classes C2, D1 (now E or F1) and D2 (now Sui Generis, E or F2). As the application relates to an area of open space, it is not covered by this policy.
- 7.10.7 Development proposals that are classified as minor (less than 10 houses) are not required to provide a Flood Risk Assessment, providing the development does not fall within Flood Zone 2 or 3. Notwithstanding, surface water flooding is a consideration in the determination of this application. Dealing firstly with flooding from for example rivers and watercourses, the site is located within Flood Zone 1 as defined by the Strategic Flood Risk Assessment which is a supporting document to the adopted Local Plan and the Environment Agency Flood Risk Maps and is therefore considered to be at low risk to flooding.
- 7.10.8 With respect to Surface Water Flooding, the site is identified by the Environment Agency Flood Maps as being of very low risk to surface water flooding (the area has the chance of flooding of less than 0.1% per year). It should be noted that Flood Zone 1 is the primary zone for development as per the NPPF (2023) and relevant planning legislation. Further, Thames Water raised no concerns or objections in this regard or in relation to sewer network capacity. As such, whilst the concerns around the potential for flooding once the development is built out are noted, the additional risk of surface water flooding from the development is deemed to be low due to the site not being identified as being high risk to flooding.

8. CONCLUSIONS

- 8.1. The policies considered to be most relevant for determining this application are listed above in Section 6.5.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date. The

Council is required to apply the tilted balance by reason of its housing delivery position. Accordingly, Paragraph 11(d) of the NPPF is engaged and the subsequent presumption in favour of sustainable development is a key material consideration in the assessment of this application. This policy position tilts the planning balance in favour of the application.

- 8.2. The proposed development would result in the delivery of 3no. three-bedroom dwellings, which would make a small but nonetheless significant contribution towards meeting the Borough's housing needs. This is due to paragraph 11(d) of the NPPF being engaged. The application has demonstrated that the scheme would be capable of providing a good standard of accommodation. The provision of good quality housing carries significant weight in favour of the proposal.
- 8.3. 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 three dwellings, it is considered that these benefits would be limited and only attracts limited weight in favour of the proposal.
- 8.4. 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.
- 8.5. 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.
- 8.6. 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.
- 8.7. Financial contributions will be secured via a legal agreement to deliver a 10% net gain in biodiversity. This carries moderate weight in favour of the proposal.
- 8.8. Having regard to the above, the proposal is considered to accord with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-
 - Securing the provision of a 10% net gain in biodiversity off-site within Stevenage;
 - SBC Section 106 monitoring fee – 2.5% of the total financial obligations.
- 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, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair and Vice 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:
LS2077-01; 22077.su1.01; 22077.su1.02; 22077.wd2.03; 22077.wd2.04; 22077.wd2.05; 22077.wd2.01-B; 22077.wd2.02-A;
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 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
REASON:- In the interests of the living conditions of neighbouring occupiers.
- 4 Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
REASON:- In the interests of the living conditions of neighbouring occupiers and highway safety.
- 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 prevent unacceptable risks to human health as a result of contamination
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of "Ecological Impact Assessment" authored by Ecology by Design dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To prevent unacceptable harm to habitats and species.
- 7 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 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.
- k) 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)
- l) 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 in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 8 Before any development commences, including any site clearance or demolition works, any trees on the site shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed 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.

- 9 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of works to the hedgerow, and associated trees and scrub habitat. The scheme shall include details of all existing trees and hedgerows on the land and details of intended works.

REASON:- To ensure that the retained hedgerow and associated trees are suitably managed.

- 10 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.

- 11 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.

- 12 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 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.

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

- 13 No development shall take place above slab level until details (make, model, location) of integrated (installed within the brickwork) bat boxes and integrated swift boxes have been submitted to and approved in writing by the Local Planning Authority. These must be fully installed in accordance with the approved details prior to occupation and retained as such thereafter.

REASON:- To conserve and enhance biodiversity in accordance with NPPF

- 14 Prior to the first occupation of the dwellings hereby permitted the parking provision, access and visibility splays as shown on approved plan 22077wd2.01-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.
- 15 Prior to the occupation of the dwellings hereby permitted, the parking spaces shown on approved plan 22077wd2.01-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.
- 16 The development hereby approved shall be constructed in accordance with the measures to address climate change as laid out in the Design and Access Statement by Kyle Smart Associates dated June 2023.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 17 Prior to the first occupation of the dwellings hereby permitted, the cycle storage as shown on plan 22077wd2.01-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.
- 18 Prior to the first occupation of the dwellings hereby permitted, the general waste and recycling storage associated with the development shall be implemented in accordance with the details as specified on plan number 22077wd2.01-B.
REASON:- To ensure the general waste and recycling storage 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.
- 19 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.
- 20 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.
- 21 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).

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

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

INFORMATIVE

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 Herts Police Crime Prevention Design Advisor

Prior to construction the developer 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. The reason for this is 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".

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

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.

8 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.

9 Hertfordshire County Council as Highways Authority

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.

10 Hertfordshire County Council as Highways Authority

Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

11 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>

12 Environmental Health

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.

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, The Impact of Development

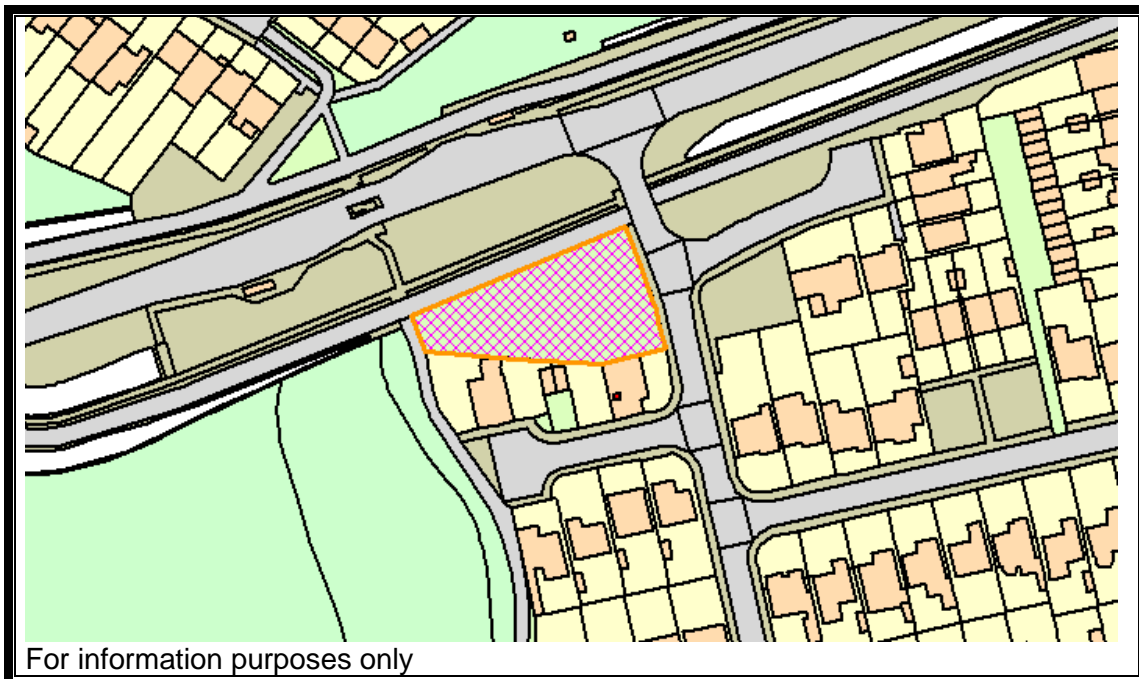
on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.

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 December 2023 and Planning Practice Guidance.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 January 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00357/OP
Location :	Land Adjacent 2 Marlborough Road, Stevenage, Herts
Proposal :	Outline planning permission (all matters reserved) for the erection of 2no. three to four bedroom dwellings
Drawing Nos.:	01; 01D; 03D
Applicant :	Stevenage Borough Council
Date Valid:	10 May 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The area of land in question is currently in the ownership of Stevenage Borough Council (SBC) and is designated as an area of informal open space. It is sited immediately along the northern side boundary of Nos. 2 and 4 Marlborough Road. It is a large area of grassland with a number of trees of varying age, size and species. The northern boundary of the site is then bounded by the public footpath and cycle network with the main highway of Six Hills Way beyond. To the rear of the site is an expansive area of woodland known as Great Collens Wood.

- 1.2 The overall land size is approximately 50m long and approximately 28m wide on the front eastern boundary, narrowing to approximately 8m wide on the rear western boundary. It has a site area of approximately 0.10 Hectares. A single hedgerow runs along the southern boundary of the site adjacent to the existing dwellings. A total of 13 trees are scattered across the site which are identified in the submitted ecological appraisal as: Cherry and Rowan to the east, a single Ash in the centre, and four Norway Maple to the west. A Weeping Willow and Pine are noted to be outside the site boundary to the south.

2. RELEVANT PLANNING HISTORY

- 2.1 21/01279/OP. Outline planning permission (all matters reserved) for the erection of 3no. three bed dwellings. Withdrawn 09.02.2022.

3. THE CURRENT APPLICATION

- 3.1 This application seeks outline planning permission for the erection of 2no. three or four bedroom dwellings on the Council owned land (with all matters reserved). Whilst all the trees would be removed, 5 would be replaced within the site and the lost 8 trees would be replaced along Six Hills Way via funding secured through a Section 106 (s.106) Unilateral Undertaking.
- 3.2 An indicative site layout plan has been submitted, showing how the site could accommodate two dwellings with associated access, car parking provision and landscaping.
- 3.3 This application has been referred to the Planning and Development Committee for its decision as Stevenage Borough Council is the landowner and there have been more than 5 objections to the application.

4. PUBLIC REPRESENTATIONS

- 4.1. This application was publicised by way of neighbour letters and two site notices. The following is a summary of the comments received. This is not a verbatim copy of these comments and full details can be found on the Council's website.
- 4.2. Comments were received from the following properties:-
- Marlborough Road: 2, 3, 4, 6, 10, 12, 14, 20, 36, 38, 40, 44, 50, 54, 56, 58, 64, 82, 88B,
 - Wellington Road: 3, 6, 7, 8, 13, 27, 28, 35, 40, 46, 48,
 - 12 Gilders, Sawbridgeworth
 - Cromwell Road: 4, 5, 6, 18, 19, 26, 29, 43, 46, 48, 50, 51,
- 4.3. Summary of Comments:
- Unacceptable loss of trees.
 - Detrimental impact on the natural habitat and wildlife site.
 - Insufficient parking provision.
 - Will exacerbate on-street parking issues in the area.
 - Proposal will have a detrimental impact on highway safety, including the safety of pedestrians and cyclists.
 - Council should consider double yellow lines on the junction to improve highway safety.
 - Council should secure the provision of swift boxes.
 - There is a need for more trees to be planted due to climate change.

- The development would exacerbate surface water flooding in the area.
- Unacceptable loss of open space which is widely used by the local community (including children and dog walkers).
- There is not a demand for additional houses to be constructed in Stevenage due to housing development taking place on Gresley Way.
- The development is just for profit and no benefit to the community.
- The development would have a detrimental impact on property values.
- Existing trees should be protected by a TPO.
- The proposed dwellings due to their limited size are below national standards.
- The dwellings do not have sufficient sized private garden areas.
- The applicant is an officer of the Council and this application is therefore, a misuse of Council resources.
- This estate was planned around the 24" water pumping main which runs through the estate. Can we please have a plan showing the location of this pipe;
- Concerned about impact on health due to burden on sewerage system;
- The applicant is a member of staff at the Council, can we be assured they have not had access to information that is not in the public domain;
- Has the land been sold to the applicant prior to the application submission and was it identified for housing development prior to the submission of the application?
- I have applied to purchase some of this land myself and would request that this application is not determined until my request to purchase has been approved;
- Water main is not located where the applicant says it is.

