

# Public Document Pack



## PLANNING AND DEVELOPMENT COMMITTEE

**Date: Thursday, 8 February 2024**

**Time: 6.30pm,**

**Location: Council Chamber, Daneshill House, Danestrete, Stevenage**

**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

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## AGENDA

### PART 1

**1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

**2. MINUTES - 9 JANUARY 2024**

To approve as a correct record the Minutes of the previous meeting held on 9 January 2024.

Pages 3 – 26

**3. 23/00482/FP - CINNABAR OLD STEVENAGE, 56-58 HIGH STREET**

To consider the change of use of parking bays to facilitate construction of outdoor seating area associated with 56-58 High Street, Stevenage.

Pages 27 – 66

**4. 23/00920/FPM - LAND TO THE WEST OF LYTTON WAY, STEVENAGE**

To consider the variation of Condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

Pages 67 – 106

**5. 23/00919/CC - FORMER PIN GREEN PLAYING FIELDS**

To consider full planning application for an adult day service facility (Class E) including creation of a new vehicular access off Hayward Close, circulation area, car parking, landscaping and associated development – Hertfordshire County Council Consultation

Pages 107 – 128

**6. 22/01052/ENF - 20 MARKET PLACE, STEVENAGE**

To consider the unauthorised construction of a single-storey rear extension.

Pages 129 – 140

**7. INFORMATION REPORT - DELEGATED DECISIONS**

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

Pages 141 – 154

**8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

To note a report on planning appeal decisions and planning appeals lodged.

Pages 155 – 162

**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.

Agenda Published 31 January 2024

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STEVENAGE BOROUGH COUNCIL

## PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 9 January 2024

Time: 6.30pm

Place: Council Chamber

**Present:** Councillors: Michael Downing (Chair), Claire Parris (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, Anne Wells and Conor McGrath

**Start / End Time:** Start Time: 6.30pm  
End Time: 8.45pm

### 1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were submitted on behalf of Councillor Rob Broom. Councillor Conor McGrath was in attendance as substitute.

There were no declarations of interest.

### 2 **MINUTES - 29 NOVEMBER AND 7 DECEMBER 2023**

It was **RESOLVED** that the Minutes of the Planning and Development Committees held on 29 November 2023 and 7 December 2023 be approved as correct records and signed by the Chair.

At this juncture, the Assistant Director Planning and Regulation gave the following updates to the Committee:

- **Small Land Sales** – the first quarterly update on small land sales had been sent out to Members by the Council's Estates Team in December;
- **National Planning Policy Framework** – the update to the NPPF had been published just before Christmas. One of the additional requirements of the NPPF was the Housing Delivery Test which related to the number of houses that had been delivered within a three year period. The Council had delivered 57% of its target over the last three years and because of that there would have to be a presumption of development and meant that this would hold a greater weight than would have previously done;
- **Novotel** – the Committee was advised that enforcement action was now underway at the Hotel.

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

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

The Committee considered an application for the erection of 3 no. 3 bedroom dwellinghouses with associated parking, landscaping, access and ancillary works.

The application was before the Committee for determination as the applicant and landowner was Stevenage Borough Council and there had been more than 5 objections to the application.

The Senior Planning Officer gave an introduction to the Committee. She advised that the application for the dwellings and associated parking was on Council land which had been designated as an informal area of public open space. The existing communal parking bay would be retained in-situ and remain unchanged.

The Chair introduced Mr Justin Mills, Contour Planning, who would be speaking on behalf of residents who had objected to the application, to the Committee to address the meeting. He advised that the application site offered a contribution to the street scene and wildlife and was an area for local people to use and children to play. The application would have a detrimental impact on the environment and neighbouring properties and would be contrary to policy HO5 in the Council's Local Plan. The application also failed to comply with the separation distance standards between dwellings at ground floor levels.

The Chair then invited Councillor Margaret Notley, Woodfield Ward Councillor to address the meeting. Councillor Notley concurred with the comments made by Mr Mills and advised that the style of housing was out of keeping with the existing properties. She also expressed concern regarding the loss of the green space in the area.

The Chair thanked both of the speakers for their contributions.

The Senior Planning Officer advised the Committee that the main issues for consideration in the determination of the application were 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.

Members were advised that the issues considered were consistent with the most recent revision of the NPPF. The Council was required to apply the tilted balance in favour of sustainable development by reason of its housing delivery position.

Officers advised that the proposed development would result in the delivery of 3no. three bedroom dwellings, making a small, but significant contribution towards meeting the Borough's housing needs and the scheme would provide a good standard of accommodation which carried significant weight in favour of the proposal.

In the Officer's opinion, the proposal was acceptable in terms of the impact on the amenities of neighbouring occupiers, the collection of waste and recycling, appearance and the proposed car parking and cycle parking.

In relation to the loss of public open space, the Committee was advised that the loss of the area of informal open space was justified having regard to the quality and accessibility of the open space and whether alternate spaces would remain available for community use. The benefits of providing additional housing were considered to outweigh any harm caused by the loss of this small area of open space.

The following points were raised by Members, and responses were given:

- Conditions 9 and 10 in the Officer's report dealt with the treatment of the hedgerow and associated trees. A management plan would be drawn up but the hedgerow would be owned and maintained by the Council;
- Members were concerned that the alternative play area suggested in the report although being a large area of open space at the northern end of St Albans Drive was not visible to the main road and had a limited amount of play space;
- In relation to separation distances, the required 15m would be achieved at first floor level and the front of the proposed dwellings would be approximately 28m from the front of the bungalows to the east of the site. The proposed windows at ground floor and first floor on both side elevations would all serve bathrooms or W.C.'s and would be obscurely glazed so there would be no direct overlooking or loss of privacy between the two dwellings;
- In terms of daylight and sunlight, all rooms with a requirement for daylight and sunlight and all required windows passed the daylight distribution test;
- Officers confirmed that the applicant was the Estates Department at Stevenage Borough Council;
- The site had been classified by the Environment Agency as being of very low risk to surface water flooding;
- In relation to biodiversity net gain, it was noted that although there would be a 2% loss, the applicant would provide a financial contribution, secured by a S106 legal agreement to achieve a 10% net gain, which would be spent on improving biodiversity on another site in Stevenage to be agreed with the Council's Green Spaces Development Officer.

It was **RESOLVED** 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.

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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

## **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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto: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](mailto: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.

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

The Committee considered an application for outline planning permission (all matters reserved) for the erection of 2no.three or four bed dwellings.

The application was before the Committee for determination as the applicant and landowner was Stevenage Borough Council and there had been more than 5 objections to the application.

The Senior Planning Officer gave an introduction to the Committee. She advised that the main issues for consideration was its acceptability in land use policy terms. Only the principle of the development was to be considered at this stage, matters pertaining to access arrangements, parking provision, layout, appearance and landscaping were to be reserved for future consideration as part of a reserved matters application.

An addendum report had been circulated to the Committee which included information relating to a new site survey plan received from Affinity Water which showed a different location of the water pipe. It was noted that there was ongoing dialogue between the applicant and Affinity Water to discuss their concerns regarding easement width and to form an exact location of the pipe.

The Chair then invited Mr Keith Price, an objector to address the Committee. Mr Price's concerns related to the following objections:

- Objection from Affinity Water that the proposed build would be within the easement (no build) area of a critically important 24 inch water main;
- Concerns that private ownership of the land without the ability to build would lead to the land becoming derelict;
- Loss of mature trees and the resulting impact on climate and loss of wildlife

- habitats;
- Loss of amenity land and the resulting adverse changes to the appearance of the estate;
- Increase in parking congestion and resulting potential for harm to people.

The Chair then invited local Councillor Tom Wren to address the Committee. Cllr Wren also expressed concern regarding the impact on the environment and the loss of the 13 mature trees which demonstrated why the site was unsuitable for development and that there were many alternative sites across the Town more appropriate for this type of development. Cllr Wren referred to the Council's climate emergency pledge and that the replacement trees would be small and not able to compensate to what was being lost. Cllr Wren also expressed concern regarding the water pipe and that there was no accurate mapping of the site.

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

The Senior Planning Officer advised that the site was considered to be a small, underused urban site and the proposed development would support the Council's aim of delivering homes. The Committee was also reminded of the presumption in favour of delivering sustainable development.

The loss of open space with the various trees had been assessed by the Council's Arboricultural and Conservation Manager who had raised no concerns or objections so long as a financial contribution was secured for the replacement of any tree lost, which was not to be replanted on the site, at a ratio of 3:1 to be planted along the verge of Six Hills Way. As such, Officers considered that the loss of the open space was justified and that the development was acceptable in principle.

In relation to the concerns regarding the siting of the water pipe, the Committee was advised that final determination of the siting of the houses would be determined under a reserved matters application in the future should outline planning permission be granted and at which point final negotiations with Affinity Water would take place.

The following comments and questions were raised by Members and responded to by officers:

- A suggestion was made that as there was still uncertainty regarding the location of the water pipe, the application should be deferred until further discussions between the Council and Affinity Water had taken place. Officers confirmed that the Council were working from plans provided by Affinity Water;
- The replacement trees would be replanted on site and 24 new trees would be planted along Six Hills Way;
- In terms of access to local facilities, officers had looked at the most used local facilities but were aware that there were alternative facilities fairly close by;
- The water pipe runs from the original Lea Valley Water Centre to the Water Tower in Pin Green. The Reserved Matters application would determine the location of the pipe;
- The trees affected were not subject to any preservation orders and could be cut down at any point.

It was **RESOLVED** 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.

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 conditions set out below, 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:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
01; 03D;
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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

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- Damp proof course
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- Floor and Roof construction
- Work relating to fire safety
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- Completion

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### 4 **Party Wall etc. Act 1996**

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1996, a copy of which is available online at  
<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

**5 Hertfordshire County Council as Highways Authority**

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway.

If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

**6 Hertfordshire County Council as Highways Authority**

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

**7 Hertfordshire County Council as Highways Authority**

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

The Committee considered an application for the change of use from dwellinghouse (Use Class C3) to residential institution for the care of up to 4 children (Use Class C2).

The application was before the Committee for determination as it had been called in by local ward Councillor Phil Bibby on the grounds of impact on neighbouring properties and impact on residential amenities.

The Senior Planning Officer gave an introduction to the Committee. She advised that the main issues for consideration in the assessment of the application were the acceptability in land use policy terms, impact on the character and the appearance of the St Nicholas/Rectory Lane Conservation Area, impact on residential amenity and car parking provision.

The Chair then invited Mr Singh, the applicant to address the Committee. The Committee was informed by Mr Singh that there was a huge shortage of childrens homes for those children not in the foster care system. Mr Singh outlined the regulation and management process of the proposed care home and advised that the proposed care home would be fully regulated by OFSTED and would be subject to both planned and unannounced inspections. Mr Singh advised that following a meeting held with the Police, additional measures including the office being alarmed and a new security gate would be installed as well as all fire regulations being complied with.

The Chair then invited Councillor Phil Bibby to address the meeting.

Councillor Bibby advised that although he was aware of the need for such care homes, his concerns related to:

- a previous care home in Rectory Lane that had caused significant issues before it was shut down;
- the loss of a large, aspirational, family home;
- the need to keep Rectory Lane as a leafy, aspirational road in the Town;
- the safety and security of local residents as a result of the change of use.

The Chair thanked Mr Singh and Councillor Bibby for their contributions to the meeting.

The Senior Planning Officer informed the committee that there would be no external alterations to the building and that therefore the proposed development would not impact on the level of privacy and outlook currently enjoyed by neighbouring properties.

In terms of noise and disturbance, the Council's Environmental Health Officer had raised no concerns in this regard. Further, 4 children under the age of 18 living in the property would be in line with that expected of a 4 bedroom family dwelling. The previous care home referred to had not been registered with OFSTED and there were no mechanisms in place to provide enforcement to regulate or manage this previous facility.

The Committee noted that the applicant would work with Herts police to ensure the property was satisfactorily designed and secured to Police standards.

Members agreed that there was a need for care homes such as this. In response to a question the applicant confirmed that the age range of the children was between 8 and 18. It was not guaranteed that the children would be from Stevenage but it was very likely they would be from the local area.

It was **RESOLVED:**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
23067-001; 23067-SK1; 23067-010-A;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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.
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.
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.

**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**

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**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.

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

The Committee considered an application for 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.

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

The Senior Planning Officer gave an introduction to the Committee. She 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 enlargements of the buildings or number and locations of fenestrations, no change to the parking provision nor any changes to existing impacts on neighbouring properties.

In response to a question, Officers advised that the residents of the properties would benefit from the installation of the solar panels through reduced utility bills. The Assistant Director Planning and Regulation advised that he would make enquiries as to the financial impact the works would have on any leaseholders in the properties and inform Members accordingly.

It was **RESOLVED:**

That planning permission be granted subject to the following conditions:

- 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;

- 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.

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**7 INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

**9 URGENT PART I BUSINESS**

None.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

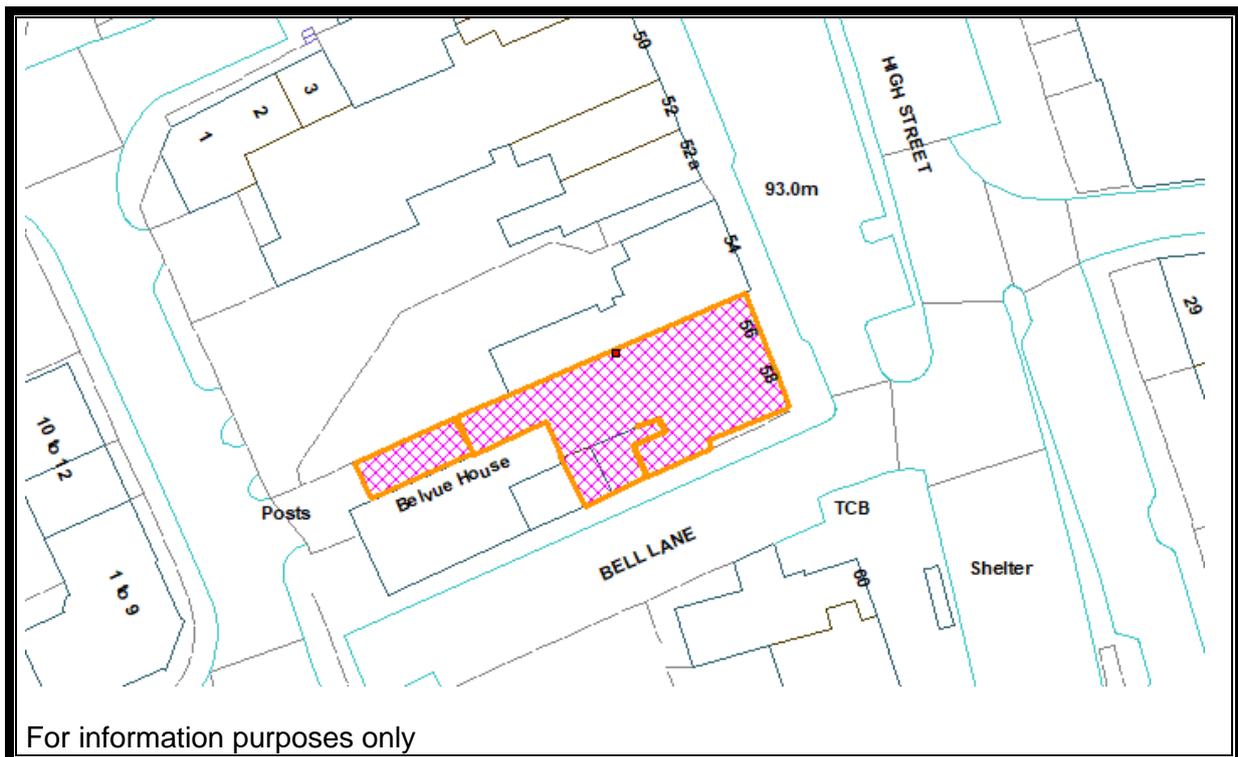
None.