5. CONSULTATIONS

5.1. Thames Water

- 5.1.1 Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

5.2 Herts and Middlesex Wildlife Trust

- 5.2.1 The ecological report identifies a biodiversity net loss. The current shortfall is 0.743 habitat units and 0.048 hedgerow units. This can be secured via condition, or a financial contribution secured through a s.106 legal agreement which should be fully costed and sufficient to deliver the required units for a minimum of 30 years.

5.3 Herts County Council as Highways Authority

- 5.3.1 There have been no recorded accidents near the site in a rolling 5-year period. The new access is shown as 13m wide; if a full application is submitted there would be a need for two separate accesses with at least 1m between them. A construction management plan (CMP) will be required which should include, but not limited to, wheel washing, storage and construction vehicle parking. The highway authority would in the event of this becoming a full application, likely require conditions in respect of CMP, cycle storage etc.

5.4 SBC Arboricultural and Conservation Manager

- 5.4.1 Financial contributions would be required for re-planting at a ratio of 3:1 and I suggest the planting will take place along the wide verge of Six Hills Way.

5.5 SBC Parks and Amenities, Green Spaces Officer

- 5.5.1 There appears to be a significant loss of landscaping on paper and biodiversity net gain has not been achieved. Once we have a clearer understanding of the financial contribution required to provide a net gain of biodiversity, we can explore potential options for delivering within Stevenage.

5.6 SBC Environmental Health

- 5.6.1 If minded to grant permission, then we suggest conditions are added relating to contaminated land, dust emissions and noise.

5.7 Affinity Water

- 5.7.1 We need to inform you that a 24-inch trunk main crosses the development site. There is an easement associated with the main where no development is permitted. This asset and its associated easement should not be located within private curtilage as this makes it extremely difficult for us to effectively maintain the asset and access it in an emergency. For the development to proceed the affected infrastructure would need to be diverted. Due to the size of the development and the limitation to change the site layout to accommodate the easement requirement we object to the development proposal. You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best management practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the groundwater table (for example piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be varied out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

5.8 SBC Waste and Recycling Department

- 5.8.1 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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:
- maintaining supply and delivery of housing.
 - making effective use of land with the allowance of mansard roof extensions to suitable properties.
 - significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
 - strengthening policies around achieving well-designed and beautiful places.
 - requirement for councils to prepare Local Design Codes.
 - no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
 - local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
 - change to policies on Biodiversity.
- 6.2.2 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.
- 6.2.3 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 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. 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 79 of the NPPF. This will be in addition to the preparation of an Action Plan. 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 under paragraph 11(d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.
- 6.2.4 Turning to 5-year housing land supply, the Council 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 confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations, and it also has to produce an Action Plan in order to boost housing delivery.

- 6.2.6 The Council is now commencing preliminary work into a 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. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.

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 2019 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 Adopted Local Plan (2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Climate change, flooding and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT5: Parking and access;
Policy IT6: Sustainable transport;
Policy HO5: Windfall sites;
Policy HO9: House types and sizes;
Policy GD1: High quality design;
Policy FP1: Climate change;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland;
Policy NH6: General Protection for Open Space.

6.6 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
The Impact on Biodiversity SPD 2021
Developer Contributions SPD 2021

6.7 Community Infrastructure Levy

- 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.

7. APPRAISAL

- 7.1.1 The main issue for consideration in the determination of this application is its acceptability in land use policy terms.
- 7.1.2 As this is an outline planning application with all matters reserved, only the principle of development is to be considered at this stage. Matters pertaining to access arrangements, parking provision, layout, appearance, and landscaping are to be reserved for future consideration as part of a reserved matters application(s).
- 7.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Principle of Development

Provision of Housing

- 7.2.1 The National Planning Policy Framework (NPPF, 2023) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is an area of public open space in Marlborough Road, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'.
- 7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.4 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:
- a) The site is on previously developed land or is a small, underused urban site;
 - b) There is good access to local facilities;
 - c) There will be no detrimental impact on the environment and the surrounding properties;
 - d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
 - e) The proposed development would not overburden existing infrastructure.
- 7.2.5 The land in question forms a small area of open space with trees scattered throughout. Due to the presence of the trees, and its siting adjacent to highway networks, the land is not wholly suitable as an area of play space for children and therefore does not serve any formal purpose other than as a softening of the urban environment. Informally, the land is reported to be used by children and dog walkers. Notwithstanding, there is a much larger and more suitable area of public open space approximately 250m to the south-east.
- 7.2.6 In light of the above, the site is considered to be a small, underused urban site. In this respect, the proposal accords with criterion (a) of Policy HO5.
- 7.2.7 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is approximately 1.5km to The Hyde Neighbourhood Centre on Shephall Way, approximately 1.5km to the Sainsbury's superstore

on Magpie Crescent, both of which equates to a 20-minute walk/5-minute drive. The Town Centre is approximately 3km. The Marriotts Secondary School is approximately 1km (15-minute walk/5-minute drive) and Barnwell Secondary School is approximately 2.5km (25-minute walk/5-minute drive). Ashtree Primary School is approximately 650m (10-minute walk/3-minute drive). A bus route operates along Six Hills Way with bus stops opposite Marlborough Road and the comprehensive cycle network runs along Six Hills Way adjacent to the site. As such, the application site is considered to have a very good level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a sustainable location.

- 7.2.8 The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable, and the purpose of the CIL payment is to mitigate infrastructure impacts. In these respects, the proposal accords with criteria (b), (d) and (e) of Policy HO5.
- 7.2.9 It is possible that the development would have a detrimental impact on neighbouring properties but if this were the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.
- 7.2.10 Paragraph 60 of the NPPF (2023) states that to support the Governments objective of significantly boosting housing supply, it is important that a sufficient amount, and variety, of land comes forward where it is needed, that the needs of groups with specific housing requirements are met, and that land with permission is developed without unnecessary delay. In addition, para 60. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. As such, 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 three new dwellings and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be limited and therefore only attracts moderate weight in favour of the proposal.
- 7.2.11 Policy HO9 (House types and sizes) of the Local Plan (2019) states 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 terraced properties, and a lack of one- and two-bedroom properties.
- 7.2.12 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.
- 7.2.13 However, despite the imbalance, there remains a need for further three-bedroom properties in the Borough. The development would help to meet this need, albeit two dwellings would

not make a significant contribution on its own. A three-bedroom dwelling is also considered to be appropriate given that it would be surrounded by other units of a similar size. Providing these as market units is acceptable since there is no requirement for developments of fewer than 10 dwellings to offer affordable housing. For these reasons, the proposal is considered to accord with Policy HO9.

7.2.14 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:

- (g) promote journeys by bus, train, bike and foot and reduce the need to travel;
 - (j) Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
 - (k) Produce places and spaces that enable people to live a healthy lifestyle;
- The proposal meets these criteria as mentioned previously in this response.

Loss of Public Open Space

7.2.15 The area of land in question is currently in the ownership of SBC and is designated as an undesignated 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.

7.2.16 The area of land in question is sited immediately along the northern side boundary of No.2 Marlborough Road. It is a large area of grassland with a number of trees of varying age, size and species. The northern boundary of the site is then bounded by the public footpath and cycle network with the main highway of Six Hills Way beyond. To the rear of the site is an expansive area of woodland known as Great Collens Wood.

7.2.17 The overall land size is approximately 50m long and approximately 28m wide on the front eastern boundary, narrowing to approximately 8m wide on the rear western boundary. It has a site area of approximately 0.10 Hectares. A single hedgerow runs along the southern boundary of the site adjacent to the existing dwellings. A total of 13 trees are scattered across the site which are identified in the submitted ecological appraisal as: Cherry and Rowan to the east, a single Ash in the centre, and four Norway Maple to the west. A Weeping Willow and Pine are noted to be outside the site boundary to the south.

7.2.18 Given the large number of trees for the size of the space, it is likely that the site would not be wholly useable as a play space but does provide a limited area of useable public space. Further, it does offer a positive contribution to the visual amenities of the area, although its presence adjacent to the highway and cycle network would make it less than ideal in safety terms for younger residents. Local residents have stated that the site is often used by children and dog walkers. With regards to the trees, the Council's Arboricultural and Conservation Manager has assessed the application and raised no concerns or objections so long as a financial contribution is secured for the replacement of any tree lost, which is not being re-planted on site, at a ratio of 3:1, to be planted along the highway verge of Six Hills Way.

7.2.19 The indicative site layout plan indicates that at least 5 trees will be re-planted within the site. On this basis, 8 trees would be lost which would require the re-planting of 24 trees. This is discussed in more detail in the trees and landscaping section of the report below.

7.2.20 There is a large area of public open space at the southern end of Marlborough Road which is sited away from vehicular highways and is therefore a safer, and larger, public open space

for members of the public, especially children, to enjoy safely without conflict from passing motor vehicles. This site is approximately 250m to the south.

- 7.2.21 There are a large number of mature trees, hedgerows, wild highway verges and substantial woodlands in the vicinity which all provide a haven for wildlife and are not due to be removed.

Conclusions on Principle of Development

- 7.2.22 Overall, the site is considered to be suitable for the provision of housing. It is a small, underused urban site surrounded by existing residential development within a residential area. Developing the site for residential purposes would not have any fundamentally unacceptable impacts on the environment or surrounding properties, nor would it overburden existing infrastructure or compromise the delivery of housing on allocated sites.
- 7.2.23 In addition, due to the under-delivery of housing as identified in recent HDT scores published by DLUHC in December 2023 (see paragraph 6.2.3), paragraph 11(d) of the NPPF is engaged and that there is now a presumption in favour of delivering sustainable development. In addition, the Council's specific policies on housing are deemed to be out of date, so significant weight must be given to increase the delivery of new homes as required under the NPPF. In providing two new market dwellings, the development would make a small but nonetheless significant contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwellings, but this is a neutral matter. The construction activity would provide a small boost to the local economy.
- 7.2.24 The benefits of retaining the site as structural open space are considered to be limited considering its size, suitability for other uses (e.g., recreation), and the presence of other much larger and higher quality open space in the immediate vicinity.
- 7.2.25 Having regard to the above, it is considered that the loss of the open space is justified, even by the relatively modest benefits of providing two market dwellings. It follows that the development is acceptable in principle.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 It is noted that appearance, landscaping, layout and scale are reserved for future consideration, and it is therefore not possible to determine the final impact on the character and appearance of the area at this stage. It is nonetheless necessary to assess whether the development could be designed in such a way as to have an acceptable impact.
- 7.3.2 In terms of design, paragraph 131 of the NPPF (2023) 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 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 139 of the NPPF (2023) 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.

- 7.3.3 Paragraph 136 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”.
- 7.3.4 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.
- 7.3.5 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.
- 7.3.6 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 (2023) generally reflects the aforementioned 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.
- 7.3.7 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.
- 7.3.8 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.
- 7.3.9 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.

7.3.10 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.

7.3.11 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Sections B (Built Form) and H (Homes and Buildings) 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.

7.3.12 The indicative layout shows 2no. dwellings; one would have a plot size of approximately 580sqm whilst the other would have approximately 440sqm. Whilst the layout shows each property to only have 2 parking spaces identified, plot 2 can accommodate at least 3 vehicles and plot 1 can accommodate at least 6 or 7 along the length of the indicatively detailed driveway.

7.3.13 In comparison, No.2 Marlborough Road has a plot size of approximately 288sqm whilst No.4 Marlborough Road has a plot size of approximately 360sqm and most houses in the immediate area have off-street parking for 2-4 vehicles. Accordingly, the plot sizes and off-street parking provision through the provision of front curtilage parking of the proposed dwellings is similar to those of surrounding properties and are therefore considered to have an acceptable layout that is in keeping with the surrounding area.

7.3.14 The site occupies the corner location as you enter Marlborough Road from Six Hills Way and is highly visible from many vantage points. Plot 1 would be sited towards the rear of the site whilst plot 2 would be towards the front of the site. Both would be angled slightly away from Six Hills Way whilst still fronting on to Marlborough Road. The front elevations would be south-east facing whilst the rear gardens would be north-west facing.

7.3.15 Having regard to the above, it is considered that the proposed development could be designed in such a way as to be sympathetic to surrounding development and have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan.

7.4 Impact upon Neighbouring Amenity

7.4.1 As stated previously in this report in section 7.4, detailed design and layout are reserved matters. However, an assessment of the likely impact on neighbouring properties will be undertaken to ascertain if two dwellings on this site would cause harm to neighbouring amenities.

7.4.2 The most affected properties would be Nos. 2 and 4 Marlborough Road on the southern boundary of the site; No.9 Marlborough Road to the east and No.1 Wellington Road to the south-east.

7.4.3 In assessing the impact on neighbouring amenity, the Council's Design Guide SPD (2023) sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments, the recommended separation distances 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 Back to Side	25m 15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back Back to side	20m 12m
Over 2 storeys between existing and new dwellings	Back to Back Back to Side	35m 25m
Between new dwellings over 2 storeys in height	Back to Back Back to Side	30m 20m

7.4.4 The indicative site layout indicates that with regards to No. 2 Marlborough Road, the front of the proposed dwellings would be facing their side elevation. In this regard, there is no minimum separation distance set out in the SPD. Further, this neighbour has no windows on their side elevation. With regards to No.4, Plot 1 would have a side-to-side orientation with this neighbour and again, this neighbour has no windows in their side elevation and there are no minimum side to side separation distances in the SPD.

7.4.5 Turning to No. 9 Marlborough Road, this property would have a front to side orientation with the site and is located approximately 30m to the east. Again, this neighbour has no windows in their side elevation and there are no minimum front to side separation distances in the SPD.

7.4.6 Lastly, No.1 Wellington Road has their rear elevation facing the front elevations of the proposed dwellings. There are no front to rear separation distances in the SPD, but this neighbour is approximately 35m from the front of plot 2 (plot 1 is set back behind No. 2 Marlborough Road).

7.4.7 Accordingly, the indicative layout is considered acceptable as the proposed dwellings would be suitably separated from the surrounding properties so as to not result in undue levels of harm from overlooking, loss of privacy, reduced daylight or sunlight.

7.5 Impact upon amenities of future residents

7.5.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. Whilst layout is a matter for future

consideration, the proposed private amenity space as shown on the indicative layout plan will be assessed against the Council's Design Guide (2023) to confirm the site is capable of providing a satisfactory living environment for up to two dwellings.

- 7.5.2 The adopted Design Guide (2023) states that there is a requirement to provide 50sqm of private amenity space for each new dwelling. The indicative layout plan identifies that plot 1 would have a useable space of approximately 135sqm to the rear of the dwelling whilst plot 2 would have approximately 125sqm to the rear and northern side. Each plot would have approximately 10m in depth off the rear elevation. This is considered acceptable for a larger detached family dwelling.
- 7.5.3 With regard to the requirements for new residential properties to meet Nationally Described Space Standards (NDSS) as defined by Policy GD1 of the adopted Local Plan (2019), the indicative site layout suggests the properties would have an internal floor space of approximately 155sqm. This would substantially exceed the minimum requirements of 3- or 4-bedroom properties, which range between 84sqm and 124sqm dependant on number of occupiers. As such, these larger family dwellings are considered acceptable.
- 7.5.4 Additionally, the NDSS require double bedrooms to be at least 11.5sqm and single bedrooms to be at least 7.5sqm. No details of internal room sizes have been presented at this stage. However, as layout is reserved for future consideration, this can be assessed in future applications, although given the much larger overall floor area, it is expected that individual rooms sizes will meet or exceed the minimum standards.

7.6 Parking Provision and Highways Implications

- 7.6.1 Access arrangements and parking provision are reserved for future consideration. However, an assessment of whether the indicative parking arrangements are acceptable will be undertaken.
- 7.6.2 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. The Council's Parking Provision and Sustainable Transport SPD (2020) requires 3-bedroom units to have 2 spaces and 4-bedroom units to have 2.5 spaces, rounded up to 3 spaces. Whilst the indicative layout shows each property to only have 2 parking spaces identified, plot 2 can accommodate at least 3 vehicles and plot 1 can accommodate at least 6 vehicles along the length of the indicatively detailed driveway. It is not clear from the plans if integral garages are planned but at this stage, the curtilage parking is indicated to meet the required standards. Comments from local residents about the lack of parking provision for each dwelling is noted. However, whilst the plans are indicative and are only showing 2 cars for illustrative purposes, the curtilages can accommodate the standards required.
- 7.6.3 Turning to visitor parking provision, the Council's Parking Standards SPD (2021) sets out that there is a requirement to provide 0.25 visitor parking spaces per dwelling. This would equate to a requirement of 1 visitor parking space. The submitted indicative layout plan does not provide for visitor spaces. However, there is an area to the front of plot 2 which measures approximately 10m deep and 10m wide which could be removed from the curtilage of this plot to provide a visitor parking area without reducing the plot of this property to such an extent that it would fail to meet relevant planning policy requirements. In this regard, whilst the submitted plans do not provide reference to visitor parking, it is considered that the site offers sufficient space for it to be provided as part of a future reserved matters application without compromising the dedicated parking spaces or pedestrian movements around the site.
- 7.6.4 Herts County Council (HCC) as Highways Authority have assessed the application and raised no concerns. They advise that should future reserved matters applications come forward then they would require the submission of a construction management plan and details of cycle storage and waste/recycling storage.

- 7.6.5 The overriding concern from local residents relates to on-street parking in the vicinity. Officers undertook site visits and found that whilst there is some on-street parking near to the site, especially of vans close to junctions, and no parking restrictions, there was no discernible level of congestion found. Further, all houses in the area appear to have off-street parking for at least 2-3 vehicles which meets the standards for 3- and 4-bedroom dwellings in the Parking Provision SPD. HCC Highways also advised that there have been no accidents near the site in a rolling 5-year period and they have raised no concerns relating to highway safety.
- 7.6.6 Given the size of the front curtilages, it is unlikely that there would be an overspill of parking onto the adjacent highway network from these two dwellings.
- 7.6.7 Cycle parking and electric vehicle charging would be reserved matters for future consideration. However, an assessment needs to be made to ensure they can be accommodated. In regard to cycle parking, the Council's Parking Standards SPD stipulates for this development, there is the requirement to provide 3 spaces per 3-bedroom unit and 4 spaces per 4-bedroom unit. The plot sizes and layouts are of sufficient size that secure cycle parking can be accommodated within the rear gardens without compromising the overall amenity of the rear gardens. Full details of the size and location would be a matter for the reserved matters application in future, but it is considered that the development would be acceptable in this regard.
- 7.6.8 Turning to electric vehicle parking, 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.
- 7.6.9 Whilst no details are required as part of this outline application, it is considered that the proposed parking spaces could meet the aforementioned requirements. This would be requested as part of any future reserved matters application and secured via condition.
- 7.6.10 Concerns from local residents regarding flooding from hardstands is noted. This can be mitigated through the imposition of a condition which requires hardstands for parking to be constructed from permeable surfacing or measures put in place to absorb surface water run-off within the curtilage.
- 7.6.11 Concerns from local residents regarding the safety of users of the nearby cycleway are noted. HCC Highways raised no concerns in this regard. Notwithstanding this, the proposed access for the dwellings is approximately 10m from the cycleway which is considered an acceptable distance so as to not restrict visibility of users.
- 7.6.12 Given the aforementioned assessment, and through the use of appropriately worded conditions, the development would be in accordance with the policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2023) and PPG.

7.7 Impact on the environment

- 7.7.1 The application site according to historic OS Maps of the site, sets out that prior to the surrounding housing development being developed out in the 1960s, the site was part of open fields. Therefore, there would be very low risk of contamination.
- 7.7.2 Following consultation with the Council's Environmental Health Section, they do not raise any concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy is submitted for approval in the event contaminants are identified during the construction phase of development.

- 7.7.3 Concerns from local residents regarding the sewer network being unable to cope with additional dwellings are noted. However, Thames Water were consulted on the application, and they have confirmed that they have no concerns or objections to the proposed development.

Groundwater

- 7.7.4 The application site is not located within a Source Protection Zone (SPZ) and no concerns have been raised by Thames Water. It is noted that Affinity Water state the site is within a SPZ; our records indicate the site is within Zone 3 which covers the entirety of Stevenage and is not therefore an area of specific concern.
- 7.7.5 A number of objections were received in relation to the location of Affinity Water mainline water pipes running through the site. The previous application for 3 dwellings was withdrawn due to Affinity Water raising concerns about the siting of the dwellings in the “no-build” zone around their infrastructure.
- 7.7.6 Affinity Water were consulted on this revised application and re-affirmed their objections on the basis that no building should take place within 10m either side of the 24-inch water main which runs through Marlborough Road and crosses the northern part of the site. A Deed of Transfer between Stevenage Development Corporation and Lee Valley Water Company dated 21 February 1964 does not state any easement widths around the water main within which building is excluded. Further, the standard Affinity Water Easements for a 24-inch pipe is 8m (4m either side).
- 7.7.7 As such, the objection from Affinity Water on the basis that no building should take place within 10m either side of the pipe is not agreed as it does not meet their own standards and is therefore deemed unreasonable. The indicative site layout shows that the two dwellings could be sited on this land without infringing on an 8m easement.

Air Quality

- 7.7.8 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 in close proximity to an Air Quality Management Area (AQMA).
- 7.7.9 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.
- 7.7.10 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small rise 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

- 7.7.11 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.
- 7.7.12 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.

7.7.13 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these would be dealt with by the Borough Council's Environmental Health department.

7.7.14 Environmental Health have assessed the application and raised no concerns in relation to noise. Should future issues arise then Environmental Health would have powers to act in this regard.

Light Pollution

7.7.15 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.

7.7.16 Turning to the operational side of the development, the applicant has not submitted a detailed lighting strategy. However, any external domestic lighting is not considered likely to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties. Notwithstanding, details of external lighting can be dealt with at the reserved matters stage.

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

7.8 Trees and Landscaping

7.8.1 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.

7.8.2 Landscaping is a reserved matter for future consideration and as such full landscaping details and details of tree protection measures for the retained trees on site would be submitted as part of a future application.