**CHAIR**

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>8 February 2024</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	07931 863551
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	07931 863551

Application No :	23/00482/FP
Location :	Cinnabar, 56-58 High Street, Stevenage
Proposal :	Change of use of parking bays to facilitate construction of outdoor seating area associated with 56-58 High street
Drawing Nos.:	RL3883-02; 457-09-Rev C;
Applicant :	Russell Linard
Date Valid:	14 July 2023
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The site comprises an unlisted building, in use as a bar/restaurant known as Cinnabar, on the western side of the Old Town High Street within the Old Town High Street Conservation Area. This area of the High Street is characterised by public houses, restaurants, bars and retail uses. There is likely some residential use above some of the High Street premises and there are some residential blocks of flats to the rear of the High Street along Primett Road. Adjacent to the southern flank elevation of the building is the small no-through road of Bell Lane.

- 1.2 To the eastern frontage of the site is a small parking area which serves the retail premises of Nos. 44-58. This area is separated from the High Street by a narrow footpath/kerb on the eastern side.
- 1.3 The High Street in general is served by parking bays along both sides of the highway. The bays allow for parking of vehicles perpendicular to the footpath and in places slope upwards from the carriageway to the footway. In the case of the application site, the parking bays in question run along the southern side elevation of the application property.
- 1.4 The Old Town High Street Conservation Area has a distinctive historic character and contains many Listed Buildings. Pavements and kerbs are typically finished with traditional materials, including small conservation kerb stones (tegular blocks). Bell Lane is a narrow road which allows for parking on both sides and traffic to pass through the centre and has the rear access yard for The Mulberry Tree public house on the southern side. This road also provides the access to the parking area to the front of the application site.

## **2. RELEVANT PLANNING HISORY**

- 2.1 99/00117/AD Externally Illuminated Shop Sign and Awning Sign. Withdrawn 24.06.2003.
- 2.2 05/00235/FP Change of use from A1 to A3. Approved 08.07.2005.
- 2.3 05/00501/FP Internal and external alterations including new shopfront to facilitate change of use from A1(Retail) to A3 (Restaurant). New 2.5m rear boundary fence. Approved 15.12.2005.
- 2.4 05/00615/FP Change of use of ground floor from A1 (Retail) to A4 (Drinking Establishment). Approved 08.02.2006.
- 2.5 09/00196/AD Display of 1no. non-illuminated canopy sign. Approved 14.08.2009.
- 2.6 14/00467/FP Change of use of Belvue House from B1 (Offices) to C1 (Hotel) and new extension to link with Cinnabar Café. Approved 24.10.2014.
- 2.7 19/00741/FP Proposed replacement external door sets. Approved 16.03.2020.
- 2.8 22/00552/FP Change of use of parking bays on Bell Lane frontage to use as ancillary seating area and construction of associated seating area structure, together with the installation of 3no. awnings. Withdrawn 18.07.2022.

## **3. APPLICATION DEFERRALS**

- 3.1 The current application was heard at the Planning and Development Committees on 31<sup>st</sup> October 2023 and 7<sup>th</sup> December 2023. Members elected to this committee voted to have the application deferred at both meetings. The reasons for deferral stated in the minutes are as follows:
  1. 31<sup>st</sup> October 2023: To seek clarity on the implications of the newly adopted Levelling-Up and Regeneration Act 2023 in terms of the issuance of licences for outdoor seating on pavements.
  2. 7<sup>th</sup> December 2023: To seek amended plans to remove the proposed highways works to the front (east) of the building.
- 3.2 Following the application deferral, the proposals have been amended from that which was originally presented at committee on 31 October 2023 and subsequently at the Planning and Development Committee on the 7<sup>th</sup> December 2023. The proposal, including the proposed changes and are set out in the following paragraphs.

- 3.3 The proposed works would see the formalised, marked out parking bays immediately adjacent to the southern flank elevation of Cinnabar being closed, and the road level being raised up to meet the existing footway level. The extent of the closure would be 22m in length and 2.4m in width, which when taken with the existing footpath (2.1m wide) would provide a new widened footpath area of 4.5m wide. The area is to be used for informal seating comprising tables and chairs. The boundary of the area adjacent to the vehicular highway would be bounded by removable bollards which would also hold low level fabric banner signs no more than 0.6m in height.
- 3.4 In order to address the concerns of the Planning and Development Committee, the previously sought works to the front (east) of the property have been removed from the application.
- 3.5 The area to the southern side of the premises would comprise the loss of 4no. marked out parking spaces. It should be noted that it has always been the applicant's intention to remove the existing dropped kerb to the west of the proposed works on the southern side of the building which will subsequently generate 1no. parking space, however, this was not shown on the original plans but was included on the now superseded plan 457-09-B and is shown on the latest amended plan number 457-09-C. Accordingly, the proposed development results in a net loss of 3no. parking spaces. .
- 3.6 The applicant engaged in separate pre-application discussions with Herts County Council (HCC) as Highways Authority prior to the submission of the planning application. HCC advised at that stage that the built-up area of footpath along the south of the application site should be constructed in tarmac whilst the smaller built-up area to the eastern frontage of the site should be constructed in Tegula blocks to match existing.
- 3.7 It is emphasised that the application is only seeking permission for engineering works comprising the removal of 4 no. on-street parking bays, which as discussed in paragraph 3.5 above is a net loss of 3no. spaces due to the creation of 1no. space once the existing dropped kerb is closed, and the construction of a public footpath, associated kerbs and ancillary works. The provision of the outside seating area itself is assessed and controlled by the Local Authority (as defined under the Business and Planning Act 2020 (as amended)) under the relevant Pavement Licence. The following assessment does not therefore take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.
- 3.8 The application comes before the Planning and Development Committee as it has been called-in by Councillor Rossati. The Councillor called in the application due to the potential impact on neighbouring properties, car parking and highway safety.
- 3.9 This report must be read in conjunction with the reports presented at committee on 31 October 2023 (Appendix 1) and 7 December 2023 (Appendix 2) which are attached as appendices to this report.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Following publicity of the application via letters, a site notice and press notice, public representations were received as follows:
- 4.1.1 There were 53 letters received in support of the application. A summary of their key points follows below:
- This is necessary and needed;
  - Will provide a safe and enhanced experience for customers;
  - More effective use of the area;
  - Excellent idea and long overdue;

- Great for socialising and community spirit to engage with others within and outside the seating area;
- Will be very popular;
- Look forward to using it;
- Most people working or socialising in the High Street do not come via car so no impact on majority of users;
- Will improve service provided by Cinnabar and increase their customer base therefore increasing people into the High Street generally;
- The outside areas at the southern end of High Street have greatly improved that area so I think this application will improve the northern end's offerings;
- Great for entertaining clients for work;
- Will look good and improve the visual appearance of the area;
- Staff and food are excellent, this will encourage more people to visit;
- Will calm traffic in the area;
- Great for warmer evenings to enjoy a coffee and take in the ambience of the High Street;
- Will bring attractive café culture to the High Street.

4.1.2 There were 73 letters received objecting to the application. A summary of their points follows below:

- Will worsen parking issues;
- Not enough parking outside Tesco as it is;
- Longer free parking in Primett Road would help;
- Access to shops will be harder for disabled people as won't be able to park outside of the shops;
- How will this affect traffic flows?
- Will they pay additional business rates for enlarged area and will they pay rent on it?
- Yet more parking spaces being removed;
- People will be forced to park on double yellow lines as nowhere else to park;
- Pedestrians will struggle to navigate around tables;
- Takes valuable public space for what will be occasional and seasonal use;
- The parking spaces are public property and should not be taken over by a private business;
- You cannot favour hospitality uses over retail, office, services etc
- British weather is not conducive to outdoor eating and drinking;
- Have SBC asked any other business if they have been impacted by the temporary use?
- Businesses will collapse if there is no parking, just look at Hoddesden High Street;
- Will not preserve the conservation area;
- Only one disabled parking space in the vicinity;
- Primett Road is not an alternative for elderly, disabled or wheelchair user as its too far away;
- Canopies are not in keeping with the area;
- Less revenue for Traffic wardens;
- Permit parking in surrounding roads and removal of spaces on High Street makes it hard for staff of shops to be able to park without paying large daily car park fees;
- Will infringe on the Charter Fair unless it is fully dismantlable;
- Why favour one company to the detriment of all other businesses;
- HCC have a scheme proposed that will drastically harm the High Street and this application will not help the situation;
- Will set a precedence for more parking to be lost to outdoor seating areas;
- This area is used by the Charter Fair to house their generating equipment, and this must not be impeded;
- They've managed this long without outdoor seating so they can continue to go without;
- Nobody in Stevenage wants this;

- Eating outside next to parking spaces will be terrible for health from the pollution and exhaust fumes;
- How does a business just acquire land they don't own and put seating on it?
- Prioritising pedestrians and cyclists over cars will be disastrous to the High Street;
- Put in more electric vehicle charging points;

4.2 Full copies of the representations received can be viewed on the Council's website.

## 5. CONSULTATIONS

### 5.1 SBC Engineering Department

5.1.1 As local parking authority, we have supported the applicant for the last two summer seasons by providing temporary barriers on Bell Lane for an outside seating area. The loss of parking during these periods has not cause problems in the area and we remain supportive of permanently extending the footway width in this area. The change of use would not remove the highway status of the land and it would therefore remain highways land, maintainable at public expense and any tables and chairs would need a licence. New parking restrictions would be required along the seating area and the applicant will be required to cover the Council's costs in making the Traffic Regulation Order.

5.1.2 Following comments sent to Herts County Council by the Eastern Counties Section of the Charter Fair, the engineering department confirmed that the Showman's Guild does not have any rights to specifically occupy the parking bays in question, only a general right to hold a fair in the High Street. As there are to be no permanent structures on the land then there should be no issues caused to the Charter Fair.

5.1.3 The Engineering Department were asked to comment on the removal of the works to the front of the premises and had the following comments to make:

I think it is regrettable that the works to the front are no longer proceeding as removal of the single kerbside parking space at the front of the premises would have improved the footway width for pedestrians and would have given proper clearance for vehicles to turn into and out of the disabled bays. But if the application is amended to remove this part of the project, then it is only relevant for me to comment on the remaining part in Bell Lane. I remain supportive of the proposal to widen the footway here to better allow for tables and chairs and for the passage of pedestrians along Bell Lane accessing the High Street from the Lytton Way car parks.

### 5.2 Herts County Council as Highways Authority

5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.2.2 A plan was first submitted in June 2023 which did not quite match up with the pre-app discussions the applicant had with us a few months earlier. The Highway Authority queried this with the applicant, and they have now submitted a revised plan which shows tapered edges either side of the proposed footway build-out. Removable bollards are proposed along the new footway edge (set 0.5m back from the kerb, with reflective bandings). Canvas sheets are shown to be attached between these bollards, with a maximum height of 600mm. This ensures that pedestrians crossing over Bell Lane will have a clear view of approaching vehicles and vice versa. The proposed tables at the two ends of the build out have been reduced down from

double tables to single to ensure the new footway along here provides a continuous usable width of 2 metres.

- 5.2.3 Overall, the broad principle of removing the small number of roadside parking bays here is acceptable to the Highway Authority, recognising a shift away from private motorcar use and the need to embrace more sustainable modes of travel to tackle the urgent climate crisis. The County Council is also supportive of the High Street recovery.
- 5.2.4 The latest plan has been reviewed by our Safety team. The comments raised have been largely addressed in the revised plan, although vehicle tracking information was suggested. It has now been confirmed by Stevenage's refuse & recycling service that they do not route a refuse vehicle along Bell Lane. It is also noted that the Mulberry Tree pub, which has a vehicle access onto Bell lane, has another main vehicle access onto Primett Road, and that overall, the other properties which front onto Bell Lane seem to have full vehicle access from other parts of the network. With this in mind, and given the footway build-out largely replicates the location of the existing parking bays, it is not considered that existing routine vehicle movements along Bell Lane will be adversely affected by this proposal.
- 5.2.5 There is an existing vehicle crossover at the western end of the proposed build-out and this will be closed off (with the raised kerb reinstated) as shown on the plan. The applicant says this crossover leads to now redundant storeroom used by Cinnabar - however the storeroom / building that the access leads to sits outside the applicant's red line. The LPA may want to double check that the removal of this crossover will not have consequences in the future for other occupiers.
- 5.2.6 Additionally, there will be a small footway build-out to the front of the site onto the High Street service road. Extension of the double yellow lines is proposed here, as well as along the Bell Lane footway build-out - as shown on the submitted plan.
- 5.2.7 HCC Highways were asked to comment on the removal of the works to the front of the premises and had the following comments to make:

We'd have no objection to this change.

### 5.3 B.E.A.M.S

- 5.3.1 If the seating area can be justified then BEAMS can, in principle support the change of use. The use of tarmac is not sufficiently sympathetic to the Conservation Area and enhancements should be sought through the use of tegula blocks to match the existing High Street footpaths. Are 13 bollards needed as this seems excessive? The proposal could result in visual clutter which will result in less in substantial harm to the significance of the conservation area.

### 5.4 SBC Environmental Health

- 5.4.1 No comments received.

## 6. RELEVANT POLICIES

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.

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).

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

The development plan for Stevenage Borough Council comprises the following documents:

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

## **7. REASONS FOR DEFERRAL**

- 7.1 At the last meeting, members deferred consideration of the application: *to seek amended plans to remove the proposed works to the front of the site in order to safeguard the parking arrangements which exist in the parking area located between the curtilage of the site and High Street.*
- 7.2 The applicant has since provided an amended plan, 457-09-C, which no longer includes the works to the front of the premises and also makes clear with annotations that the existing dropped kerb to the west of the proposed works on the southern side of the property will be removed and made good. As a result of the removal of this dropped kerb, 1no. parking space will be generated on the highway and therefore whilst the application seeks removal of 4no. parking spaces, there would be a net loss of only 3no. spaces.
- 7.3 Since the applications' deferral at the previous two Committee meetings, a new NPPF has been published in December 2023. The paragraphs within the NPPF that the application was assessed against in October and December 2023, namely paras. 197, 199, 200, and 202 have not been amended under the new NPPF, although they are now numbered as paras. 203, 205, 206, and 208. As such, the assessment of the application under the previous committee reports is considered not to have changed as a result of the latest revision of the NPPF (2023) (See the reports under Appendix 1 which provides a detailed assessment regarding the developments impact on the Old Town Conservation Area).

7.4 Neither HCC as Highways Authority, nor Stevenage Borough Council's Engineering department, have raised any concerns or objections to the latest amendment to remove the works to the front of the property. Neither consultee raised objections under the original iteration to the overall proposed development.

## 8. CONCLUSIONS

8.1 In summary, this report sets out the changes to the submitted plans as requested by Members of the Committee.

8.2 The previous report of 7 December 2023 set out that the Business and Planning Act 2020 deals with the issuing of pavement licences on highway land and the Levelling-Up and Regeneration Act 2023 removed the 2024 expiry of the aforementioned Act. As such, Government has brought into Law such Legislation that will provide for the issuance of pavement licences on a permanent basis.

8.3 The issuing of pavement licences is a separate function of the Council and is not a Planning matter.

8.4 Members are advised that, given the issue of the change of use of the land would be covered by the pavement licence, this application is therefore only concerned with the proposed engineering works which comprise the removal of 4no. on-street parking bays, construction of a widened public footpath and associated kerbs and ancillary works.

8.5 The provision of the outdoor seating and the required change of use of the land to facilitate said seating are separate matters that will be dealt with by the Council under the pavement licence and could be granted under such licence even if this application is refused.

8.6 Taking all the aforementioned into account, it is clear that the provision of the outdoor seating is covered by the Business and Planning Act 2020 and that the Levelling-Up and Regeneration Act 2023 has sought to make pavement licences a permanent proposal. These matters are not a key material consideration in the determination of the planning application at hand, which is solely for the engineering works to create a raised highway footpath, to expand the existing footpath.

## 9 RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the following conditions:-

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

RL3883-02; 457-09-Rev B

**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 use of the seating area hereby approved, the removable bollards and removable banners shall be installed, the existing crossover to the west of the site shall be closed and double yellow lines shall be implemented as shown on approved plan 457-09-Rev B. No other furniture other than that shown on the approved plan shall be installed or erected unless an application for planning permission is first sought from the Local Planning Authority.  
**REASON:-** In the interests of highway safety and to ensure the development has an acceptable appearance and preserves the character and appearance of the Conservation Area.
- 4 The materials to be used in the construction of the built out seating area and the built out area to the eastern frontage of the application site shall be as per approved plan 457-09-Rev B to the satisfaction of the Local Planning Authority.  
**REASON:-** To ensure the development has an acceptable appearance.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the outdoor seating area hereby approved shall not be in operation before 08:00 hours or after 23:00 hours on any day. Outside of these times, all tables and chairs shall be removed to leave a clear and unobstructed area to the front and side of the building.  
**REASON:-** in the interests of pedestrian and highway safety and to protect the amenities of the occupiers of neighbouring properties.

**For the Following Reason(s):-**

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

**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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto: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](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

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

### 4 **Party Wall etc. Act 1996**

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

### 5 **Hertfordshire County Council as Highways Authority**

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

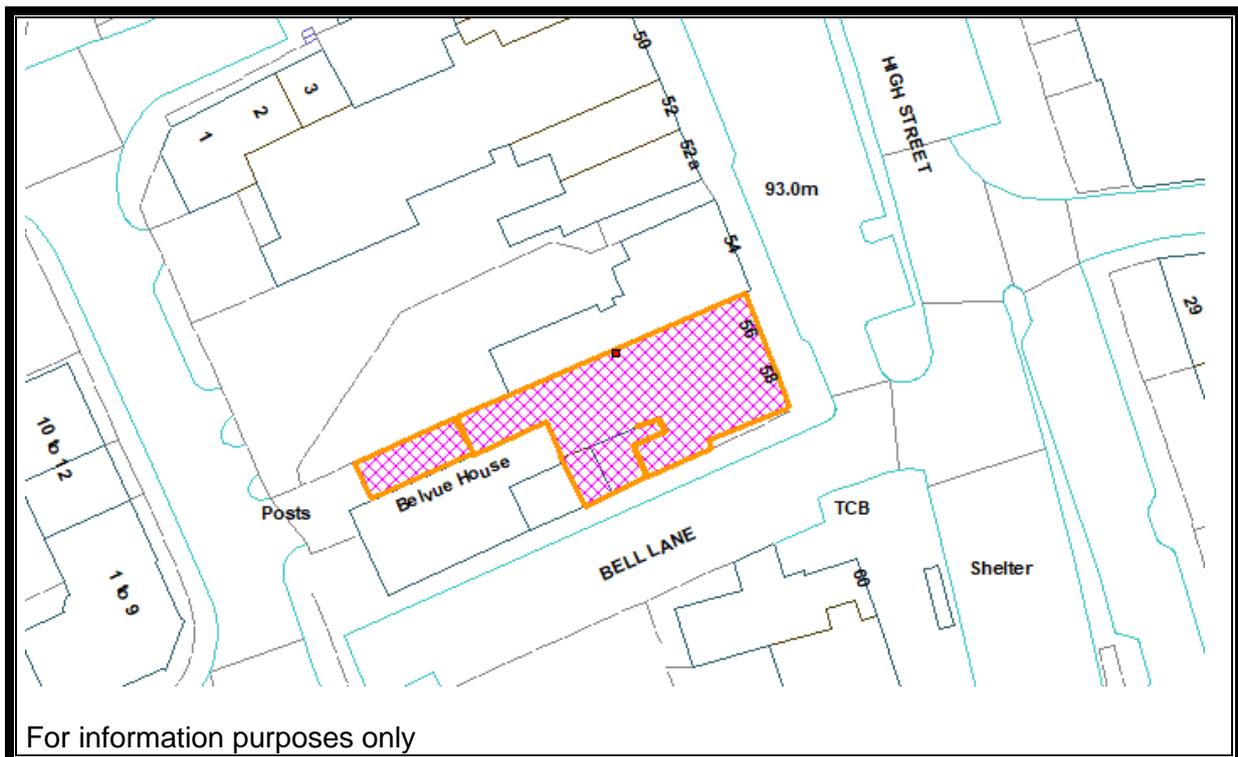
## **10. BACKGROUND DOCUMENTS**

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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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>31 October 2023</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	07931 863551
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	07931 863551

Application No :	23/00482/FP
Location :	Cinnabar, 56-58 High Street, Stevenage
Proposal :	Change of use of parking bays to facilitate construction of outdoor seating area associated with 56-58 High street
Drawing Nos.:	RL3883-02; 457-09-Rev B;
Applicant :	Russell Linard
Date Valid:	14 July 2023
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The site comprises an unlisted building, in use as a bar/restaurant known as Cinnabar, on the western side of the Old Town High Street within the Old Town High Street Conservation Area. This area of the High Street is characterised by public houses, restaurants, bars and retail uses. There is likely some residential use above some of the High Street premises and there are some residential blocks of flats to the rear of the High Street along Primett Road. Adjacent to the southern flank elevation of the building is the small no-through road of Bell Lane.

- 1.2 To the eastern frontage of the site is a small parking area which serves the retail premises of Nos. 44-58. This area is separated from the High Street by a narrow footpath/kerb on the eastern side.
- 1.3 The High Street in general is served by parking bays along both sides of the highway. The bays allow for parking of vehicles perpendicular to the footpath and in places slope upwards from the carriageway to the footway. In the case of the application site, the parking bays in question run along the southern side elevation of the application property.
- 1.4 The Old Town High Street Conservation Area has a distinctive historic character and contains many Listed Buildings. Pavements and kerbs are typically finished with traditional materials, including small conservation kerb stones (tegular blocks). Bell Lane is a narrow road which allows for parking on both sides and traffic to pass through the centre and has the rear access yard for The Mulberry Tree public house on the southern side. This road also provides the access to the parking area to the front of the application site.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 99/00117/AD Externally Illuminated Shop Sign and Awning Sign. Withdrawn 24.06.2003.
- 2.2 05/00235/FP Change of use from A1 to A3. Approved 08.07.2005.
- 2.3 05/00501/FP Internal and external alterations including new shopfront to facilitate change of use from A1(Retail) to A3 (Restaurant). New 2.5m rear boundary fence. Approved 15.12.2005.
- 2.4 05/00615/FP Change of use of ground floor from A1 (Retail) to A4 (Drinking Establishment). Approved 08.02.2006.
- 2.5 09/00196/AD Display of 1no. non-illuminated canopy sign. Approved 14.08.2009.
- 2.6 14/00467/FP Change of use of Belvue House from B1 (Offices) to C1 (Hotel) and new extension to link with Cinnabar Café. Approved 24.10.2014.
- 2.7 19/00741/FP Proposed replacement external door sets. Approved 16.03.2020.
- 2.8 22/00552/FP Change of use of parking bays on Bell Lane frontage to use as ancillary seating area and construction of associated seating area structure, together with the installation of 3no. awnings. Withdrawn 18.07.2022.

## **3. THE CURRENT APPLICATION**

- 3.1 The proposed works would see the parking bays immediately adjacent to the southern flank elevation of Cinnabar being closed, and the road level being raised up to meet the existing footway level. The extent of the closure would be 22m in length and 2.4m in width, which when taken with the existing footpath (2.1m wide) would provide a new widened footpath area of 4.5m wide. The area is to be used for informal seating comprising tables and chairs. The boundary of the area adjacent to the vehicular highway would be bounded by removable bollards which would also hold low level fabric banner signs no more than 0.6m in height.
- 3.2 Additionally, a small area of highway to the front of the premises would be filled in to widen the existing footpath by approximately 0.67m for a length of approximately 6m.
- 3.3 The applicant engaged in separate pre-application discussions with Herts County Council (HCC) as Highways Authority prior to the submission of the planning application. HCC advised at that stage that the built up area of footpath along the south of the application site should be

constructed in tarmac whilst the smaller built up area to the eastern frontage of the site should be constructed in Tegula blocks to match existing.

- 3.4 It is emphasised that the application is only seeking permission for the change of use of the parking spaces to highway forecourt for the use of outside seating. The provision of the outside seating itself is assessed and controlled by the Local Highway Authority under the relevant Pavement Licence. The following assessment does not therefore take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.
- 3.1 The application comes before the Planning and Development Committee as it has been called-in by Councillor Rossati. The Councillor called in the application due to the potential impact on neighbouring properties, car parking and highway safety.

## **4. PUBLIC REPRESENTATIONS**

4.1 Following publicity of the application via letters, a site notice and press notice, public representations were received as follows:

4.1.1 There were 53 letters received in support of the application. A summary of their key points follows below:

- This is necessary and needed;
- Will provide a safe and enhanced experience for customers;
- More effective use of the area;
- Excellent idea and long overdue;
- Great for socialising and community spirit to engage with others within and outside the seating area;
- Will be very popular;
- Look forward to using it;
- Most people working or socialising in the High Street do not come via car so no impact on majority of users;
- Will improve service provided by Cinnabar and increase their customer base therefore increasing people into the High Street generally;
- The outside areas at the southern end of High Street have greatly improved that area so I think this application will improve the northern end's offerings;
- Great for entertaining clients for work;
- Will look good and improve the visual appearance of the area;
- Staff and food are excellent, this will encourage more people to visit;
- Will calm traffic in the area;
- Great for warmer evenings to enjoy a coffee and take in the ambience of the High Street;
- Will bring attractive café culture to the High Street.

4.1.2 There were 73 letters received objecting to the application. A summary of their points follows below:

- Will worsen parking issues;
- Not enough parking outside Tesco as it is;
- Longer free parking in Primett Road would help;
- Access to shops will be harder for disabled people as won't be able to park outside of the shops;
- How will this affect traffic flows?
- Will they pay additional business rates for enlarged area and will they pay rent on it?
- Yet more parking spaces being removed;
- People will be forced to park on double yellow lines as nowhere else to park;
- Pedestrians will struggle to navigate around tables;

- Takes valuable public space for what will be occasional and seasonal use;
- The parking spaces are public property and should not be taken over by a private business;
- You cannot favour hospitality uses over retail, office, services etc
- British weather is not conducive to outdoor eating and drinking;
- Have SBC asked any other business if they have been impacted by the temporary use?
- Businesses will collapse if there is no parking, just look at Hoddesden High Street;
- Will not preserve the conservation area;
- Only one disabled parking space in the vicinity;
- Primett Road is not an alternative for elderly, disabled or wheelchair user as its too far away;
- Canopies are not in keeping with the area;
- Less revenue for Traffic wardens;
- Permit parking in surrounding roads and removal of spaces on High Street makes it hard for staff of shops to be able to park without paying large daily car park fees;
- Will infringe on the Charter Fair unless it is fully dismantlable;
- Why favour one company to the detriment of all other businesses;
- HCC have a scheme proposed that will drastically harm the High Street and this application will not help the situation;
- Will set a precedence for more parking to be lost to outdoor seating areas;
- This area is used by the Charter Fair to house their generating equipment, and this must not be impeded;
- They've managed this long without outdoor seating so they can continue to go without;
- Nobody in Stevenage wants this;
- Eating outside next to parking spaces will be terrible for health from the pollution and exhaust fumes;
- How does a business just acquire land they don't own and put seating on it?
- Prioritising pedestrians and cyclists over cars will be disastrous to the High Street;
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4.2 Full copies of the representations received can be viewed on the Council's website.

## **5. CONSULTATIONS**

### **5.1 SBC Engineering Department**

5.1.1 As local parking authority, we have supported the applicant for the last two summer seasons by providing temporary barriers on Bell Lane for an outside seating area. The loss of parking during these periods has not cause problems in the area and we remain supportive of permanently extending the footway width in this area. The change of use would not remove the highway status of the land and it would therefore remain highways land, maintainable at public expense and any tables and chairs would need a licence. New parking restrictions would be required along the seating area and the applicant will be required to cover the Council's costs in making the Traffic Regulation Order.

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### **5.2 Herts County Council as Highways Authority**

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
- 5.2.2 A plan was first submitted in June 2023 which did not quite match up with the pre-app discussions the applicant had with us a few months earlier. The Highway Authority queried this with the applicant, and they have now submitted a revised plan which shows tapered edges either side of the proposed footway build-out. Removable bollards are proposed along the new footway edge (set 0.5m back from the kerb, with reflective bandings). Canvas sheets are shown to be attached between these bollards, with a maximum height of 600mm. This ensures that pedestrians crossing over Bell Lane will have a clear view of approaching vehicles and vice versa. The proposed tables at the two ends of the build out have been reduced down from double tables to single to ensure the new footway along here provides a continuous usable width of 2 metres.
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- 5.3 B.E.A.M.S
- 5.3.1 If the seating area can be justified then BEAMS can, in principle support the change of use. The use of tarmac is not sufficiently sympathetic to the Conservation Area and enhancements should be sought through the use of tegula blocks to match the existing High Street footpaths. Are 13 bollards needed as this seems excessive? The proposal could result in visual clutter which will result in less in substantial harm to the significance of the conservation area.
- 5.4 SBC Environmental Health
- 5.4.1 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 September 2023. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

### **6.3 Planning Practice Guidance**

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

### **6.4 Adopted Local Plan (2019)**

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

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

### **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document October 2020  
Old Town Conservation Area management Plan 2012

### **6.6 Community Infrastructure Levy**

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

## **7. APPRAISAL**

7.1.1 The main issues to consider in the determination of this application are the impact of the loss of the parking spaces and the impact of the works on the character and appearance of the conservation area.