7.8.3 A total of 13 trees are scattered across the site which are identified in the submitted ecological appraisal as: Cherry and Rowan to the east, a single Ash in the centre, and four Norway Maple to the west. A Weeping Willow and Pine are noted to be outside the site boundary to the south. The proposed development would see the re-planting of 5 trees within the site and the retention of the large hedgerow on the southern side of the site, although it is acknowledged that there would be an overall loss of 8 trees.

7.8.4 The Council's Arboricultural and Conservation Manager has assessed the application and raised no concerns or comments about the loss of the trees. He has requested that the lost trees will need to be replaced at a ratio of 3:1 and would like this carried out along the highway verge of Six Hills Way. Whilst comments from local residents objecting to the loss

of trees is noted, there would be 24 new trees provided in the vicinity, which is a net gain overall of 11 trees (a 2% increase) which is considered a public benefit to the scheme.

- 7.8.5 In 2019 the Council declared a climate emergency. The Climate Change Strategy (Sept 2020) outlined the target of planting at least 2000 new trees by 2030. This scheme will assist the Council in delivering this target.

7.9 Biodiversity, Ecology and Protected species

- 7.9.1 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 recently adopted 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.

- 7.9.2 The site is located in an urban setting and is bordered by residential properties and pedestrian and vehicle highways. The wider environment is generally urban in nature comprising a mixture of residential buildings along with hardstanding, woodland, individual trees and amenity grassland. The application is accompanied by a Biodiversity Net Gain Assessment and Ecological Appraisal to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level. The survey comprised a desk top study from Hertfordshire Biological Records Centre and from the multi-agency Geographical Information for the Countryside (MAGIC). A field survey was also undertaken along with a Bat Survey.

- 7.9.3 The Ecological Appraisal identifies that no impacts on any designated sites are expected as a result of construction or use of the development. In addition, no habitats of conservation interest were present on site. The majority of the site is not considered to have any potential for protected species in its current condition.

- 7.9.4 The trees around the site have potential for nesting birds, and it is therefore recommended that any tree works, or scrub removal is undertaken outside of the bird breeding season (which runs from March – August inclusive). If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged.

- 7.9.5 None of the trees on site have bat roosting potential. It is recommended that any external lighting is directed away from retained trees to minimise any potential impacts on foraging or commuting bats.

7.9.6 The ecological appraisal concludes that the site habitats have limited ecological interest, and given the size of the site, there are limited opportunities for habitat retention or creation and as such a biodiversity net gain is not achieved. This is discussed in more detail below. The report goes on to conclude that suitable mitigation measures for bird and bat boxes as well hedgehog cut-outs should be considered. This would be a matter for a future reserved matters application, although a condition can be imposed at this stage to ensure that it is secured through the reserved matters.

7.9.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be shortfall of 0.743 habitat units and 0.048 hedgerow units. Herts and Middlesex Wildlife Trust advise that to get to 10% net gain the applicant will need to provide a financial contribution. The biodiversity financial contribution would be secured via a s106 legal agreement should planning permission be granted and the money would be spent on improving biodiversity on another site in Stevenage to be agreed with the Council's Green Spaces Development officer, although they have indicated that it could be used towards the provision of 100sqm of scrub habitat at Fairlands Valley Park.

7.10 Other Matters

Sustainable construction and climate change

7.10.1 Policy FP1 of the adopted 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.

7.10.2 No details have been provided with the application and therefore it is considered appropriate to impose a condition on any decision issued to secure the details.

Waste and Recycling

7.10.3 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. Layout is a reserved matter and as such details for the provision for general waste and recycling will be submitted under a future application. However, the indicative layout plan shows that both properties have sufficient plot sizes to be able to store the required vessels within their rear gardens and be within 15m of the road in terms of drag distance which complies with the 30m maximum in Manual for Streets.

Community Infrastructure Levy

7.10.4 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	

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

7.10.6 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.

Equality, Diversity and Human Rights

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

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

7.10.9 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.10.10 The proposed development would not have any material impact on persons with any of the protected characteristics listed under the Equalities Act.

7.11 Matters Raised in Representations

- 7.11.1 Matters relating to profit and impact on house values are not material planning considerations and as such cannot be taken into consideration when determining this application.
- 7.11.2 The dwellings under construction on land to the east of Gresley Way were granted planning permission by East Herts District Council and the land is not within the boundary of Stevenage Borough Council. As such, suggestions that the proposed dwellings are incorporated into this development or that this development negates the need for housing within Stevenage are not material planning considerations with respect to this application. Notwithstanding and as set out in para 7.2.3 of this report, Stevenage has an identified need for housing in which this development would make a small contribution towards.
- 7.11.3 A number of questions were raised relating to the applicant. The application has been submitted by the Estates Department of Stevenage Borough Council. The application form was completed with an Estates Officer's name rather than the Estates Department. The land has not been sold to the applicant, nor is he applying as a private individual. Accordingly, it is not considered that there has been any mis-use of office. In line with the Council's Constitution, as the applicant is Stevenage Borough Council, the application has been referred to the Planning Committee to be determined.
- 7.11.4 The owner of No.2 Marlborough Road has applied to the Estates Department to purchase some of the land after the application was submitted. This is a matter for the Estates Department to deal with and is not a reason to refuse, or defer determining, the application. Moreover, the sale of land is not a material planning consideration and is a commercial matter.
- 7.11.5 Requests to install double yellow lines would be a matter for the Council's Engineering department to deal with and is not a consideration for this application.

8. CONCLUSIONS

- 8.1 The policies considered to be most relevant for determining this application are listed above in Section 6.5.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date. The Council is required to apply the tilted balance by reason of its housing delivery position. Accordingly, Paragraph 11(d) of the NPPF is engaged and the subsequent presumption in favour of sustainable development is a key material consideration in the assessment of this application. This policy position tilts the planning balance in favour of the application.
- 8.2 The proposed development would result in the delivery of 2no. three- or four-bedroom dwellings, which would make a small but nonetheless significant contribution towards meeting the Borough's housing needs. This is due to paragraph 11(d) of the NPPF being engaged. The application has demonstrated that the scheme would be capable of providing a good standard of accommodation. The provision of good quality housing carries significant weight in favour of the proposal.
- 8.3 Noting that access, appearance, landscaping, layout and scale are reserved matters and would be considered in detail at a later date, the proposed development is considered to be acceptable in all other respects. These are neutral matters.
- 8.4 The trees to be removed would be replaced on site with five trees. Additionally, through a S.106 Unilateral Undertaking, the Council can secure funding for an additional 24 trees to be planted in the Six Hills Way area which will provide a substantial public benefit. It would also

compensate for the trees which will be lost via this development. Further, financial contributions will be secured via a legal agreement to deliver a 10% net gain in biodiversity. This carries moderate weight in favour of the proposal.

- 8.5 Having regard to the above, the proposal is considered to accord with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That outline planning permission is GRANTED subject to the applicant having first entered into a s.106 Unilateral Undertaking to secure/provide financial contributions towards:-
- Funding for 24 new trees;
 - Securing the provision of a 10% net gain in Biodiversity off-site within Stevenage;
 - S.106 monitoring fee.
 - Monitoring fee.
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair and Vice 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:
01; 03D;
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 Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.
REASON: In the interests of the living conditions of neighbouring occupiers.

- 6 Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.
- 7 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 prevent unacceptable risks to human health as a result of contamination
- 8 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 7 of "Preliminary Ecological Appraisal" authored by CSA Environmental and dated May 2023 unless otherwise agreed in writing by the Local Planning Authority.
REASON: To prevent unacceptable harm to habitats and species.
- 9 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).
- 10 Before any development commences, including any site clearance or demolition works, any trees on the site shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed 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.
- 11 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.
- 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;
- g) 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 beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that sustainable modes of transport are adequately promoted.

- 14 Prior to beneficial occupation of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the proper storage and disposal of waste.

- 15 Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.

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).

- 16 No development shall take place above slab level until details (make, model, location) of integrated (installed within the brickwork) bat boxes, integrated swift boxes and hedgehog holes in boundary fencing has been submitted to and approved in writing by the Local Planning Authority. These must be fully installed in accordance with the approved details prior to occupation and retained as such thereafter.

REASON:- To conserve and enhance biodiversity in accordance with NPPF

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

- 1 Outline 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.

INFORMATIVE

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

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.

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, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
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 December 2023 and Planning Policy Guidance.

Meeting: Planning and Development Committee

Agenda Item:

Date: 9 January 2024

Author: Linda Sparrow

07931 863551

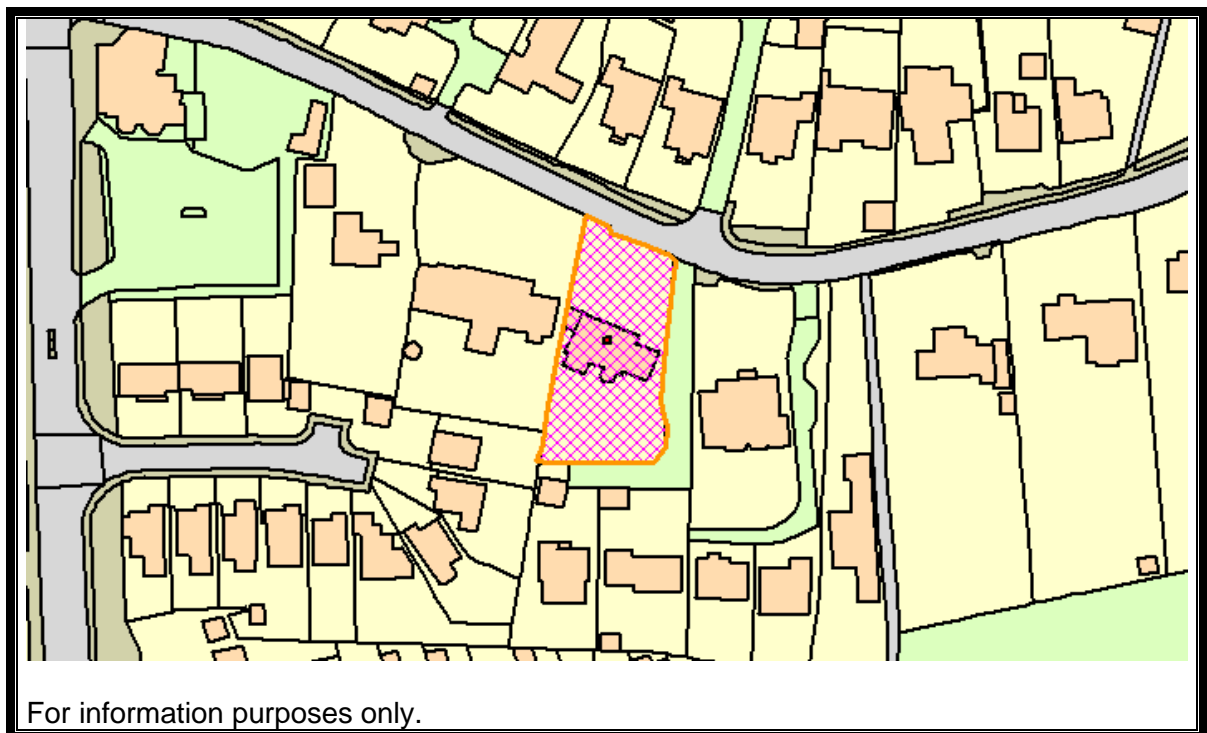
Lead Officer: Zayd Al-Jawad

01438 245257

Contact Officer: Linda Sparrow

07931 863551

Application No :	23/00762/FP
Location :	Oak Lodge, Rectory Lane, Stevenage, Herts
Proposal :	Change of use from dwellinghouse (Use Class C3) to residential institution for the care of up to 4 children (Use Class C2)
Drawing Nos.:	23067-001; 23067-SK1; 23067-010-A;
Applicant :	Jeeves Care Group Ltd
Date Valid:	13 October 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site is a large four bedroom detached dwelling on the southern side of Rectory Lane, located towards the western end, and lies within the St. Nicholas and Rectory Lane Conservation Area. To the east, south, and west are residential dwellings and to the north is the highway of Rectory Lane with residential dwellings beyond. The access to the cul-de-sac of Nycolles Wood is opposite the site.