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

### **7.2 Land Use Policy Considerations**

7.2.1 The proposal will see the loss of 4 public parking spaces. These spaces are all short-term parking spaces. The proposed works would see the area levelled and finished with tarmac, as per HCC Highways recommendations and finished with kerbing stones to match existing. The smaller area to the front of the premises would not result in the loss of any parking spaces and would be levelled and finished in matching tegula blocks and kerbing stones as existing. The proposed materials would be conditioned to ensure they are similar to existing and preserve the character and appearance of the Conservation Area.

7.2.2 There has been several letters of objection to the proposal based on the loss of parking and the impact this has on shoppers having to walk further from other nearby parking, and the impact on local businesses. Letters of support have identified a need for outdoor seating associated with such uses that keep the area alive outside normal shop trading hours over the need for the retention of the parking bays.

7.2.3 Looking firstly at the loss of the parking bays in terms of parking, the Council adopted its Parking Provision and Sustainable Transport SPD in October 2020 which outlines the Council's prescribed standards for parking based on development type for new proposals. The SPD also summarises the Council's aims to reduce private car use and work towards a modal shift to promote non-car modes of transport. This is in line with the aspirations of the NPPF, Hertfordshire County Council's Local Transport Plan 4 and the adopted Local Plan (2019) to promote sustainable development and to locate new development where it is highly accessible by passenger transport, walking and cycling.

7.2.4 The High Street is served by parking bays along both the eastern and western sides of the highway, with vehicles parking perpendicular, at a 90-degree angle to the footpath. The parking bays extend from the south close to the roundabout junction with Letchmore Road northwards to Middle Row and then further parking is provided north of Middle Row on the western side to the front of the application site and nearby shops. Parking is then also available off Church Lane, with two surface level car parks in close proximity of the High Street to the west, and also two large car parks off Primett Road, referred to as the old Waitrose car park and one further south which is often used for parking of vehicles when the State Fair (also known as Charter Fair) is held in Stevenage each year.

7.2.5 The Council's adopted Policies IT5 and IT8 refer to parking provision and mention specifically public parking provision, the loss of which should be justified or replaced elsewhere. The proposal clearly does not allow for the lost parking to be re-provided as part of the development, as Policy IT8 requires, and this refers more to larger scale development where provision can be re-sited.

7.2.6 In this case, whilst a robust argument has not been made about the parking loss or demand, the sustainable location of the parking bays and the limited number of spaces being lost (4 spaces), weighs heavily in favour of the proposal. Objections highly emphasise the loss of parking and likely inability for people to park closely to existing shops. Given the level of parking available along the rest of the High Street and the close proximity of the surface level car parks

both to the east and west of the site it is argued that the loss of these spaces is negligible in this location.

- 7.2.7 The loss of the parking spaces is not considered to prevent elderly and disabled drivers from accessing facilities in the High Street. The bays are located in a small side street between a public house and a bar/restaurant with only one side served by a pedestrian footpath. As such, given the physical attributes of these spaces, they may be difficult to use for those who are disabled or who have poor mobility due to age. Additionally, it is important to note that these bays are not designated disabled bays and so their loss would not result in the loss of specially designated disabled parking.
- 7.2.8 The temporary measures in place to allow businesses to operate during restrictions of lockdown and COVID measures has been working well, despite mixed reviews from the public. It is noted nearby restaurant businesses have undertaken similar temporary measures. It is noted that the applicant has a temporary license for the closure of the parking spaces and the placement of tables and chairs, which runs 1 January 2023 to 1 January 2024. This temporary licence is actively being used at present and the land is currently closed off to vehicular parking by large red and white temporary barriers.
- 7.2.9 Herts County Council (HCC) as Highways Authority have advised that they do not wish to restrict the proposal, nor have they raised any concerns or objections. The Council's Engineering department, which includes overseeing parking and enforcement in the Town, have advised that they support the proposal. They feel the widening of the footpath adjacent to the application site would improve pedestrian amenity. They have further advised that they would be willing to work with the applicant, at the applicants' expense, to design and build the footway extensions.
- 7.2.10 Given the proposal would only result in the loss of four bays, the location is highly sustainable and there is a good level of alternative parking in close proximity of the site, it is considered the loss of the parking spaces is acceptable in this instance in this location.
- 7.2.11 The second area of objections raised in respect of the loss of the spaces is the knock-on effect for local businesses. This issue stems from the people not being able to park so closely to their destination and businesses being affected as a result. There would still be sufficient parking bays available in close proximity to surrounding businesses than those the subject of this application. Furthermore, the future impact on businesses is not surmountable to this specific application, given the retail industry as it is at present, and also following the COVID pandemic.
- 7.2.12 Whilst, the retention of businesses is an important factor in ensuring the vitality of the Old Town, this also stems to the continued use of non-retail premises including uses that provide night time and entertainment within a mixed use area. It is not considered therefore that the loss of four parking spaces can be accounted for any future impact on local businesses when adequate parking provision is still available in the locality.

### **7.3 Impact on the Character and Appearance of the Conservation Area**

- 7.3.1 The High Street is located within the Old Town Conservation Area, of which there is a Management Plan (CAMP) highlighting the key buildings and areas that have historic and architectural value as Heritage Assets. Both the CAMP and the Local Plan make note of the significance of the High Street as the former A1/Roman road linking London to the North of England. This includes the provision of the parking bays on both sides of the road adding to the character and visual appearance of the High Street but does not refer to the additional parking areas in small side streets, such as Bell Lane.
- 7.3.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise of planning functions with respect to any buildings or other land in a

conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 7.3.3 The NPPF (2023) outlines the need to assess the impact of development on a Heritage Asset and to 'take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Furthermore, Paragraph 197 of the NPPF goes on to suggest LPA's 'take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'.
- 7.3.4 Paragraph 199 of the NPPF (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.3.5 Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.3.6 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.3.7 Policy NH10 of the Local Plan (2019) states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD.
- 7.3.8 In this case there are two factors, the loss of an area of parking that forms part of the Conservation Area as a Heritage Asset against the contribution of the area being available as a forecourt area to allow the provision of outside seating for a local business, in a sustainable location. The Council's Listed Building and Conservation Area consultants BEAMS have provided comment and have not raised concerns over the loss of the parking bays. They advised they would support the build out of the footpath with matching materials, but they have raised concerns over the use of tarmac surfacing on the southern side. They also advise that any bollard or protection barriers should be of good design and appearance.
- 7.3.9 Notwithstanding their concerns over the use of tarmac, they have advised that the harm from its use would be less than substantial. Their concern over the tarmac stems from its appearance not being in keeping with the remainder of the Conservation Area, which contains the use of traditional paving slabs and tegula blocks. However, it is worth noting here that the footpaths along the High Street are the responsibility of Herts County Council and they would not require any form of planning permission from the Local Planning Authority to replace them either fully or partially, with tarmac. As such, the use of tarmac as a material choice, whilst not generally in keeping with the Conservation Area, is the material of choice stipulated by HCC as the owner and responsible authority for the footpath.
- 7.3.10 It is the opinion of officers, on balance, that the works to remove the parking bays and create the forecourt area, as well as level out a small area of highway to the front of the premises, would be at the lower end of 'less than substantial harm' to the historic character and appearance of the Conservation Area and the historic importance of this Heritage Asset given the majority of the parking bays along the High Street are retained and still available for use.
- 7.3.11 BEAMS have not raised any objections or concerns relating to the appearance of the bollards or canvas banners. They have however, raised a question as to the number of bollards and whether 13 are required as they result in visual clutter. It is Officer's opinion that the number

of bollards is acceptable. They are evenly spaced to provide a clear barrier between the users of the seating area and passing vehicles. To have a lower number of bollards would potentially result in gaps to the safety barrier, thus increasing the potential for conflict between the two areas.

7.3.12 Whilst it's noted that there is harm, the consideration of the public benefits have to be taken account of. The PPG states that – In considering the public benefits that may be derived from the proposed development, the Planning Practice Guide (PPG) advises that they should be of a nature and scale that will be of benefit to the public at large and not just be a private benefit. Whilst a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:

- Sustaining or enhancing the significance of a heritage asset and the contribution to its setting;
- Reducing or removing risks to a heritage asset;
- Securing the optimum viable use of a heritage asset in support of its long terms conservation.

7.3.13 The existing business operates from 56-58 High Street, which, whilst this is not a Listed Building, it is noted as a building of local importance in the Old Town CAMP, and, whilst it is a private business, the proposal would help protect the viability of this business and therefore the locally important building also. The use of the proposed highway forecourt area would reduce the risk of the heritage asset becoming vacant which could potentially impact its long-term preservation.

7.3.14 Furthermore, if any future applications are submitted for further reduction in parking areas they would be considered on their own merits and in respect of their impact on the historic character and possible erosion of the Conservation Area.

#### 7.4 Residential Amenity

7.4.1 Policies SP8 and GD1 of the Local Plan 2019 require development proposals to have regard to the guidance contained within the Design Guide SPD (2023). Policy GD1 also requires that development does not adversely impact the amenities of neighbouring occupiers. Appendix C of the Design Guide SPD states that the Council will assess proposals for residential development in terms of their impacts on privacy, outlook, and natural light.

7.4.2 There are residential dwellings to the rear of the premises along Primett Road and likely to be others above neighbouring premises. In this regard, whilst Environmental Health were consulted as part of this application, they have not provided any comments. Notwithstanding this, they were consulted at the pre-application stage and raised no concerns or objections although they did recommend that a condition be imposed to restrict the use of the area to be closed by 23:00hours.

#### 7.5 Other Matters

##### Community Infrastructure Levy

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

Development Type	CIL Rate (£ per square meter)	
		Zone 1: Stevenage Central, Stevenage West Urban Extension and North of

	Stevenage Extension		
Residential			
Market housing	£40/m <sup>2</sup>	£100/m <sup>2</sup>	
Sheltered housing	£100/m <sup>2</sup>		
Extra care housing	£40/m <sup>2</sup>		
Retail development	£60/m <sup>2</sup>		
All other development	£0/m <sup>2</sup>		

- 7.5.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.5.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.
- 7.5.4 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council and the allocation of funding amount of £75,000 or over will rest with the Planning and Development Committee. Service providers who would not receive contributions through the Section 106 agreement for this development, including but not limited to those at Hertfordshire County Council and Stevenage Borough Council, will be able to bid for funding in due course.

#### Equality, Diversity and Human Rights

- 7.5.5 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.
- 7.5.6 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.
- 7.5.7 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.
- 7.5.8 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.
- 7.5.9 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal does not comprise the removal of disabled parking spaces and there would be sufficient space on the public footpath for person(s) who are disabled to safely pass the outdoor seating area without hindrance.

## 7.6 Other Matters Raised in Representations

- 7.6.1 A number of concerns were received relating to the Charter Fair and whether this proposal would interfere with or prevent the set up and operation of the fair. The Council's Engineering department, who are the Council's main point of contact for the fair, have advised that the Showman's Guild does not have any rights to occupy specific areas, but rather it simply entitles them to hold the fair in the High Street. The loss of these 4 parking spaces is not considered to interfere with or harm the Charter nor will it prevent it from being held.

## 8. CONCLUSIONS

- 8.1 The proposal to remove areas of existing parking along the northern side of Bell Lane, to the south of 56-58 High Street to allow for the creation of a highway forecourt to allow for ancillary seating for Cinnabar is considered acceptable. The loss of four parking spaces would not adversely impact the current parking provision along the High Street and within the Old Town generally, and the impact on the Conservation Area is not considered to be harmful to its character of historic significance.

## 9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
RL3883-02; 457-09-Rev B  
**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 use of the seating area hereby approved, the removable bollards and removable banners shall be installed, the existing crossover to the west of the site shall be closed and double yellow lines shall be implemented as shown on approved plan 457-09-Rev B. No other furniture other than that shown on the approved plan shall be installed or erected unless an application for planning permission is first sought from the Local Planning Authority.  
**REASON:-** In the interests of highway safety and to ensure the development has an acceptable appearance and preserves the character and appearance of the Conservation Area.
  - 4 The materials to be used in the construction of the built out seating area and the built out area to the eastern frontage of the application site shall be as per approved plan 457-09-Rev B to the satisfaction of the Local Planning Authority.  
**REASON:-** To ensure the development has an acceptable appearance.
  - 5 Unless otherwise agreed in writing by the Local Planning Authority, the outdoor seating area hereby approved shall not be in operation before 08:00 hours or after 23:00 hours on any day. Outside of these times, all tables and chairs shall be removed to leave a clear and unobstructed area to the front and side of the building.  
**REASON:-** in the interests of pedestrian and highway safety and to protect the amenities of the occupiers of neighbouring properties.

**For the Following Reason(s):-**

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

## 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto: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](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction

Work relating to fire safety  
Work affecting access and facilities for disabled people  
Completion

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

4 **Party Wall etc. Act 1996**

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

<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

5 **Hertfordshire County Council as Highways Authority**

Licence for tables and chairs in the highway: before proceeding with the installation, the applicant must apply for, and be granted, a licence agreement under the Highways Act 1980 in order to legally place tables and chairs on public highway land. Further information is available via the website at <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

6 **Hertfordshire County Council as Highways Authority**

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

## 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

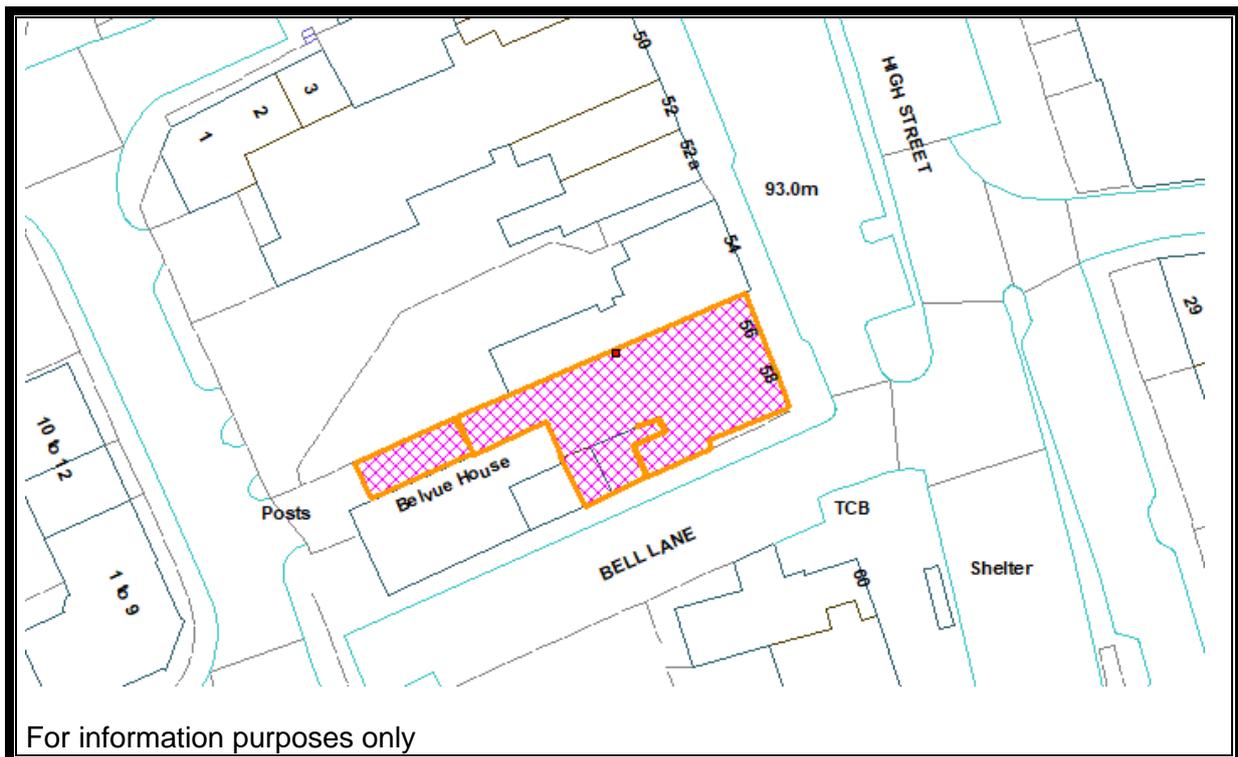
Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.