2. RELEVANT PLANNING HISTORY

- 2.1 00/00298/TPCA. Removal of ash tree, works to oak tree and holly bush within a conservation area. Granted consent 07.08.2000.
- 2.2 13/00294/TPCA. Reduction of crown by 30% on 1no. oak tree and crown reduction of 20% on 1no. holly tree. Granted consent 13.08.2013.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the change of use of the single domestic dwelling (Use Class C3) to a residential institution for the care of up to 4 children (Use Class C2). The proposal also comprises the erection of a security gate with associated pedestrian access.
- 3.2 The application comes before the committee as it has been called-in by Councillor Bibby. The Councillor called in this application in terms of impact on neighbouring properties and impact on residential amenity.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of a site notice, public representations have been received from the following properties:

- Rectory Lane: Rivelin; Bridon; Medbury; Priory Cottage; Oak House; Oak Court; No.1 The Priory; Turnpike Close; Wayside; Orchard House;
- Rectory Croft: 2; 4
- Nycolles Wood: 1; 2; 3; 5; 6; 7
- Chestnut Walk: 1
- Rectory Lane Residents' Association

- 4.2 A summary of the comments received are set out below:

- If it is run like 25 North Road, then there will be problems for neighbours;
- How will the Council ensure there is no circumvention of C2 use or relevant laws?
- Business properties are not in keeping with residential areas;
- No details provided in the application of contact numbers for staff;
- Will worsen traffic problems on Rectory Lane and Nycolles Wood;
- No details given of the agreement with Marquis of Granby for using their car park;
- How will neighbours be protected from noise and traffic?
- No details of previous care home at 36 Rectory Lane that caused significant issues before it was shut down;
- Previous care home at No.36 caused significant fear, vulnerability and distress to neighbours from anti-social behaviour;
- Loss of large, aspirational, family home;
- Will affect house prices;
- Will cause an increase in crime and anti-social behaviour;
- Will set a precedence for more properties to be changed to care homes;
- Council should invest in, and build, a purpose-built children's home;
- No footpath on this side of Rectory Lane;
- Concern about property being changed to other institutions within C2 use;
- Children with complex issues will need a lot of care and a lot of different authorities involved meaning a lot of meetings;
- Lack of security measures around the premises;
- The change of use makes no economic sense to the Council's finances;

- There is clearly a need for such care homes, but not in Rectory Lane;
- Concerns about safety, security and decorum of the area as a result of the change of use;
- Drug issues behind the property will influence potential residents;

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. Environmental Health

5.1.1 No objections. Care homes are not regarded as houses of multiple occupation so no requirement to be licenced as such. Noise is unlikely to be an issue as it's a detached property.

5.2 Herts County Council as Highways Authority

5.2.1 The proposals do not include any external changes to the access or parking. Therefore, the highway authority would not wish to restrict the grant of planning permission.

5.2.2 Following receipt of a new plan with details of a security gate, the highways authority was re-consulted and they advised there was no change to their previous comments.

5.3 Herts Police Crime Prevention Design Advisor

5.3.1 No design and access statement submitted. No crime data included in application to show this has been considered. Having checked the records, there is only one crime recorded in the past year in Rectory Lane, however North Road had twenty reports of anti-social behaviour. Closed police records indicate several reports relating to the applicants' other premises at 25 North Road although these were related to one particular individual which can be expected of this type of use wherever it is located. Noted that applicant intends to meet with local police and PCSO's but neither of these can deal with Secured by Design and no attempt has been made thus far to engage with us. Also have substantive concerns that there is no secure locked office shown on the plans.

5.3.2 Following receipt of these comments, the applicant submitted additional information, engaged with the Crime Prevention Design Service (CPDS), and held a meeting with them. As such, the CPDS Officer submitted further comments.

5.3.3 As a result of a meeting with the applicant, we now fully support this application as the applicant has agreed to seek to achieve Secured by Design for the development, the office will be secured and alarmed, a new security gate will be installed to LPS 1175 issue 8 B3 rated and will be 'gate safe' certified.

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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 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.

6.3 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:

Policy SP1: Presumption in favour of sustainable development;
 Policy SP2: Sustainable development in Stevenage;
 Policy SP5: Infrastructure;
 Policy SP6: Sustainable transport;
 Policy SP7: High quality homes;
 Policy SP8: Good design;
 Policy SP9: Healthy communities;
 Policy SP11: Climate change, flooding and pollution;
 Policy SP12: Green infrastructure and the natural environment;
 Policy SP13: The historic environment;
 Policy IT5: Parking and access;
 Policy HO6: Redevelopment of existing homes;
 Policy HO10: Sheltered and supported housing;

Policy HC5: New health, social and community facilities;
Policy GD1: High quality design;
Policy FP7: Pollution;

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
St Nicholas/Rectory Lane Conservation Area Management Plan 2012

6.6 Community Infrastructure Levy

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

7. APPRAISAL

- 7.1 The main issues in the assessment of the application are the acceptability in land use policy terms, impact on the character and appearance of the St Nicholas/Rectory Lane Conservation Area, impact on residential amenity and car parking provision.

- 7.2 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.

7.3 Land Use Policy Considerations

- 7.3.1 Paragraph 60 of the National Planning Policy Framework (NPPF) (2023) sets out that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

- 7.3.2 The loss of the existing single-family dwelling must be recognised, as this would have a negative impact on general housing supply. It is also important to note that the existing dwelling qualifies as an "aspirational" home, for which there is an identified shortage within the Borough. However, it is considered that the adverse impacts of this loss would be outweighed by the provision of a care home for children, for which there is an identified shortfall, and as such, the proposal is compliant with Policy SP7 overall.

- 7.3.3 Policy HO6 of the adopted Local Plan (2019) states that planning permission for schemes resulting in the change of use or redevelopment of existing homes for non-residential purposes will be granted where:

- a) It would provide a small-scale social, health, community or leisure facility or a small-scale extension to an existing business use in the same building;
- b) It would not adversely affect the surrounding or adjoining properties; and
- c) A suitable, alternative non-residential site is not available for the proposed use.

- 7.3.4 The aforementioned policy also states that planning permission for residential schemes resulting in a net loss of housing will be granted where it provides demonstrable benefits against the relevant housing policies of this plan. Policy HO10 of the same document stipulates that planning permission for sheltered and supported housing schemes will be granted where the site is well served by passenger transport, there is good access to local services and facilities, there is an appropriate level of amenity space and car parking provision, and the proposal is appropriate to its locality.

- 7.3.5 Turning to Policy HC5, this states that planning permission for new health, social and community facilities on an unallocated site, would be granted where there is:
- An identified need for the facility;
 - The site is appropriately located in terms of its location and accessibility; and
 - The facility is integrated with existing health, social or community facilities, where appropriate.
- 7.3.6 The proposed development seeks a change of use of the existing property (Use Class C3) to a residential care home (Use Class C2) for up to 4 children. The children would live with carers as a single household although the carers would not live at property, working on a shift basis. The property would not be altered internally or externally and would continue to be laid out as a typical dwellinghouse where there is a kitchen, dining room and living room area where the children and carers would interact.
- 7.3.7 The applicant advises that there is a shortfall in spaces in Hertfordshire for local children and they often find themselves placed into care homes many miles from their family. The home would be operated on a private basis and the owners of the property live locally, within 1 mile of the site and would visit the site regularly to ensure it is being run effectively and correctly.
- 7.3.8 In terms of siting and location, the development would be approximately 1km from the historic Old Town High Street and the shops and services contained therein and approximately the same distance to the Sainsbury's superstore on Hitchin Road. The John Henry Newman, Barclay Academy and Thomas Alleyne secondary schools are within 1km and Letchmore Infants and Nursery, Almond Hill Junior and Woolenwick Infant and Nursery schools are also in close proximity. North Road is well serviced with public transport and the Lister Hospital is very close by to the north. Given this, the site is well served by alternative forms of transport with good access to local services and facilities.
- 7.3.9 The question of whether the proposal is appropriate to its locality is a broad one and also covers matters of detail (e.g., appearance) as well as matters of principle (i.e., land use). Strictly from a land use perspective, the proposal is considered to be appropriate for its locality because it is, fundamentally, a proposal for a residential use within an established residential area which is not significantly constrained by Local Plan designations or environmental factors. Of course, the proposal would amount to a different type of residential use of the site than the existing use as a single-family dwelling but not to the extent that it would be inherently incompatible with its location.
- 7.3.10 Having regard to the above, despite the loss of 1no. four-bedroom dwellinghouse, there are benefits of the development which outweigh its loss. In particular, the proposal would provide a fundamental residential facility for children where there is an identified need for such facilities. The development would also generate additional employment which is also considered to be a benefit as it supports one of the fundamental aims of the NPPF which is to also deliver sustainable economic development. Therefore, it is considered that the principle of the proposed development in land use policy terms is acceptable subject to its impact on the appearance of the area and on residential amenities. These are assessed in the following sections of this report.

7.4 Impact on the Character and Appearance of the Conservation Area

- 7.4.1 The proposed development does not consist of or include any external alterations to the property, such as new openings (i.e., additional windows and doors being installed) or extensions to the existing property.
- 7.4.2 The proposal does include for a new security gate to be installed across the entrance to the driveway in front of the property which would be approximately 10.5m from the back edge of the highway of Rectory Lane. This new security gate would be 1.5m high and be of a side-

sliding operation. It would be constructed of composite material and be grey in colour. A separately operated pedestrian gate would form part of the overall security gate.

- 7.4.3 Due to the set back from the main highway this gate will have minimal visual impact on the street scene and is not too dissimilar to other gates in the area or security gates you would expect to find on large, detached dwellings in this type of setting.
- 7.4.4 As referenced in 7.3.9 above, from a land use perspective, the proposal is considered to be appropriate for its locality because it is, fundamentally, a proposal for a residential use within an established residential area. Of course, the proposal would amount to a different type of residential use of the site than the existing use as a single-family dwelling but not to the extent that it would be inherently incompatible with its location. In this regard, it is not considered that the use would amount to a business use, nor that it would harm the historic character and appearance of the conservation area as a result.
- 7.4.5 It is therefore, considered that the change of use of the building would not adversely affect the character and appearance of the conservation area.