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 September 2023 and Planning Practice Guidance.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>7 December 2023</b>	
<b>Author:</b>	<b>Linda Sparrow</b>	07931 863551
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Linda Sparrow</b>	07931 863551

Application No :	23/00482/FP
Location :	Cinnabar, 56-58 High Street, Stevenage
Proposal :	Change of use of parking bays to facilitate construction of outdoor seating area associated with 56-58 High street
Drawing Nos.:	RL3883-02; 457-09-Rev B;
Applicant :	Russell Linard
Date Valid:	14 July 2023
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The site comprises an unlisted building, in use as a bar/restaurant known as Cinnabar, on the western side of the Old Town High Street within the Old Town High Street Conservation Area. This area of the High Street is characterised by public houses, restaurants, bars and retail uses. There is likely some residential use above some of the High Street premises and there are some residential blocks of flats to the rear of the High Street along Primett Road. Adjacent to the southern flank elevation of the building is the small no-through road of Bell Lane.

- 1.2 To the eastern frontage of the site is a small parking area which serves the retail premises of Nos. 44-58. This area is separated from the High Street by a narrow footpath/kerb on the eastern side.
- 1.3 The High Street in general is served by parking bays along both sides of the highway. The bays allow for parking of vehicles perpendicular to the footpath and in places slope upwards from the carriageway to the footway. In the case of the application site, the parking bays in question run along the southern side elevation of the application property.
- 1.4 The Old Town High Street Conservation Area has a distinctive historic character and contains many Listed Buildings. Pavements and kerbs are typically finished with traditional materials, including small conservation kerb stones (tegular blocks). Bell Lane is a narrow road which allows for parking on both sides and traffic to pass through the centre and has the rear access yard for The Mulberry Tree public house on the southern side. This road also provides the access to the parking area to the front of the application site.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 99/00117/AD Externally Illuminated Shop Sign and Awning Sign. Withdrawn 24.06.2003.
- 2.2 05/00235/FP Change of use from A1 to A3. Approved 08.07.2005.
- 2.3 05/00501/FP Internal and external alterations including new shopfront to facilitate change of use from A1(Retail) to A3 (Restaurant). New 2.5m rear boundary fence. Approved 15.12.2005.
- 2.4 05/00615/FP Change of use of ground floor from A1 (Retail) to A4 (Drinking Establishment). Approved 08.02.2006.
- 2.5 09/00196/AD Display of 1no. non-illuminated canopy sign. Approved 14.08.2009.
- 2.6 14/00467/FP Change of use of Belvue House from B1 (Offices) to C1 (Hotel) and new extension to link with Cinnabar Café. Approved 24.10.2014.
- 2.7 19/00741/FP Proposed replacement external door sets. Approved 16.03.2020.
- 2.8 22/00552/FP Change of use of parking bays on Bell Lane frontage to use as ancillary seating area and construction of associated seating area structure, together with the installation of 3no. awnings. Withdrawn 18.07.2022.

## **3. APPLICATION DEFERRAL**

- 3.1 The current application was heard at the Planning and Development Committee on 31<sup>st</sup> October 2023. Members elected on this committee voted to have the application deferred. The reasons for deferral stated in the minutes for this meeting are as follows:
  1. To seek clarity on the implications of the newly adopted Levelling-Up and Regeneration Act 2023 in terms of the issuance of licences for outdoor seating on pavements.
- 3.2 Following the application deferral, the proposals remain unchanged from that which was presented at committee on 31 October 2023, and are set out in the following paragraphs.
- 3.3 The proposed works would see the formalised, marked out parking bays immediately adjacent to the southern flank elevation of Cinnabar being closed, and the road level being raised up to meet the existing footway level. The extent of the closure would be 22m in length and 2.4m in width, which when taken with the existing footpath (2.1m wide) would provide a new widened footpath area of 4.5m wide. The area is to be used for informal seating comprising tables and

chairs. The boundary of the area adjacent to the vehicular highway would be bounded by removable bollards which would also hold low level fabric banner signs no more than 0.6m in height.

- 3.4 Additionally, a small area of highway to the front of the premises would be filled in to widen the existing footpath by approximately 0.67m for a length of approximately 6m.
- 3.5 The area to the southern side of the premises would see the loss of 4no. marked out parking spaces. The works to the front of the premises would not result in the loss of any formalised marked out parking spaces, however, it is noted that cars do park in this area. As a non-marked out designated car parking space, the works to the front of the premises are not considered to result in the loss of any formalised parking spaces.
- 3.6 The applicant engaged in separate pre-application discussions with Herts County Council (HCC) as Highways Authority prior to the submission of the planning application. HCC advised at that stage that the built-up area of footpath along the south of the application site should be constructed in tarmac whilst the smaller built-up area to the eastern frontage of the site should be constructed in Tegula blocks to match existing.
- 3.7 It is emphasised that the application is only seeking permission for engineering works comprising the removal of 4 no. on-street parking bays, and the construction of a public footpath, associated kerbs and ancillary works. The provision of the outside seating area itself is assessed and controlled by the Local Authority (as defined under the Business and Planning Act 2020 (as amended)) under the relevant Pavement Licence. The following assessment does not therefore take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.
- 3.8 The application comes before the Planning and Development Committee as it has been called-in by Councillor Rossati. The Councillor called in the application due to the potential impact on neighbouring properties, car parking and highway safety.
- 3.9 This report must be read in conjunction with the report presented at committee on 31 October 2023 which is attached as an appendix to this report.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Following publicity of the application via letters, a site notice and press notice, public representations were received as follows:
- 4.1.1 There were 53 letters received in support of the application. A summary of their key points follows below:
- This is necessary and needed;
  - Will provide a safe and enhanced experience for customers;
  - More effective use of the area;
  - Excellent idea and long overdue;
  - Great for socialising and community spirit to engage with others within and outside the seating area;
  - Will be very popular;
  - Look forward to using it;
  - Most people working or socialising in the High Street do not come via car so no impact on majority of users;
  - Will improve service provided by Cinnabar and increase their customer base therefore increasing people into the High Street generally;
  - The outside areas at the southern end of High Street have greatly improved that area so I think this application will improve the northern end's offerings;

- Great for entertaining clients for work;
- Will look good and improve the visual appearance of the area;
- Staff and food are excellent, this will encourage more people to visit;
- Will calm traffic in the area;
- Great for warmer evenings to enjoy a coffee and take in the ambience of the High Street;
- Will bring attractive café culture to the High Street.

4.1.2 There were 73 letters received objecting to the application. A summary of their points follows below:

- Will worsen parking issues;
- Not enough parking outside Tesco as it is;
- Longer free parking in Primett Road would help;
- Access to shops will be harder for disabled people as won't be able to park outside of the shops;
- How will this affect traffic flows?
- Will they pay additional business rates for enlarged area and will they pay rent on it?
- Yet more parking spaces being removed;
- People will be forced to park on double yellow lines as nowhere else to park;
- Pedestrians will struggle to navigate around tables;
- Takes valuable public space for what will be occasional and seasonal use;
- The parking spaces are public property and should not be taken over by a private business;
- You cannot favour hospitality uses over retail, office, services etc
- British weather is not conducive to outdoor eating and drinking;
- Have SBC asked any other business if they have been impacted by the temporary use?
- Businesses will collapse if there is no parking, just look at Hoddesden High Street;
- Will not preserve the conservation area;
- Only one disabled parking space in the vicinity;
- Primett Road is not an alternative for elderly, disabled or wheelchair user as its too far away;
- Canopies are not in keeping with the area;
- Less revenue for Traffic wardens;
- Permit parking in surrounding roads and removal of spaces on High Street makes it hard for staff of shops to be able to park without paying large daily car park fees;
- Will infringe on the Charter Fair unless it is fully dismantlable;
- Why favour one company to the detriment of all other businesses;
- HCC have a scheme proposed that will drastically harm the High Street and this application will not help the situation;
- Will set a precedence for more parking to be lost to outdoor seating areas;
- This area is used by the Charter Fair to house their generating equipment, and this must not be impeded;
- They've managed this long without outdoor seating so they can continue to go without;
- Nobody in Stevenage wants this;
- Eating outside next to parking spaces will be terrible for health from the pollution and exhaust fumes;
- How does a business just acquire land they don't own and put seating on it?
- Prioritising pedestrians and cyclists over cars will be disastrous to the High Street;
- Put in more electric vehicle charging points;

4.2 Full copies of the representations received can be viewed on the Council's website.

## 5. CONSULTATIONS

### 5.1 SBC Engineering Department

- 5.1.1 As local parking authority, we have supported the applicant for the last two summer seasons by providing temporary barriers on Bell Lane for an outside seating area. The loss of parking during these periods has not cause problems in the area and we remain supportive of permanently extending the footway width in this area. The change of use would not remove the highway status of the land and it would therefore remain highways land, maintainable at public expense and any tables and chairs would need a licence. New parking restrictions would be required along the seating area and the applicant will be required to cover the Council's costs in making the Traffic Regulation Order.
- 5.1.2 Following comments sent to Herts County Council by the Eastern Counties Section of the Charter Fair, the engineering department confirmed that the Showman's Guild does not have any rights to specifically occupy the parking bays in question, only a general right to hold a fair in the High Street. As there are to be no permanent structures on the land then there should be no issues caused to the Charter Fair.

### 5.2 Herts County Council as Highways Authority

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
- 5.2.2 A plan was first submitted in June 2023 which did not quite match up with the pre-app discussions the applicant had with us a few months earlier. The Highway Authority queried this with the applicant, and they have now submitted a revised plan which shows tapered edges either side of the proposed footway build-out. Removable bollards are proposed along the new footway edge (set 0.5m back from the kerb, with reflective bandings). Canvas sheets are shown to be attached between these bollards, with a maximum height of 600mm. This ensures that pedestrians crossing over Bell Lane will have a clear view of approaching vehicles and vice versa. The proposed tables at the two ends of the build out have been reduced down from double tables to single to ensure the new footway along here provides a continuous usable width of 2 metres.
- 5.2.3 Overall, the broad principle of removing the small number of roadside parking bays here is acceptable to the Highway Authority, recognising a shift away from private motorcar use and the need to embrace more sustainable modes of travel to tackle the urgent climate crisis. The County Council is also supportive of the High Street recovery.
- 5.2.4 The latest plan has been reviewed by our Safety team. The comments raised have been largely addressed in the revised plan, although vehicle tracking information was suggested. It has now been confirmed by Stevenage's refuse & recycling service that they do not route a refuse vehicle along Bell Lane. It is also noted that the Mulberry Tree pub, which has a vehicle access onto Bell lane, has another main vehicle access onto Primett Road, and that overall, the other properties which front onto Bell Lane seem to have full vehicle access from other parts of the network. With this in mind, and given the footway build-out largely replicates the location of the existing parking bays, it is not considered that existing routine vehicle movements along Bell Lane will be adversely affected by this proposal.
- 5.2.5 There is an existing vehicle crossover at the western end of the proposed build-out and this will be closed off (with the raised kerb reinstated) as shown on the plan. The applicant says

this crossover leads to now redundant storeroom used by Cinnabar - however the storeroom / building that the access leads to sits outside the applicant's red line. The LPA may want to double check that the removal of this crossover will not have consequences in the future for other occupiers.

5.2.6 Additionally, there will be a small footway build-out to the front of the site onto the High Street service road. Extension of the double yellow lines is proposed here, as well as along the Bell Lane footway build-out - as shown on the submitted plan.

### 5.3 B.E.A.M.S

5.3.1 If the seating area can be justified then BEAMS can, in principle support the change of use. The use of tarmac is not sufficiently sympathetic to the Conservation Area and enhancements should be sought through the use of tegula blocks to match the existing High Street footpaths. Are 13 bollards needed as this seems excessive? The proposal could result in visual clutter which will result in less in substantial harm to the significance of the conservation area.

### 5.4 SBC Environmental Health

5.4.1 No comments received.

## 6. REASONS FOR DEFERRAL

6.1 At the last meeting, members deferred consideration of the application: *To seek clarity on the implications of the newly adopted Levelling-Up and Regeneration Act 2023 in terms of the issuance of licences for outdoor seating on pavements.*

6.2 It has been possible to grant licences to place tables and chairs on the highway since 1982, when powers were added to the Highways Act 1980. Without a licence, placing tables and chairs on the highway would be likely to be unlawful as an obstruction of the highway.

6.3 The Business and Planning Act 2020 introduced a simpler procedure for obtaining consent for a "pavement licence" permitting removable furniture to be placed on the highway in connection with the service of food and drink. This was intended as a temporary measure to help the hospitality industry during Covid. The Levelling Up and Regeneration Act, 2023 made some changes to the 2020 Act. The key change is that the time-limited pavement licence provisions are made permanent. (NB: Licenses are not made permanent – it's the legislation.)

6.4 Key points regarding pavement licences are:

- They last for a maximum of two years.
- They can be renewed.
- They can be granted subject to conditions.
- They can be revoked.
- They will override conflicting uses of the highway, such as use as a footpath, and so licensed activities will not constitute an obstruction.
- They will also grant deemed planning consent for licensed activities, for as long as the licence is in force. But pavement licenses will not give planning permission for works amounting to development – deemed consent will only extend to the placing of temporary furniture and its use.

6.5 The Planning Committee should note that the grant of a pavement licence under the 2020 Act would overrule a refusal decision by the Planning Committee.

6.6 If this application is approved, the land is still highway, which has the following consequences:

- The applicant would still need a pavement licence in order to place tables and chairs on the highway.
- The land would remain subject to parking regulations made by the County Council, unless revoked in order to construct a public footpath.
- The applicant would need to obtain the consent of the County Council as highway authority to carry out works in the highway.
- The land will retain its highway status unless the County Council makes a stopping up order, which would need the approval of either the Secretary of State or the Magistrates.

## 6.7 Business and Planning Act 2020

6.7.1 Chapter 16 of the Business and Planning Act 2020 (B&P Act) deals with Pavement Licences and states in section 1(2) that the licence grants the licence-holder permission to put removable furniture on part of a relevant highway adjacent to the premises for either or both the purposes in section 1(3). Section 1(3) states:

- a) Use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises;
- b) Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.