7.5 Impact on Residential / Neighbouring Amenity

- 7.5.1 As stated above, the proposed development does not consist of or include any external alterations such as new openings (i.e., additional windows and doors being installed) or extensions to the existing property. Therefore, the proposed development would not impact on the level of privacy and outlook currently enjoyed by neighbouring properties over and above the current situation.
- 7.5.2 Turning to noise which could potentially be generated by the development, the Council's Environmental Health Officer has raised no concerns in this regard. Further, 4 children under 18yrs of age living in the property would be in line with that expected of a 4-bedroom family dwelling. However, if there are any statutory nuisances generated by the development, such as noise, in the future then the Council's Environmental Health Department under the Environmental Protection Act 1990 have powers to enforce against this.
- 7.5.3 Concerns from local residents regarding a business use not being acceptable in a residential area are noted. However, the use of the premises as a home for children has been assessed to be acceptable in this location and it is not considered that a home occupied by 4 children with staff would be materially different to that of a large single family. This viewpoint has been upheld at a recent appeal in November 2023 (APP/F1040/W/23/3319968, 61 Ashby Road, Woodville, Derbyshire) whereby the Inspector found that a detached five-bedroom family home could accommodate a large family which could include adult children or children with additional needs. He went on to conclude that the proposed conversion would not intensify the use of the site beyond that which is already possible and consequently the level, and character, of noise generated on site by residents would not be dissimilar to a scenario that could occur at the existing dwelling, without planning permission. Further, he stated that although there is a difference between the use of a property as a C3 dwellinghouse and a C2 care home, given the scale of the proposal, the appreciable difference with regards to the living conditions of neighbouring occupiers would not be unacceptable. This decision is pertinent to the application which is before the Council in that it would have similar characteristics to that outlined in the aforementioned appeal decision.
- 7.5.4 In regards to the amenities for the clients at the property, there is an existing private garden area to the rear of the property which measures in excess of 450sqm, and which is currently enclosed with a mixture of hedging and timber fencing. Given this, the living standards for the clients who would reside within the property would be acceptable in this instance.
- 7.5.5 A large number of local residents raised concerns regarding a, now closed, children's care home at No.36 Rectory Lane (approximately 300m to the east adjacent to the cul-de-sac of

Nicholas Place). The applicant has provided a statement on 10th November (available to view on the public vile titled 'Applicant response to Objections'). Page 4 of this document provides background to the use of No.36 as an unregulated care home. In 2009 when this facility was created, there were no requirements for planning permission for a change of use and no requirements to register with Ofsted as a children's home. As such, there were no mechanisms in place to provide enforcement to regulate or manage this previous facility.

- 7.5.6 The applicant goes on to provide details of current regulations in his aforementioned statement. The property will be required to register with Ofsted who will carry out a full inspection of the property and assess the risk assessments which have been carried out by the applicant. If they conclude that the property is unsuitable or that children placed in the home will not be safe, then registration is denied, and the home cannot operate. Ofsted will also carry out regular checks, both announced and unannounced, of the property, staff, and children's welfare and if at any time they find the management of the home to be wanting in any areas, they reserve the right to enforce the closure of the property. This will ensure that the property is managed satisfactorily, and neighbouring amenities are protected from poor management such as occurred with the now closed, unregulated home at No.36.
- 7.5.7 Concerns from local residents regarding the 'type' of children who would reside at the home are noted. The applicant has confirmed that the admission process for children into such homes is rigorous and designed to ensure that children are placed in home where there are suitably qualified staff for their needs. Each child is assessed and only placed into a home where their individual risk assessment matches that of the home. The children visit the home prior to placement to ensure all needs can be met and they will settle with other residents. Children are generally accepted on a mid to long term basis for stability.
- 7.5.8 Concerns regarding anti-social behaviour are noted. Case Law suggests that anti-social behaviour and fear of crime can be material planning considerations where there is evidential basis for that fear. In this instance, it is accepted that the fear of crime and fear of future anti-social behaviour is based on experiences of historical issues caused by the previous, unregulated and poorly managed children's home at No.36. A judgment is therefore needed as to whether this fear of future harm outweighs the benefits of the proposed development.
- 7.5.9 The Hertfordshire Sufficiency Statement (March 2021) produced by Herts County Council states there are currently 996 children requiring care in Hertfordshire. Of these, 384 are placed outside of Hertfordshire of which 41 are over 100 miles from their family home. This is due to a lack of suitable, available places within Hertfordshire. Clearly there is an evidenced need for the proposed development to address the shortfall in places, and whilst 4 spaces will not make a large dent in the deficiencies, it nonetheless is a benefit to the proposal.
- 7.5.10 Anti-social behaviour is not an absolute certainty and can, and does, arise in any residential setting. It should be noted that the applicant has provided additional statements since the initial submission which detail how the property is regulated by Ofsted and it is further noted that the applicant will work with Herts Police to ensure the property is satisfactorily designed and secured to Police standards.
- 7.5.11 The NSPCC website states that research shows that looked after children tend to have poorer outcomes in education attainment and mental and physical health when compared to children who have not been in, or needed to be in, care. However, when comparing looked after children to other children in need, this is not the case and studies have shown that looked after children have better outcomes than children in need. Other studies have found that most looked after children will say their experiences have been good and it was the right choice for them. Therefore, there is no evidence to say that children in the proposed care home will be any more likely to subscribe to anti-social behaviour than other children. With good care and management, any anti-social behaviour that does arise would be dealt with by the managers and owner of the premises. As stated in 7.5.5, the previous home at No.36 was unregulated and not managed satisfactorily which resulted in the issues experienced by local residents and

there is no evidence to suggest that the proposed care home would result in the same harms. The owner has clearly and precisely outlined the regulation and management process of the home (see 7.5.6 above) which will safeguard the amenities of the neighbouring properties.

- 7.5.12 With regards to crime data, Herts Police Crime Prevention Design Advisor (CPDA) initially raised concerns with regards to a lack of secure office for staff and no liaison between the applicant and themselves in relation to obtaining Secured By Design. They noted twenty crime reports for anti-social behaviour in nearby North Road, but the data cannot tell us if that was people passing through or residents causing the disturbance. As such, the crime data is not an accurate predictor of whether the proposed development will cause harm to residential amenity. It is noted that the CPDA did not raise concerns over the principal of the change of use nor the operation of the premises as a children's care home. Following a meeting between the CPDA and the applicant, they provided additional comments to withdraw their objection and confirm they fully supported the application on the basis that there will be locked office and the security gates will be of a satisfactory security standard.
- 7.5.13 The overnight staff will operate on a 'waking shift' basis, they will not be sleeping. As such, the safety and security of the property and residents will be monitored 24 hours a day which exceeds that of a normal family home.
- 7.5.14 Many local residents expressed concern that allowing this application could lead to an intensification of use in future or change to other types of institutions covered by a C2 use. A condition has been agreed with the applicant that will restrict the premises to children's care home for 4 children. Any deviations from this would require planning permission in order that the Council can fully assess the impacts of any change.
- 7.5.15 On balance, it is considered that the unmet needs of Hertfordshire children are significant, and the proposed development would help address the shortfall in demands. Further, being children, there is a need to be located in a sustainable location, close to educational facilities. The site has been assessed to be in such a location which is afforded some weight in favour of the application.
- 7.5.16 The fear of crime and anti-social behaviour are valid concerns and based on historical occurrences in the vicinity and so are accepted as material considerations. However, the historical occurrences arose from an unregulated premises with poor management and the applicant has provided details of how the proposed development would be regulated and run by qualified and experienced staff and equipped with modern security arrangements. As such, the substantial benefits of providing suitable and acceptable housing for children in an accessible location outweigh the identified harms.

7.6 Car Parking and Highway Safety

- 7.6.1 The nearest relevant standard associated with the development as set out in the adopted Car Parking Provision SPD (2020) would be "Use Class C2 Residential Institutions".
- a) Institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres)".
- 7.6.2 This standard stipulates that 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non-resident) should be provided. The site is not located in a non-residential accessibility zone, although it is on the border of the zone covering North Road and surrounding areas.
- 7.6.3 The proposed development seeks to convert the existing property into a 4-bedroom care home with up to 2 waking carers on site at all times. Taking this into consideration, there would be a requirement for 1 space for the number of children and 1 space for the 2 staff on site at any given time; a total of 2 spaces needed.

- 7.6.4 The submitted plans show that the hardstand to the front of the property will remain in-situ and has been measured at approximately 20m wide and 8m deep. This size of hardstand would likely accommodate at least 8 vehicles which is therefore considered to significantly exceed the required amount of parking and would therefore allow for a number of visitors to park on site in addition to staff without causing an overspill on to adjacent roads.
- 7.6.5 Herts County Council as Highways authority have assessed the application and raised no concerns or objections in relation to access, highway safety or the security gate to be installed.
- 7.6.6 With regards to the proposed new gate, this would be installed across the access to the hardstand driveway on the eastern side boundary. It would be of sliding operation so there would be no harm to the shared access driveway for the two dwellings to the rear through blocking of access. It is sited approximately 10.5m from the back edge of the highway with Rectory Lane so cars pausing to wait for the gates to open will not cause an obstruction on Rectory Lane.
- 7.6.7 In regards to cycle parking, the Council's Car Parking Standards SPD state that 1 short term space per 20 beds plus 1 long term space per 10 staff on duty should be provided on-site. The private rear garden, and securely gated front curtilage is considered adequate in size for the storage of bicycles. Consequently, sufficient cycle parking would be readily available on-site.
- 7.6.8 Concerns from local residents regarding the lack of pedestrian footpath on the southern side of Rectory Lane are noted. However, there is no pedestrian footpath on this side of Rectory Lane for its entire length. As such, any resident wishing to access any property on the southern side of the road must use the footpath on the northern side and then cross the road. The application site is no different and would be the same whether a single-family dwelling with children or a care home with children. HCC Highways raised no concerns in this regard. As such, the application is considered acceptable in this regard as the occupiers will not be any more disadvantaged or at risk than every other property along Rectory Lane.
- 7.6.9 With regards to comments made referring to the applicant's comments in their submission about utilising The Marquis of Granby's car park, the applicant provided an additional statement on 10th November 2023 which included further details on this matter. They currently have a verbal agreement with the landlord of the public house to use their car park on an ad-hoc basis when the need arises due to the road works on North Road occasionally making access to their property at 25 North Road difficult. They are aware that this is an informal and verbal agreement which could be revoked at any time and thus, cannot be considered as a factor in the determination of this application in relation to parking provision. Notwithstanding and set out earlier in this report, the driveway parking for the application site is of such a size that additional overflow parking at The Granby would not be required.

7.7 Other Matters Raised in Representations

- 7.7.1 House prices are not a material planning consideration and cannot be taken into account in the assessment of this application.
- 7.7.2 The applicant is not required to submit contact details of future staff members as part of this application.
- 7.7.3 Concerns over drug dealing in the area are a matter for the Police.
- 7.7.4 The site is not located within a Green Link or Green Corridor under Policies NH3 and NH4 therefore there is no requirement for the applicant to provide contributions towards the maintenance, improvement or extension of said areas.
- 7.7.5 Comments received stating that the Council should be investing in building their own purpose-built care home for children and that this application will not be financially viable for the Council

are not material to this application. This application is not being proposed by the Council and will not therefore impact the Council financially.

7.8 Other Matters

Waste and Recycling

- 7.8.1 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

- 7.8.2 The submitted plans indicate that the secured front curtilage can accommodate the required vessels without hindering the car parking provision.

Community Infrastructure Levy

- 7.8.3 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		

- 7.8.4 The proposed development would be liable for CIL but would be zero-rated because care homes are defined as falling within the “all other development” category by the charging schedule.