6.7.2 Under section 3(5) the B&P Act states that a licence may be granted so long as nothing is done by the licence-holder that would have an effect as specified in 3(6). The effects listed in 3(6), such as to be relevant to this planning application, are as follows:

- (a) Preventing traffic, other than vehicular traffic, from –
  - i) Entering the relevant highway at a place where such traffic could otherwise enter
  - ii) Passing along the relevant highway; or
  - iii) Having normal access to premises adjoining the relevant highway.

6.7.3 The B&P Act, through Chapter 16 for the issuing of pavement licences, makes no allowances to refuse to issue a licence where it would utilise on-street parking spaces. It very clearly states in 3(6)(a) that vehicular traffic is excluded from consideration when determining impacts that could prevent the issuing of the licence.

6.7.4 The B&P Act was set to expire on 30 September 2024, however, the Levelling-Up and Regeneration Act 2023 amended this Act as set out in paragraph 6.2.1 below.

6.7.5 Licences issued under this Act are issued for a period of 2 years, however, there is provision to apply for renewals.

6.7.6 The land itself will maintain its status as a public highway unless an application is made to 'Stop Up' (remove) the highway status. This can be done through Herts County Council applying to the Magistrates Court, or anybody applying to the Secretary of State for Transport.

6.7.7 Section 7(2) of the B&P Act grants deemed planning permission for anything done by the licence-holder on the land which would constitute development (as set out in Part 3, Section 55 of the Town and Country Planning Act 1990 (as amended)). If authorised by the pavement licence authority, then further planning applications would not be required. However, the licence does only grant the holder permission to install removable furniture on the highway in connection with the consumption of food and drink. If planning permission was needed for the installation of said furniture, then the granting of the licence confers this permission such that the licence-holder does not need to seek separate planning permission.

## 6.8 Levelling-Up Act 2023

- 6.8.1 Under Schedule 22, Section 2(1), the Levelling-Up and Regeneration Act 2023 has removed Section 10 of Chapter 16 of the B&P Act which related to its expiry. Previously, this Act was set to expire on 30 September 2024; it is now a permanent piece of Legislation with no expiry date imposed.
- 6.8.2 As such, the issuing of pavement licences is now a permanent proposal within Government Legislation under the Business and Planning Act 2020 (as amended).

## 7. CONCLUSIONS

- 7.1 In summary, this report sets out that the Business and Planning Act 2020 deals with the issuing of pavement licences on highway land and the Levelling-Up and Regeneration Act 2023 removed the 2024 expiry of the aforementioned Act. As such, Government has brought into Law such Legislation that will provide for the issuance of pavement licences on a permanent basis.
- 7.2 The issuing of pavement licences is a separate function of the Council and is not a Planning matter.
- 7.3 Members are advised that, given the issue of the change of use of the land would be covered by the pavement licence, this application is therefore only concerned with the proposed engineering works which comprise the removal of 4no. on-street parking bays, construction of a widened public footpath and associated kerbs and ancillary works.
- 7.4 The provision of the outdoor seating and the required change of use of the land to facilitate said seating are separate matters that will be dealt with by the Council under the pavement licence and could be granted under such licence even if this application is refused.
- 7.5 Taking all the aforementioned into account, it is clear that the provision of the outdoor seating is covered by the Business and Planning Act 2020 and that the Levelling-Up and Regeneration Act 2023 has sought to make pavement licences a permanent proposal. These matters are not a key material consideration in the determination of the planning application at hand, which is solely for the engineering works to create a raised highway footpath, to expand the existing footpath.

## 8. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
RL3883-02; 457-09-Rev B  
**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 use of the seating area hereby approved, the removable bollards and removable banners shall be installed, the existing crossover to the west of the site shall be closed and double yellow lines shall be implemented as shown on approved plan 457-09-Rev B. No other furniture other than that shown on the approved plan shall be installed or erected unless an application for planning permission is first sought from the Local Planning Authority.  
**REASON:-** In the interests of highway safety and to ensure the development has an acceptable appearance and preserves the character and appearance of the Conservation Area.
- 4 The materials to be used in the construction of the built out seating area and the built out area to the eastern frontage of the application site shall be as per approved plan 457-09-Rev B to the satisfaction of the Local Planning Authority.  
**REASON:-** To ensure the development has an acceptable appearance.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the outdoor seating area hereby approved shall not be in operation before 08:00 hours or after 23:00 hours on any day. Outside of these times, all tables and chairs shall be removed to leave a clear and unobstructed area to the front and side of the building.  
**REASON:-** in the interests of pedestrian and highway safety and to protect the amenities of the occupiers of neighbouring properties.

**For the Following Reason(s):-**

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

**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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto: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](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

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

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

### 4 **Party Wall etc. Act 1996**

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

### 5 **Hertfordshire County Council as Highways Authority**

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

## **9. BACKGROUND DOCUMENTS**

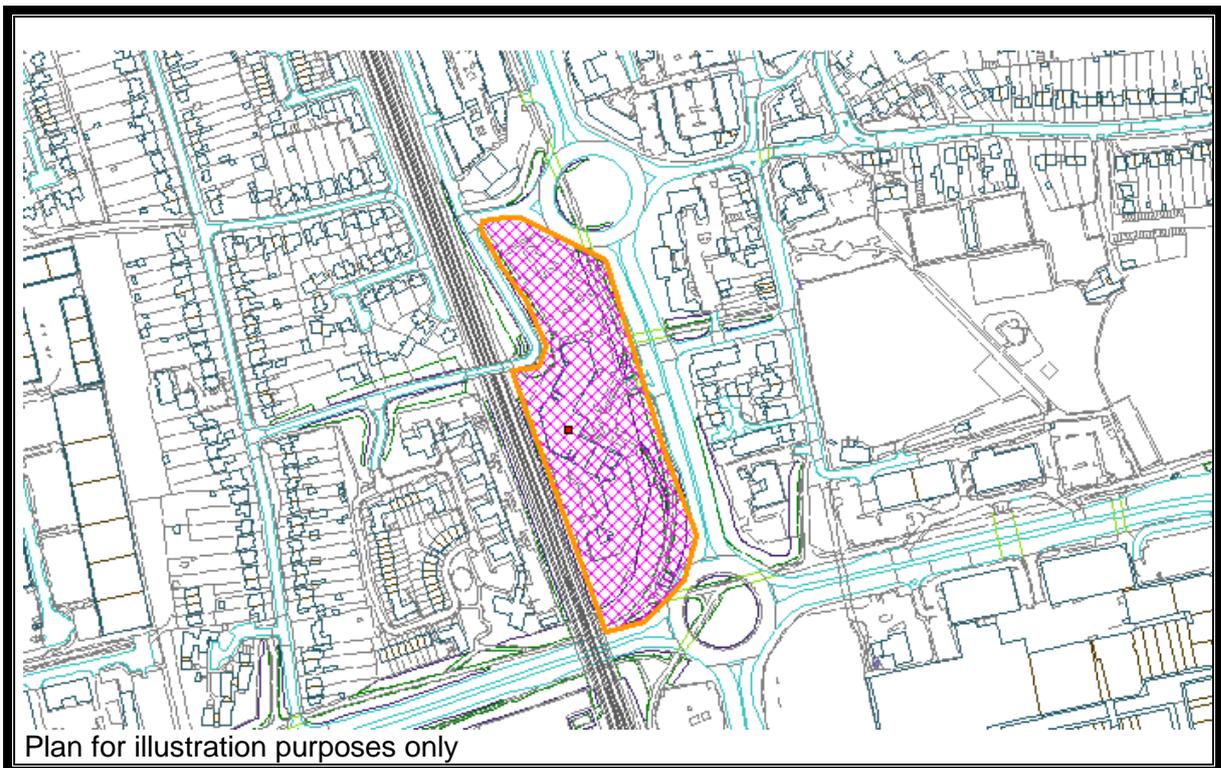
1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of Development on Biodiversity 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 September 2023 and Planning Practice Guidance.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>8 February 2024</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No :	23/00920/FPM 24/00009/S106
Location :	Land West of Lytton Way, Stevenage
Proposal :	<p><u>23/00920/FPM</u> Variation of Condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.</p> <p><u>24/00009/S106</u> Variation of section 106 agreement to increase the number of affordable homes and Primary Education contribution approved under planning permission reference 19/00474/FPM</p>

Drawing Nos.:	<p>16-019 D – 050 C01; ICON-2-PS-200 rev C – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations; ICON-2-PS-1-100 - Proposed GA Plan-Level 00 – Rev C1; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – Rev B; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-1-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-1-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 1 (North and South) Rev C1; ICON-2-PS-1-111 - Proposed Elevations Block 1 (East and West) Rev C1; ICON-PS-2-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – Rev B; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – Rev B; ICON-2-PS-2-103 - Proposed Elevations; ICON-2-PS-2-103 - Proposed Elevations Block 2 Rev P1; ICON-PS-3-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-3-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-3-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-3-107 - Proposed Elevations Block 3 (East and West); ICON-2-PS-3-108 - Proposed Elevations Block 3 (North and South); ICON-PS-4-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-PS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-4-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-4-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-4-105 - Proposed Elevations Block 4 (North and South); ICON-2-PS-3-106 - Proposed Elevations Block 4 (East and West); ICON-2-PS-5-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – Rev B; ICON-PS-6-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-6-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 6 (East and West); ICON-2-PS-1-111 - Proposed Elevations Block 6 (North and South); ICON-2-PS-7-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-2-PS-7-101 - Proposed GA Plan - Level 01,03,05 – Rev C2; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04 – Rev C2; ICON-2-PS-7-103 - Proposed GA Plan - Level 06 Rev C1; ICON-2-PS-7-104 - Proposed GA Plan - Level 07 Rev C1; ICON-2-PS-7-105 - Proposed GA Plans - Level 08 Rev C1; ICON-2-PS-7-107 - Proposed GA Plan - Roof Level - Rev C1; ICON-2-PS-7-106 rev C1 - Proposed Elevations – Rev C1.</p>
Applicant :	Hill Residential Ltd
Date Valid:	7 December 2023
Recommendation :	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

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

## 2. RELEVANT PLANNING HISTORY

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

- 2.5 Outline planning permission granted under reference 02/00562/OP in March 2003 for a four storey building on existing car park, comprising 2,790 square metres gross floorspace, for use within Class B1 (business use).
- 2.6 Permission granted under reference 14/00417/AD in September 2014 for installation of 1 no. internally illuminated box sign.
- 2.7 Screening Opinion 16/00780/SCR sought an EIA Screening Opinion for the proposed redevelopment of the site for residential. The Screening Opinion was issued in December 2016.
- 2.8 Permission refused under reference 19/00474/FPM in March 2020 for demolition of existing office building (Use Class B1) and structures, and construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works. The application was refused by the Council on the following grounds:
- 1) The proposed development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to the visual amenities of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
  - 2) The proposal comprising 576 dwellings in 7 flatted blocks on this constrained site would result in an overdevelopment of the site which would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
  - 3) The proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support the proposed development. The proposal would, therefore, be contrary to policy SP5 of the Stevenage Borough Local Plan 2011 – 2031.
- 2.9 The Council's decision to refuse planning permission was appealed to the Planning Inspectorate under appeal reference: APP/K1935/W/20/3255/692. It was determined by the Planning Inspectorate on 15<sup>th</sup> July 2022 that the appeal was allowed, and planning permission was granted subject to conditions.
- 2.10 Application 22/00866/PADEMO sought prior approval for the demolition of existing Office building with associated parking and surrounding landscaping. This application was approved in October 2022.
- 2.11 Discharge of condition application 23/00054/COND sought to discharge of condition 3 (Construction Method Statement) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in February 2023.
- 2.12 Discharge of condition application 23/00129/COND seeks the discharge of condition 5 (Surface Water Drainage) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in June 2023.
- 2.12 Planning application 23/00239/FPM sought to vary condition number 2 (approved plans) attached to planning permission reference number 19/00474/FPM to provide additional lifts,

stair cores and amend balconies to provide metal balustrading. This application was approved in May 2023.

- 2.13 Non-material amendment application 23/00491/NMA sought a non-material amendment to planning permission reference number 23/00239/FPM to amend the position of stair and lift cores. This application was approved in July 2023.
- 2.14 Non-material application 23/00544/NMA sought a non-material amendment to planning permission reference number 23/00239/FPM to amend Condition 5 (Surface Water Drainage). This application was approved in July 2023.
- 2.15 Discharge of condition application 23/00591/COND seeks to discharge condition 6 (Noise Mitigation) attached to planning permission reference number 23/00239/FPM. This application is pending consideration.
- 2.16 Non-material amendment application 23/00614/NMA sought to amend condition 2 (approved plans) attached to planning permission 23/00239/FPM to alter the approved position of residential Block 1. This application was approved in August 2023.
- 2.17 Planning application 23/00655/FPM sought to vary condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to alter the position of the stair and lifts cores to ensure maximum travel distance for means of escape are improved. This application was approved in October 2023.

### **3. THE CURRENT APPLICATION**

3.1 This application which is currently before the Council seeks permission to vary condition 1 (Approved Plans) to planning permission reference number 23/00655/FPM to enable a redesign at ground floor level to:

- remove 46 enclosed parking spaces within Blocks 1,2,3,5,6 and 7;
- provide an additional 16 apartments within Blocks 1,2,3,5,6 and 7;
- alter the layouts of ancillary facilities (bike and bin stores; communal entrances/exits; water tanks; plant and storage areas);
- alter the layout of communal and ancillary facilities within Block 4;
- an additional 13 external car parking spaces;
- amendments to the affordable housing mix in Block 7.

3.2 As a consequence of the changes, condition 12 on application 23/00655/FPM also needs to be amended to refer to the provision of 974 cycle parking spaces.