Equality, Diversity and Human Rights

- 7.8.5 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.
- 7.8.6 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.
- 7.8.7 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.
- 7.8.8 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.
- 7.8.9 Residential dwellings are not considered to be a noise-based use. 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.
- 7.8.10 The care home would provide living accommodation for children in need, who are protected by the Equalities Act. Further, as a large detached residential dwelling, it would be very easy to adapt internally and externally to accommodate the needs of any disabled children.
- 7.8.11 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 The policies considered to be most relevant for determining this application are listed above in Section 6.4.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up to date.
- 8.2 The proposed development would result in the delivery of a 4-bedroom children’s care home. This would make a modest contribution towards addressing the shortfall in children’s care home spaces in Hertfordshire and reduce the number of children being placed outside of Hertfordshire away from their family and friends and education premises to the detriment of the mental health and education.
- 8.3 Balanced against this is the loss of the single-family dwelling which is currently on the site. Although this loss does not conflict with any particular policy, boosting the supply of market dwellings is nonetheless a clear objective of the development plan. This carries weight against

the proposal, although given that only one dwelling would be lost and in view of the Council's housing land supply and housing delivery positions, that weight is limited.

- 8.4 Harm arising from potential anti-social behaviour and fear of crime have been determined to be a key material consideration arising from previous experiences in the vicinity. However, measures will be in place to mitigate this.
- 8.5 The proposal has been assessed to be acceptable in terms of car parking provision, cycle storage, impact on neighbouring and residential amenity and on the collection of waste and recycling.
- 8.6 On balance, it is considered that the need to provide suitable, accessible and safe housing in a residential environment for children in care outweighs the harms identified and the proposal is therefore considered to be acceptable.
- 8.7 Accordingly, the proposal is considered to be in accordance with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
 - 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
23067-001; 23067-SK1; 23067-010-A;
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 Prior to the first occupation of the development hereby permitted, the security gate as shown on drawing number 23067-SK1 shall be installed in the location as shown on drawing number 23067-010-A and shall be permanently retained in that form thereafter for the lifetime of the development.
REASON:- To ensure the safety and security of the occupiers of the site.
 - 4 The area of hardstand to the front of the property as shown on drawing number 23067-010-A shall not be obstructed at any time and shall be used only for the parking of vehicles for the lifetime of the development.
REASON:- To ensure that adequate parking facilities are available within the site.
 - 5 The premises shall be used for a residential child care home and for no other purpose, including any other purpose in Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification. The number of children cared for and resident on the premises shall not exceed four at any one time.
REASON:- In the interests of the amenities of neighbouring properties.

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

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

INFORMATIVE

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 **Herts Police Crime Prevention Design Advisor**

Prior to first occupation of the premises, the applicant will contact the Hertfordshire Constabulary Crime Prevention Design Service with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design.

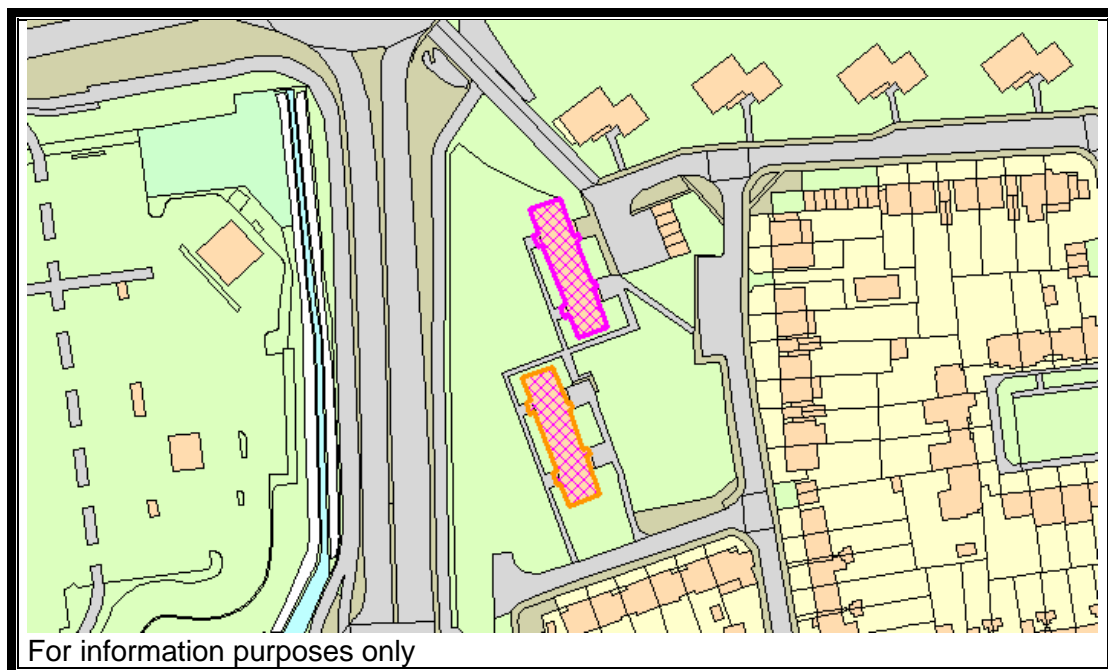
10 BACKGROUND DOCUMENTS

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, and the St Nicholas/Rectory Lane Conservation Area Management Plan (2012).
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 December 2023 and Planning Practice Guidance.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 January 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00900/FP
Location :	2-24 and 26-48 Buckthorn Avenue, Stevenage, Herts
Proposal :	Installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alteration to external ventilation.
Drawing Nos.:	7059-CTS-00-000-L-A-4103; 7059-CTS-00-000-L-A-4104; 7059-CTS-00-000-L-A-4101; 7059-CTS-00-000-L-A-4102; 7059-CTS-00-000-L-A-4503; 7059-CTS-00-000-L-A-4504; 7059-CTS-00-000-L-A-4505; 7059-CTS-00-000-L-A-4506; 7059-CTS-00-000-L-A-4507; 7059-CTS-00-000-L-A-4403; 7059-CTS-00-000-L-A-4404; 7059-CTS-00-000-L-A-4405;
Applicant :	Stevenage Borough Council
Date Valid:	28 November 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises two buildings on the western side of Buckthorn Avenue. Residential dwellings of Buckthorn Avenue lie to the east and south, 4no. flatted developments of Walden End lie to the north, and the main highway of Monkswood Way lies to the west.

- 1.2. Each building is three storeys, with a dual pitched tiled roof and contain 12no. flats each. The buildings are constructed with white painted render to the upper floors with red-multi bricks to the ground floor. Windows and doors are modern white uPVC framing. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. There is an extensive area of communal open space to the front of the properties with some areas of communal car parking.

2. RELEVANT PLANNING HISORY

- 2.1 None relevant.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the redevelopment of the two blocks of flats comprising:
- Replacement external wall insulation with 'Winter White' render to upper floors;
 - Replacement external wall insulation with 'Sanded Slate Grey' brick effect render to ground floor;
 - Window and door replacements;
 - Solar PV panels on rear roof slope;
 - Replacement roof with grey concrete interlocking tiles;
 - Upgrading of loft insulation;
 - Upgrading ventilation systems.
- 3.2 The retrofit of the properties is being undertaken by the Council to improve the energy efficiency of the buildings. The proposal will result in the properties having a minimum EPC rating of C and an energy consumption of 90KWh/M2 per annum. This will contribute to the achievement of the Council's carbon emissions targets. It will also improve the lives of occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.
- 3.3 This application comes before the Planning and Development Committee because the applicant is Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters to neighbouring properties, no comments were received.

5. CONSULTATIONS

- 5.1. No statutory consultations were necessary for this application.

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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 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).

6.3 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 2019 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 Adopted Local Plan (2019)

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

Policy SP8: Good design;
Policy GD1: High quality design;

6.6 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2023.

6.7 Community Infrastructure Levy

- 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.

7. APPRAISAL

- 7.1.1 The only issue in the assessment of the application is the impact on the character and appearance of the area. There are no changes to the number of units within the building and no enlargement of the buildings or number and locations of fenestrations so there will be no change to the car parking provision nor any changes to existing impacts on neighbouring properties.

- 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 on the Character and Appearance of the Area

- 7.2.1 In terms of design, paragraph 131 of the NPPF (2023) 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 135 of the NPPF (2023) 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.

- 7.2.2 Paragraph 139 of the NPPF (2023) 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 such as design guides and codes. 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.

7.2.3 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.

7.2.4 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 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.

7.2.5 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.

7.2.7 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.

7.2.8 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.

7.2.9 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.

7.2.10 The Council recently adopted an updated Design Guide SPD (Jan 2023). 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.

7.2.11 The two buildings are located on the western side of Buckthorn Avenue and are highly prominent from a number of different public vantage points both to the front and the rear. There is a modest amount of soft landscaping in the form of shrubs and trees around the buildings.

7.2.12 The buildings are constructed with white painted render to the upper floors and brick to the ground floor and concrete roof tiles. Windows and doors are modern white uPVC framing. There is an extensive area of communal open space to the front of the properties.

7.2.13 Neighbouring properties are constructed with a variety of materials, including concrete render, white render, red brickwork, grey roof tiles and red/brown concrete roof tiles.

7.2.14 The proposed replacement materials, whilst not like-for-like, would have a very similar finish to surrounding properties. The development would therefore refurbish the building without having any significant impact on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Other Matters

Climate Change

7.3.1 Paragraph 164 of the NPPF (2023) states that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).

7.3.2 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.

7.3.3 The proposal will significantly improve the energy efficiency of the flats. The proposal will be PAS2035 compliant which specifies the requirements needing to be met when retrofitting buildings for improved energy efficiency and will ensure that the energy demand within the two buildings is significantly reduced.

7.3.4 The proposal will exceed Department for Energy Security and Net Zero Social Housing Decarbonisation Fund standards with a minimum EPC rating of C and an energy consumption of 90KWh/M2 per annum. This will contribute to the achievement of the Council's carbon emissions targets. It will also improve the lives of occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.

Equality, Diversity and Human Rights

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

7.3.6 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.

7.3.7 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

7.3.8 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.3.9 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. 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.

7.3.10 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in

our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

8. CONCLUSIONS

- 8.1 The proposal is considered to be in accordance with the development plan and in the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
7059-CTS-00-000-L-A-4103; 7059-CTS-00-000-L-A-4104; 7059-CTS-00-000-L-A-4101;
7059-CTS-00-000-L-A-4102; 7059-CTS-00-000-L-A-4503; 7059-CTS-00-000-L-A-4504;
7059-CTS-00-000-L-A-4505; 7059-CTS-00-000-L-A-4506; 7059-CTS-00-000-L-A-4507;
7059-CTS-00-000-L-A-4403; 7059-CTS-00-000-L-A-4404; 7059-CTS-00-000-L-A-4405;
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 external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.
REASON:- To ensure a satisfactory appearance upon completion of the development.

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

- 1 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.

INFORMATIVE

- 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>.

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 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 December 2023 and Planning Practice Guidance.

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 : 23/00360/NMA

 Date Received : 10.05.23

 Location : Land To The North Of Stevenage Off North Road And Weston
 Road Stevenage Herts

 Proposal : Non material amendment of reserved matters application
 22/00808/RMM to amend condition 2 (approved plans) with
 regards to SuDS basins, drainage layout, planting, hardsurface
 materials, boundary treatments, landscaping and pedestrian
 routes.

 Date of Decision : 19.12.23

 Decision : **Non Material Amendment AGREED**

2. Application No : 23/00656/COND

 Date Received : 25.08.23

 Location : Land To The North Of Stevenage Off North Road And Weston
 Road Stevenage Herts

 Proposal : Discharge of condition 11 (Piling and Foundation) attached to
 planning permission reference number 17/00862/OPM

 Date of Decision : 14.12.23

 Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

3. Application No : 23/00668/COND
Date Received : 30.08.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of Condition 13 (External Lighting) attached to reserved matters permission reference number 22/00810/RMM (Phase 1A-C) Bellway Homes plots only.
Date of Decision : 19.12.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
4. Application No : 23/00729/FPH
Date Received : 02.10.23
Location : 20 Alleyns Road Stevenage Herts SG1 3PP
Proposal : Part two storey, part single storey rear extension
Date of Decision : 12.12.23
Decision : **Planning Permission is GRANTED**
5. Application No : 23/00732/FPH
Date Received : 02.10.23
Location : 166A High Street Stevenage Herts SG1 3LL
Proposal : Proposed loft conversion comprising installation of roof lights
Date of Decision : 27.11.23
Decision : **Planning Permission is GRANTED**
6. Application No : 23/00735/FP
Date Received : 04.10.23
Location : Unit 7 Wedgwood Court Wedgwood Way Stevenage Herts
Proposal : Siting of metal storage container within parking area adjacent to office building
Date of Decision : 29.11.23
Decision : **Planning Permission is GRANTED**

7. Application No : 23/00737/COND
Date Received : 05.10.23
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 14 (External materials) attached to planning permission reference number 23/00526/RMM (Phase 1A-C) Miller Homes plots only
Date of Decision : 19.12.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
8. Application No : 23/00741/FP
Date Received : 06.10.23
Location : Shephalbury Park Storage Area Broadhall Way Stevenage SG2 8NP
Proposal : Change of use of a horticultural maintenance depot (Sui Generis) to a motorhome sales and rentals facility (Sui Generis)
Date of Decision : 29.11.23
Decision : **Planning Permission is GRANTED**
9. Application No : 23/00742/TPTPO
Date Received : 06.10.23
Location : Tippet Court Stevenage Herts SG1 1XR
Proposal : Works to trees covered by TPO 31 to include canopy reduction to 3m of 2no. Sycamore (T9 and T10), reduction of canopy to 2m and girdle Ivy to 1no. Sycamore (T12), reduction by 2-3m and lower canopy to 5m of 1no. Maple (T20) and lift canopy to 5m of 1no. Maple (T21).
Date of Decision : 30.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

10. Application No : 23/00748/COND
Date Received : 09.10.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of condition 11 (Piling and Foundation) attached to planning permission reference number 17/00862/OPM
Date of Decision : 19.12.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
11. Application No : 23/00753/FP
Date Received : 10.10.23
Location : 15 Angotts Mead Stevenage Herts SG1 2NJ
Proposal : Change of use from privately owned amenity land to enclosed private garden
Date of Decision : 28.11.23
Decision : **Planning Permission is GRANTED**
12. Application No : 23/00758/TPTPO
Date Received : 12.10.23
Location : 6 Cameron Close Stevenage Herts SG2 0HG
Proposal : T1 - Oak tree - reduce by 30% due to excessive shading.
Date of Decision : 04.12.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
13. Application No : 23/00767/FPH
Date Received : 18.10.23
Location : 11 Whitney Drive Stevenage Herts SG1 4BE
Proposal : Single storey rear extension
Date of Decision : 07.12.23
Decision : **Planning Permission is GRANTED**

14. Application No : 23/00772/FPH
Date Received : 19.10.23
Location : 5 Sweyns Mead Stevenage Herts SG2 0JZ
Proposal : Single storey rear extension and roof canopies
Date of Decision : 07.12.23
Decision : **Planning Permission is GRANTED**
15. Application No : 23/00777/FPH
Date Received : 20.10.23
Location : 3 Chestnut Walk Stevenage Herts SG1 4DD
Proposal : Single storey rear extension and external alterations to existing dormer windows
Date of Decision : 11.12.23
Decision : **Planning Permission is GRANTED**
16. Application No : 23/00779/TPCA
Date Received : 23.10.23
Location : Oak House Rectory Lane Stevenage Herts
Proposal : Fell 1no. Leylandii tree
Date of Decision : 29.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
17. Application No : 23/00782/FP
Date Received : 24.10.23
Location : 8 Albert Street Stevenage Herts SG1 3NZ
Proposal : Part two storey, part first floor front extension and single storey rear extension and conversion from 6 Person House of Multiple Occupation (Use Class C4) to Sui Generis 7 person House of Multiple Occupation
Date of Decision : 13.12.23
Decision : **Planning Permission is GRANTED**

18. Application No : 23/00785/FPH
Date Received : 25.10.23
Location : 12 Trafford Close Stevenage Herts SG1 3RY
Proposal : Demolition of existing conservatory and erection of single-storey rear extension.
Date of Decision : 19.12.23
Decision : **Planning Permission is GRANTED**
19. Application No : 23/00787/FP
Date Received : 25.10.23
Location : Sycamore House Leyden Road Stevenage Herts
Proposal : Retrospective installation of fume extract duct on roof and 3no. louvres on south east elevation.
Date of Decision : 04.12.23
Decision : **Planning Permission is GRANTED**
20. Application No : 23/00792/CLPD
Date Received : 26.10.23
Location : 107 Letchmore Road Stevenage Herts SG1 3PS
Proposal : Certificate of Lawfulness (Proposed) for single storey side extension.
Date of Decision : 20.12.23
Decision : **Certificate of Lawfulness is APPROVED**
21. Application No : 23/00795/FP
Date Received : 26.10.23
Location : Retail Unit Nr 1 Ground Floor 50 Hertford Road Stevenage
Proposal : Installation to roller shutters to main entrance and new entrance door.
Date of Decision : 12.12.23
Decision : **Planning Permission is GRANTED**

22. Application No : 23/00796/FP
Date Received : 26.10.23
Location : Retail Unit Nr 1 Ground Floor 50 Hertford Road Stevenage
Proposal : Installation of louvered windows
Date of Decision : 12.12.23
Decision : **Planning Permission is GRANTED**
23. Application No : 23/00797/CLPD
Date Received : 27.10.23
Location : Unit B2 Roebuck Retail Park London Road Stevenage
Proposal : Certificate of lawfulness for proposed construction of additional mezzanine floor area being added and joined to the existing mezzanine floor.
Date of Decision : 04.12.23
Decision : **Certificate of Lawfulness is APPROVED**
24. Application No : 23/00800/FP
Date Received : 01.11.23
Location : Car Park Monkswood Retail Park Elder Way Stevenage
Proposal : Variation of condition 1 (Approved Plans) attached to planning permission reference number 22/00308/FP to alter the approved layout and retaining wall.
Date of Decision : 04.12.23
Decision : **Planning Permission is GRANTED**
25. Application No : 23/00801/FP
Date Received : 01.11.23
Location : Play Centre Hampson Park Webb Rise Stevenage Herts
Proposal : Erection of marquee to be used by Scouts Group (Use Class F2)
Date of Decision : 14.12.23
Decision : **Planning Permission is GRANTED**

26. Application No : 23/00802/FP
Date Received : 01.11.23
Location : Land Adjacent To 84 Mobbsbury Way Stevenage Herts SG2 0HX
Proposal : Erection of 2 no. three bedroom semi-detached dwellings associated parking and ancillary works.
Date of Decision : 04.12.23
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed dwellinghouses would not constitute development on previously developed land as defined by the National Planning Policy Framework (2023) or on a small, underused urban site. The proposal is therefore contrary to Policy HO5(a) of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) and is unacceptable in principle.

The application site and wider area of open space of which it is part serves its function and purpose in providing amenity value for residents and creating a natural gap within the housing on this side of Mobbsbury Way. The loss of part of this open space for development, including two trees, would undermine the original design ethos of the area and cause harm by reducing the sense of openness it creates on this part of Mobbsbury Way. This would be contrary to Policies SP8, NH6, NH5 and GD1 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019).

The layout of the proposed dwellinghouses would fail to create a safe environment that designs out crime contrary to criterion Policy GD1(c) of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019).

The proposal fails to demonstrate there would be a minimum of 10% biodiversity net gain post development, contrary to Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) Policy SP12 and the Biodiversity SPD (2021).

The application fails to demonstrate that the proposed development would have an acceptable impact on highway safety. The proposal is therefore contrary to Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) Policies SP6 and IT4.

27. Application No : 23/00803/TPCA
Date Received : 01.11.23
Location : 2 Nicholas Place Rectory Lane Stevenage Herts
Proposal : Fell and eco plug 2no. Lime Trees
Date of Decision : 29.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
28. Application No : 23/00811/FPH
Date Received : 08.11.23
Location : 4 Boxfield Green Stevenage Herts SG2 7DR
Proposal : Single storey rear extension
Date of Decision : 11.12.23
Decision : **Planning Permission is GRANTED**
29. Application No : 23/00815/FPH
Date Received : 08.11.23
Location : 27 Watercress Close Stevenage Herts SG2 9TN
Proposal : Single storey side extension.
Date of Decision : 15.12.23
Decision : **Planning Permission is GRANTED**
30. Application No : 23/00817/FPH
Date Received : 09.11.23
Location : 73 Barham Road Stevenage Herts SG2 9HY
Proposal : Erection of first floor rear extension.
Date of Decision : 20.12.23
Decision : **Planning Permission is GRANTED**

31. Application No : 23/00819/NMA
Date Received : 09.11.23
Location : Matalan Unit B-C Danestrete Stevenage
Proposal : Non material amendment to reserved matters approval 20/00643/RMM to amend the wording of Condition 26 (Noise Mitigation Measures).
Date of Decision : 18.12.23
Decision : **Non Material Amendment AGREED**
32. Application No : 23/00827/NMA
Date Received : 13.11.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Non material amendment to reserved matters approval 22/00808/RMM to amend condition 2 (approved plans) following approval of reserved matters approval 23/00526/RMM (Phase 1A-C) to amend the Local Centre design.
Date of Decision : 19.12.23
Decision : **Non Material Amendment AGREED**
33. Application No : 23/00830/NMA
Date Received : 14.11.23
Location : Centric Park Gunnels Wood Road Stevenage Herts
Proposal : Non material amendment to planning permission 21/01362/FPM to amend condition 1 (approved plans).
Date of Decision : 04.12.23
Decision : **Non Material Amendment AGREED**

34. Application No : 23/00893/NMA
Date Received : 23.11.23
Location : 303 Ripon Road Stevenage Herts SG1 4LS
Proposal : Non material amendment to planning permission to 21/01101/FP (Allowed on appeal under reference: APP/K1935/W/22/3294303) to amend condition 2 (approved plans).
Date of Decision : 28.11.23
Decision : **Non Material Amendment AGREED**
35. Application No : 23/00934/NMA
Date Received : 15.12.23
Location : Land To The West Of North Road Stevenage Herts SG1 4BB
Proposal : Non material amendment to amend wording of Condition 4 (Drainage) attached to planning permission 22/00838/FPM.
Date of Decision : 19.12.23
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 September 2023 and Planning Policy Guidance.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 9 Jan 2024

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242242

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Zayd Al-Jawad 01438 242257

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 21/01025/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.
- 2.4 23/00553/FPH. 171 Verity Way. Appeal against the refusal of planning permission for a part single-storey, part two-storey rear extension, raised patio with associated balustrade, and single-storey front extension.
- 2.5 23/00231/FP. 129C High Street. Appeal against the refusal of planning permission for the demolition of single storey element fronting onto Church Lane and its redevelopment with 4no. 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling

3. DECISIONS RECEIVED

3.1 None.

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