3.3 For reference, condition 1 states the following:

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

16-019 - D 050 C01; ICON-2-PS-2-100-Rev B; ICON-2-PS-2-101-Rev B; ICON-2-PS-2-102-Rev B; ICON-2-PS-2-103; ICON-2-PS-5-100; ICON-2-PS-5-101; ICON-2-PS-5-102; ICON-2-PS-5-103; ICON-2-PS-7-100; ICON-2-PS-7-101; ICON-2-PS-7-102; ICON-2-PS-7-103; ICON-2-PS-7-104; ICON-2-PS-7-105; ICON-2-PS-7-106; ICON-2-PS-200; 502686-IWD-XX-XX-DR-A-2320\_P1; ICON-PS-1-100-Rev B; ICON-PS-1-101-Rev B; ICON-PS-1-102-Rev B; ICON-PS-1-103-Rev B; ICON-PS-1-104-Rev B; ICON-PS-1-105-Rev B; ICON-PS-1-106-Rev B; ICON-PS-1-107-Rev B; 502686-IWD-B1-XX-DR-A-2310\_P2; 502686-IWD-B1-XX-DR-A-2311\_P2; 502686-IWD-B1-XX-DR-A-2312\_P2; ICON-PS-3-100-Rev B; ICON-PS-3-101-Rev B; ICON-PS-3-102-Rev B; ICON-PS-3-103-Rev B; ICON-PS-3-104-Rev B; 502686-IWD-B3-XX-DR-A-2310\_P2; 502686-IWD-B3-XX-DR-A-2311\_P2; 502686-IWD-B3-XX-DR-A-2312\_P2; ICON-PS-4-100-Rev B; ICON-PS-4-101-Rev B; ICON-PS-4-102-Rev B; ICON-PS-4-103-Rev B; ICON-PS-4-104-Rev B; 502686-IWD-B4-XX-DR-A-2310\_P3; 502686-IWD-B4-XX-DR-A-2311\_P3; 502686-IWD-B4-XX-DR-A-2312\_P3; ICON-PS-6-100-Rev B; ICON-PS-6-101-Rev B; ICON-PS-6-102-Rev B; ICON-PS-6-103-Rev B; ICON-PS-6-104-Rev B; ICON-PS-6-105-Rev B; ICON-PS-6-106-Rev B; ICON-PS-6-107-Rev B; 502686-IWD-B6-XX-DR-A-2310\_P3; 502686-IWD-B6-XX-DR-A-2311\_P3; 502686-IWD-B6-XX-DR-A-2312\_P3;

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

- 3.4 The Planning Statement accompanying this application advises the applicant is keen to ensure that the development meets or exceeds the most up to date, stringent fire safety requirements. The Grenfell Tragedy occurred during the design stage of the original scheme (application ref.19/00474/FPM). As a response, the applicant amended the proposed design, removing the then proposed external wall cladding and replacing that with brick, and incorporating fire sprinklers throughout the blocks.
- 3.5 During the determination process of application 19/00474/FPM the design of the lift/stair cores were further amended to accord with what had been expected to be future changes in the fire safety regulations. Further applications for amendments were approved for fire safety improvements and the applicant wishes to continue to ensure that its buildings comply with the most up to date fire safety standards, are future proofed and that purchasers/occupiers can have the comfort that buildings are of the highest safety standards.
- 3.6 The prime driver behind this application is to remove the 46 enclosed/undercroft car parking spaces from Blocks 1,2,3,5,6 and 7 for fire safety reasons. Following recent car park fires, such as at Luton Airport and the Liverpool Echo Arena, concern has continued to grow around the fire risk from enclosed car parking. RSA Insurance, for example, have highlighted that as well as the increased fire risk from electric vehicles and charging equipment, modern vehicles also present a greater fire risk owing to the changes in materials used and the electronic equipment they now contain.
- 3.7 In terms of the enclosed parking, the Planning Statement advises there is a significant cost associated with the installation of fire suppression systems. Accordingly, expensive fire suppression systems are required where car parking is enclosed. Given the viability challenges within central Stevenage, the applicant is advising the costs of developing the site are already significant. This application is seeking the removal of the 46 enclosed parking spaces within Blocks 1,2,3,5,6 and 7 for viability and fire safety reasons.
- 3.8 The removal of the enclosed car parking would leave some extensive voids at ground floor level. In the interest of making efficient use of space/land and delivering a high-quality environment, this application proposes to re-organise the ground floor layouts of Blocks 1,2,3,5,6 and 7 to introduce 16 additional apartments, 4 of which would be affordable within Block 7 (equating to 25% of the additional apartments).

- 3.9 The removal of the undercroft car parking spaces has also resulted in a review of the ground floors and additional amendments are proposed to the ancillary areas used for communal entrances/exits, bikes, bins, storage, water tanks, plant and equipment to ensure that the blocks would work efficiently and effectively. The stair and lift cores for Blocks 1 and 6 are subject to minor amendments. All other lift/stair cores would remain unchanged and meet fire safety requirements. The communal/management facilities and ancillary facilities within the ground floor of Block 4 are also proposed to be reconfigured.
- 3.10 As part of the review of the ground floors, additional space has been dedicated to cycle parking within the blocks. The redesign of communal facilities and common areas in Block 4 has allowed more cycle spaces to be incorporated within Block 4 and removes the need for the external cycle store outside Block 4. Condition 12 requires further details of cycle parking to be submitted to discharge the condition. The location of external short stay cycle parking would be submitted for discharge under that condition.
- 3.11 Removing car parking from under the buildings also removes the need for vehicle access routes into Blocks 2,3,5,6 and 7. Those areas are proposed to accommodate additional, external surface level parking. The former vehicle access to Block 1 is retained as that would continue to function as a turning head for waste collection vehicles.
- 3.12 The proposed removal of the cycle store adjacent to Block 4 would also enable additional external car parking spaces to be provided. The parking area to the west of Block 7 was previously accessed under Block 7. Adding apartments at ground floor level closes off that route. Instead, that parking area would be accessed north of Block 7, resulting in the removal of 1 external car parking space. Overall, a net increase of 13 external car parking spaces is proposed.
- 3.13 Engagement with affordable providers has identified that the approved mix contains too many 1-bed affordable apartments for current requirements. The scheme was designed in 2018 when the demand for 1-bed affordable accommodation was higher than now. Consequently, to meet the current needs of affordable providers a change to the affordable mix within Block 7 is proposed to deliver more 2-bed apartments. Amended floor plans have been submitted for the affordable mix.
- 3.14 The changes by Block, are summarised below:
- 3.15 Block 1: Removal of 6 car parking spaces; addition of 2 apartments (1x1bed and 1x2bed) at ground floor level; reconfigured cycle store.
- 3.16 Block 2: Removal of 8 car parking spaces; addition of 3 apartments at ground floor level (1x1bed and 2x2bed); removal of vehicle accessway and opening; 2 additional external car parking spaces; reconfigured cycle store.
- 3.17 Block 3: Removal of 6 car parking spaces; reconfiguration of 2 ground floor apartments; addition of 2 apartments at ground floor level (2x1bed apartments); removal of vehicle accessway and opening; 2 additional external car parking spaces; reconfigured cycle store.
- 3.18 Block 4: Reconfigured gym and cycle store at ground floor; removal of external cycle store and addition of 4 external surface level car parking spaces.
- 3.19 Block 5: Removal of 8 car parking spaces; addition of 3 apartments at ground floor level (1x1bed and 2x2bed); removal of vehicle accessway and opening; 2 additional external car parking

spaces; reconfigured cycle store; ground floor garden terrace on eastern elevation relocated to southern elevation so no longer sits on highway land.

- 3.20 Block 6: Removal of 6 car parking spaces; addition of 2 apartments at ground floor level (1x1bed and 1x2bed); removal of vehicle accessway and opening; 2 additional external car parking spaces; reconfigured cycle store.
- 3.21 Block 7: Removal of 12 car parking spaces; addition of 4 affordable apartments at ground floor level (4x2bed); removal of vehicle accessway and opening; 2 additional external car parking spaces on east side of building; removal of one car parking space to west of building; reconfigured cycle store; amended mix to provide, overall, affordable provision of 16x1-bed apartments (previously 26) and 40x2-bed apartments (previously 16).
- 3.22 The applicant has advised that following discussion with Registered Providers (RPs) it has become apparent that the scheme as approved contains a higher proportion of 1-bed affordable homes than RPs are seeking to meet current needs. Accordingly, it is proposed to amend the affordable mix. To ensure the amount of affordable housing remains the same as approved and that the internal space standards can be still met, it is proposed to amend the affordable mix to 16x1-bed apartments and 40x2-bed apartments (this includes the additional 4x2 bed apartments at ground floor).
- 3.23 This application comes before the Planning and Development Committee for its decision as it is a Major.

#### **4. PUBLIC REPRESENTATIONS**

- 4.1 As a major planning application, the proposal has been publicised by way of site notices and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report one general comment has been received and 8 objections raising the following concerns:
- The ratio of parking spaces available for residents, their visitors, and delivery drivers to the overall number of dwellings will be diminished if this application were to be allowed.
  - Replacing an undercroft with dwellings in a similar style to those already approved would not result in harm to the already approved visual impact.
  - Scepticism over fire safety reasons for removing undercroft parking. Application just a ploy to get a greater number of flats and increase developer profit.
  - The fire safety issue should be addressed by improving fire safety of the undercroft parking facilities, not by building additional flats.
  - Reduced parking provision will put more pressure on surrounding streets.
  - Overdevelopment of the site.
- 4.2 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website.

## 5. CONSULTATIONS

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

### 5.2 HCC Highway Authority

#### Comments dated 22 December 2023

- 5.2.1 The Highway Authority note the application which seeks the reconfiguration of some of the blocks and the increase in the number of units on site. The Highway Authority note the changes to the layout as detailed in the development description and accompanying plans. The Highway Authority note the submission of drawing number CON-2-PS-200 Rev C, Site Plan and Planning Statement.
- 5.2.2 The Highway Authority's principal concern is that on some of the block's outer perimeter areas there is some encroachment into the highway boundary. The plans should illustrate the highway boundary and where these outer areas may encroach onto the public highway. It is also noted that some of the balconies oversail the public highway, although it is understood that this may be dealt with by application for an appropriate license from Hertfordshire County Council (however, this application should make this clear).
- 5.2.3 With respect to the areas which encroach directly onto the public highway, it is noted that Hertfordshire County Council's Network Management team have issued an objection to plans submitted to the Highway Authority.
- 5.2.4 With respect to the provision for cyclists within the site and connecting onto the public shared footway/cycleway which runs around the site's eastern perimeter, the Highway Authority has made comments previously (to the applicant), with respect to the need to show more detail of this route within the site itself. This should include detail of the cycle ramp which is consistent with the provisions of LTN 1/20, including the illustration of long sections of the cycle ramp, the connection with the Stevenage network and specification of width.
- 5.2.5 The Highway Authority wish to note the new Hertfordshire County Council Guide to Developer Infrastructure Contributions, adopted in July 2021. This document replaces the HCC Hertfordshire County Council Planning Obligations Guidance – toolkit for Hertfordshire, published in January 2008. It is noted that this new document was not in place at the time of the previous planning application or Appeal. However, given that this is now an adopted document, the Highway Authority will seek to apply its provisions to all new planning applications.
- 5.2.6 The guidance notes that based on current evidence, the analysis concludes that each non-car driver trip should contribute £2,133 to S106 strand 2 contributions, which translates to £6,826 per each average residential dwelling and £422 per job.
- $16 \times £6,826 = £109,216$
- 5.2.7 The Highway Authority will issue potential schemes that such a contribution may be used towards should the outstanding matters discussed within this response be rectified. In summary, the Highway Authority notes concerns with respect to the position of the blocks on the site and encroachment onto the public highway. Insufficient detail is shown with respect to the provision of cycle infrastructure on site which will be needed to safely access the cycle parking areas on site. Given the above concerns relating to layout, the Highway Authority does not recommend the grant of planning permission.
- 5.2.8 Following receipt of the comments, discussions were had with the applicant who confirmed the below, which was forwarded to the Highway Authority.

### *Encroachment into the highway boundary*

- 5.2.9 There is one ground floor terrace of Block 1 which is partially located on land within the adopted highway. The area of terrace within the adopted highway is 3m<sup>2</sup>. It sits on an area which is currently a grassed verge. That terrace has always been located on that grassed area of adopted highway land. That can be seen on the originally approved site layout plan 16-019 D051 under application 19/00474/FPM that was approved at appeal. Slightly less of that terrace is now located on the highway than the original approval owing to non-material amendment 23/00614/NMA which approved a re-oriented Block 1.
- 5.2.10 Where an application is made under S73 the only matters for consideration are the amendments proposed by that S73 application. This S73 application does not propose any amendments to the location of Block 1 or that terrace and therefore the location of that terrace is not a matter that can be considered under this application. The current siting of the blocks has received planning permission and it is a matter for the developer and highway authority to deal with any encroachment onto public highway land under separate legislation, which is not a planning consideration.
- 5.2.11 Should the developer wish to move the blocks away from the boundary with the public highway, this could be secured via a s73 application. However, this latest S73 application does not seek to do this.

### *Provision for Cyclists*

- 5.2.12 With regards the cycle/pedestrian links, this application proposes no changes from that already approved and therefore as above, this is not a matter that can be considered under this S73 application. Schedule 10 of the executed S106 agreement requires that details of the cycle ramp and the footway connection to Trinity Way be dealt with through an agreement under S278 of the Highways Ways Act 1980 and that the S278 agreement be entered into prior to any occupations.

### *S106 Strand 2 Contribution*

- 5.2.13 Stevenage Borough Council is a CIL Authority and has been since January 2020. As such, and according to HCC's developer Obligations Toolkit, contributions that HCC would normally have sought through Strand 2 will come under the approved CIL charging schedule. Paragraph 1.6 of the HCC Guide to Developer Infrastructure Contributions (2021) states the second strand contribution generally does not apply in Dacorum, Hertsmere, Stevenage, Three Rivers and Watford as they have fully adopted CIL regimes in place. As such, HCC Highway Authority was respectfully requested to withdraw the request for a strand 2 contribution on this development as contributions can be requested through CIL, for which this development is liable.

### Comments dated 16 January 2024

- 5.2.14 The Highway Authority is content that the additional units will not have a material impact on the adjoining local highway network. The Highway Authority wishes to note previous comments which relate to the encroachment in small areas of some of the blocks onto the public highway which extends to within the site curtilage at certain points. However, it is noted that this matter is separate to the s73 application in hand, although the applicant should seek to progress the stopping up application.
- 5.2.15 With respect to cycle parking, it is noted that all such provision should be in accordance with the Stevenage Cycle Strategy. In summary, the Highway Authority is content that the application will not have a material impact on the adjoining local highway network and that there are no attendant highways or transportation impacts arising from the proposals. As such, the Highway Authority does not wish to restrict the grant of planning permission.

### 5.3 Health and Safety Executive

- 5.4.1 Whilst the Health and Safety Executive have not formally provided comments on this application, they did provide comments on planning application 23/00239/FPM. For reference, this was an application to amend planning permission 19/00474/FPM which sought permission to provide additional lifts, stair cores to Blocks 1, 3, 4 and 6 and remove the glazed balustrades across all blocks. For reference, the Health and Safety Executive advised the following:
- 5.4.2 For Section 73 applications it's at the discretion of the Council whether or not to consult HSE. The HSE generally advise that if the change is to the approved plans then we should be consulted.
- 5.4.3 However, in this case the original application was made before HSE became a statutory consultee on fire safety matters and so we wouldn't have commented on the original application – which can put us in a position where we would ask for more information to be able to understand the fire safety characteristics of the development, beyond the remit of the proposed change.
- 5.4.4 Therefore, unless the Council considers the Section 73 application raises particularly pertinent fire safety issues, HSE recommend not to consult them on this application. For example, if there are any changes to the layout of the scheme that would result in constrained access to any of the blocks for a fire appliance (needs to get to within 18m of the fire service access into the building), then that would be a good reason to consult us.

### 5.5 HCC Growth and Infrastructure Unit

- 5.5.1 I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of 16 additional dwellings we would seek financial contributions towards the following projects:

**Primary Education** towards the delivery of a new primary school in the town centre area and/or provision serving the development (£84,669 (which includes land costs of £532) index linked to BCIS 1Q2022)

**Monitoring Fees** – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

### 5.6 SBC Environmental Health

- 5.6.1 I refer to the above planning application in respect of contaminated land and nuisance. I have no comment to add further to the conditions below already imposed relating to noise mitigation and construction management plan.

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

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

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

Policy SP1: Presumption in favour of sustainable development

Policy SP2: Sustainable development in Stevenage

Policy SP7: High quality homes

Policy SP8: Good design

Policy SP11: Climate change, flooding and pollution

Policy SP13: The historic environment

Policy GD1: High quality design

Policy IT5: Parking and access

Policy FP5: Contaminated land

Policy FP7: Pollution

Policy FP8: Pollution sensitive uses

Policy NH5: Trees and woodland

Policy NH10: Conservation areas

### **6.6 Supplementary Planning Documents**

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

Stevenage Design Guide SPD (2023)

Council's Parking Standards SPD (2020)

Developer Contributions SPD (2021)

### **6.7 Community Infrastructure Levy Charging Schedule**

- 6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. The proposed residential development would be liable for CIL.

## **7. APPRAISAL**

- 7.1.1 The main issues for consideration in the determination of this application are the principle of additional housing, design, layout and appearance, impact on the Old Town Conservation Area, impact on residential amenity, parking, highway implications, impact on trees and impact on the environment.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **7.2 Land Use Policy Considerations**

#### Compliance with the Council's Housing Policies

- 7.2.1 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development".
- 7.2.2 Paragraph 60 of the NPPF (2023) requires that the planning system should deliver as much of an area's identified housing need as possible, including an appropriate mix of housing types for the local community. Paragraph 69 of the NPPF (2023) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.3 Turning to the adopted Local Plan (2019), notwithstanding the fact planning permission has already been granted for 576 dwellings, the site is not designated for residential development. Therefore, the introduction of 16 additional flats would be classed as a windfall development. Taking this into consideration, Policy SP7 (High quality homes) states that the Council needs to be provide 7600 new homes over the local plan period of which 1,950 homes would be provided through windfall sites. Turning to the specific policy on windfall development sites, (Policy HO5 of the Local Plan), this outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.4 The proposal consists of the creation of 16 additional dwellings bringing the total to 592 dwellings on this site comprising a mixture of studio, 1, 2 and 3 bedroom units. The proposed layout covers the bulk of the site area, including over the footprint of the former office building and its associated curtilage. The land is, therefore, considered to be previously developed for the purposes of policy HO5. Furthermore, the proposal does not see the loss of public amenity space, and is close to the local bus, rail and cycle network. As such, the proposal is considered to be in a sustainable location.
- 7.2.5 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.

- 7.2.6 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.
- 7.2.7 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).
- 7.2.8 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.
- 7.2.9 In respect to Policy HO9 (House types and sizes) of the Local Plan (2019), as the proposed development seeks to deliver a mixture of 1, 2 and 3 bedroom dwellings, it would be in accordance with this policy as it would add to the overall mix of housing which is required to meet the objectively assessed need over the local period. The proposed mix of the 16 additional dwellings would be 6 x 1 bed flats and 10 x 2 bed flats, which is considered acceptable.
- 7.2.10 The impact of the proposal on the local environment and surrounding properties will be addressed later in this report, however, based on the above it is concluded that the proposal is acceptable in land use policy terms.

### **7.3 Affordable Housing Provision and S106 Contributions**

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 4 affordable units out of the additional 16 under consideration here. The application is proposing an additional 4 x 2 bed affordable flats within block 7 at ground floor which equates to 25% of the total, thereby complying with this policy.
- 7.3.2 Following discussion with Registered Providers (RPs), the applicant has advised it has become apparent that the scheme as approved contains a higher proportion of 1-bed affordable homes than RPs are seeking to meet current needs. Accordingly, it is proposed to amend the

affordable mix. To ensure the amount of affordable housing remains the same and that the internal space standards can be still met, it is proposed to amend the affordable mix to 16 x 1 bed apartments (previously 26) and 40 x 2 bed apartments (previously 16 and includes the additional 4x2 bed apartments in Block 7). The changes reduce the amount of 1 bed accommodation in favour of larger flats and takes the total of affordable units from 52 to 56.

- 7.3.3 A Deed of Variation application (ref. 24/00009/S106) to vary the s106 agreement attached to the original planning permission has been submitted to amend the affordable housing number and mix.

#### *Town Centre Primary School Contribution*

- 7.3.4 The proposal for an additional 16 flats has also triggered the requirement for a contribution towards the new town centre primary school as part of the SG1 planning application. A contribution was agreed for the original planning application as part of the appeal process and an increase in the number of units requires the impact of these on primary education within the town centre to also be mitigated. HCC Growth and Infrastructure have asked for £84,669 and the applicant is currently seeking further justification from HCC as to how this has been calculated via the Planning Authority to ensure consistency between the original scheme and the additional flats under consideration here. The Deed of Variation application would also cover this contribution once agreed.

## **7.4 Design, Layout and Appearance**

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

As such, it encourages good design as it can enhance the appearance of places. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.

- 7.4.6 The application site represents an “island” which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In terms of the characteristics of the area, to the west beyond the railway line are residential properties in Kilby Road/Watson Road, which comprise a mix of flats and houses. These comprise primarily 1 and 2 bedroom flats in buildings ranging 4, 6 and 10 storeys in height, the tallest element being where the development adjoins Fairlands Way. Also, as part of this development are a number of 2 storey 3 and 4 bedroom dwellings. To the west of this are residential properties in Fairview Road comprising mainly two storey detached and semi-detached dwellings. Further properties are located in Brick Kiln Road to the north-west of the site.
- 7.4.7 To the east are properties in Ditchmore Lane, comprising a mixture of 4 storey offices (Saffron Ground), the Haven, a 3 storey development, The Gate Hotel and residential properties. To the north-west of the Gate Hotel is Platform which is a converted office to residential building of 3 to 4 storeys in height. To the north of the site beyond Trinity Road is a petrol filling station beyond which is the residential development of Monument Court which is a flatted development which is 5/6 stories in height with undercroft car parking. To the northeast of the site adjacent to the eastern arm of Trinity Road is the Townsend Mews development which is a 4 to 6 storey flatted development.
- 7.4.8 Turning to the Town Centre which is located to the south / southwest of the site there is the recently completed Multi-Storey Car Park which is 6 stories in height. The development which is taking place at the former Matalan site by Guinness Trust (Planning reference: 20/00643/RMM) comprises a building which will be 20 storeys in height. In terms of SG1, which was granted planning permission on 30 May 2023 (Planning Reference: 19/00743/FPM) has buildings which are up to 19 stories in height. In regard to 11 The Forum (Former Staples Unit), this has planning permission (Planning Reference: 21/01002/FPM) to deliver a part 9 storey, part 13 storey building. There is also the former BHS store permission (Planning reference: 19/00647/FPM) for an 11-storey building and more recently, the Council granted permission for the redevelopment of The Forum Centre (Planning Reference: 22/00923/FPM) for the delivery of a new life science campus which would comprise buildings up to 6 double height stories (in order to allow sufficient headspace for plant to be installed on each floor).
- 7.4.9 In regard to the development as approved by the Planning Inspectorate, the development involved the demolition of the existing 7/8 storey offices to be replaced with 7 flat blocks ranging across the site between 8 and 16 stories. The submitted plans indicated that the tallest buildings would be blocks 1 and 6 which would be located at the southern (block 1) and northern (block 6) boundaries of the site. These buildings are between 11 and 16 storeys in height and would be set at an angle, with block 1 facing north-east across Trinity Road / Lytton Way roundabout and block 6 toward Fairlands Way / Lytton Way. These buildings would have a height of between 35m and 50m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.10 Block 2 would be sited to the south of Block 1 and comprise an 8-storey block which faces east/west with the front elevation facing toward Lytton Way. This has a height of 26m and would also comprise undercroft parking and cycle parking at the ground floor with residential units above. Flat blocks 3 and 4 would be sited either side of the proposed access to the site and are intended to frame the entrance to the development. These are similar in appearance and comprise a 13-storey element adjacent to the access road reducing to an 11 storey element. These would face east/west and have a height of between 33m and 40m. At ground

floor level block 4 would contain a gym, communal lounge area and a management lobby with residential accommodation on the floors above.

- 7.4.11 Block 5 would be positioned toward the southern part of the site located between blocks 4 and 6 and comprises an 8-storey block and would be similar in appearance to block 2. This faces east/west with the front elevation facing toward Lytton Way and has a height of 26m. This would comprise of undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.4.12 The final element of the scheme is block 7 which would be located towards the western part of the site and set back behind the other 6 blocks which face onto Lytton Way. This is a part 6 storey, part 9 storey building having a height ranging between 20m and 30m. The block would also incorporate undercroft parking and cycle facilities at the ground floor with the residential accommodation above.
- 7.4.13 In terms of finished appearance, the buildings would be completed in facing brickwork. The taller elements will be light grey brick with the lower section consisting of the darker tones. Balconies and windows would provide accented colour throughout the development. The two grey tones of brickwork are intended to form a striped banding at ground floor to connect all buildings across the development and add architectural variety at pedestrian level. All of the residential properties would have balconies which from a design perspective help to break up the facades and add interest to the appearance of the buildings.
- 7.4.14 Taking into consideration the above, the Council had originally raised concerns with respect to the number of taller buildings which was proposed and formed part of the reasons for refusing the scheme. However, the inspector in her appeal decision letter noted the Council's aim to regenerate the new town, the recent permissions for the MSCP (multi-storey car park) and Matalan, and planning applications (which have resolution to grant) with taller buildings (See para 7.2.8 for reference). As such, the town was going to see the provision of number of tall buildings. The inspector, therefore, considers the provision of tall buildings on the site as not harmful *per se*. This is because of the development's proximity is not only located close to tall buildings within and outside of the town centre, but also as an island surrounded by roads, parkways and the railway and is therefore separated from other smaller buildings. In the absence of a policy to prevent the grouping of tall buildings, the inspector considers that of greater concern is of whether the development is of sufficient design quality and appropriate effect on the character and appearance of the area to be consistent with local and national policies.
- 7.4.15 In the Inspector's analysis of the proposal, she considered that taken together, the building form and layout, height, proportions, active frontages, materials and architectural detail of the proposed development would be successful in the site. The inspector goes onto consider that whilst the scheme does not have the flair that is attributed to the existing building, she emphasised the importance of high-quality materials to be secured by way of condition. With the condition in place, the inspector considered that the proposed development would be high quality.
- 7.4.16 Notwithstanding the above, the Inspector in her analysis considered that the development would have a moderate adverse effect on townscape and views. This is due to how the groupings of the buildings would appear from certain viewpoints. However, she did not consider the proposed development would have an adverse impact on the legibility of the town centre. Moreover, she also considered that the landscaping and car parking areas would not have an adverse effect on the proposed development.
- 7.4.17 In summary, the Inspector considered the development would have a moderate harmful effect on the character and appearance of the area, stemming only from the loss of the existing building and the development's appearance in long views. As such, she considered there was a conflict with Local plan policies on design. But and as referenced in paragraph 7.3.24 of this

report, the inspector identified that there would be a number of benefits this development would deliver. As such, she felt that these overall benefits would outweigh the policy conflict identified and, in this regard, granting planning permission accordingly.

- 7.4.18 Turning now to the proposed development, which is currently before the Council, the scheme is looking to remove the undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments for fire safety and viability reasons. The proposed amendments would result in no change to the height or massing of the buildings. There would be some minor adjustments to window locations and balconies, but these would have no material visual impact. The amendments would ensure that windows and balconies are aligned and coherent with the overall design.
- 7.4.19 The removal of the external cycle store from adjacent to Block 4 and its replacement with 4 car parking spaces would have no impact on views from outside the site. Internally it would result in the loss of built form from within the landscaped areas and is therefore considered to have some very minor visual benefit.
- 7.4.20 The overall changes are deemed to be minor and would not affect the coherence or the integrity of the blocks design over and above the approved development. With regards to finished appearance, the materials in the development would not change from that which was approved at appeal. It is considered that the proposed amendments to the previously approved scheme would represent a limited direct change to the townscape character area in which the site is located. The proposed revisions to this scheme, however, would result in no discernible change to the previously identified impacts on the character of the street scene due to the proposed mix of uses, activation of frontages and general layout of private and public realm through the site remaining unchanged.
- 7.4.21 Given the aforementioned, it is considered that the proposed design changes to the approved scheme are minor and would reflect the overall design principles of that which has been established by the appeal decision. The proposal also seeks to retain the overall layout, form, scale and architectural character of the development as viewed from the wider public realm. Therefore, and as established by the appeal decision, the scheme would continue to represent an appropriate land use for this site. Moreover, whilst it could be argued that the amended scheme does cause moderate harm in terms of its effect on the character and appearance of the area, specifically through the loss of the existing building and from the appearance of the development from longer views, it is still considered that in terms overall planning balance, the overall benefits of this development would outweigh the overall moderate harm caused by the scheme proposed in its amended form.

## **7.5 Impact on the Old Town Conservation Area**

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

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

- 7.5.2 Case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, the NPPF provides a means of weighing either 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset against the public benefits of the proposal. In doing so, case law has emphasised the need to give "considerable importance and weight" to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). However, the presumption 'to preserve' is not irrebuttable and "can be outweighed by material considerations powerful enough to do so" (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the 'statutory duties' of the 1990 Act (Mordue, Case No. C1/2015/1067).
- 7.5.3 Paragraph 203 of the NPPF (December 2023) states that 'in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.'
- 7.5.4 Furthermore, paragraphs 205 to 208 of the NPPF (December 2023) have to be considered in the determination of this planning application. As established through case law, if there is *any* harm to designated heritage assets, great weight must be given to it. Dealing with Paragraph 205, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the Old Town Conservation Area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.5.5 Paragraph 207 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 7.5.6 Paragraph 208 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In undertaking this balance, considerable importance and weight must be attached to the less than substantial harm.
- 7.5.7 Paragraph 210 sets out that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. With respect to paragraph 205, this sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 7.5.8 In considering public benefits, the Planning Practice Guidance (PPG) (2019) (Reference ID: 18a-020-20190723) sets out that the National Planning Policy Framework requires any harm

to designated heritage assets to be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. For reference, paragraph 8 of the NPPF states that “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

7.5.9 The planning practice guidance goes onto state that public benefits should flow from the development. They should be of a nature or scale to be of benefit to the public at large and not just private benefit. However, benefits do not always have to be accessible to the public in order to be genuine public benefits, for example, works to a listed building which secure its future as a designated heritage asset could be a public benefit. Consequently, while a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- Reducing or removing risks to a heritage asset;
- Securing the optimum viable use of a heritage asset in support of its long term conservation.

7.5.10 Turning to the adopted Local Plan, Policy SP13 relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-

- a. Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
- b. Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
- c. Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.

7.5.11 Policy NH10 of the Local plan relating to Conservation Areas states that development proposals within or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.

- 7.5.12 Turning to the Guidance on Tall Buildings by Historic England (Advice Note 4) (March 2022). The guidance focuses on, as specified by Historic England, “*plan-making and the importance of a plan-led approach to tall building development; the information needed to support plan-making, and to assess and determine individual developments at application stage; and how to identify appropriate locations for tall buildings and define design parameters in relation to the historic environment*”.
- 7.5.13 The guidance goes on to state that “*in the right place well-designed tall buildings can make a positive contribution*” and that “*if a tall building is not in the right place, by virtue of its size and widespread visibility, it can seriously harm the qualities that people value about a place*”. (para 3.2. p6).

#### The approved scheme

- 7.5.14 The principle and design approach of the development has been established by virtue of the planning permission being issued by the Planning Inspectorate. The application which is currently before the Council is seeking minor material amendment approval to remove the 46 enclosed/undercroft car parking spaces from Blocks 1,2,3,5,6 and 7 and their replacement with 16 additional flats due to fire safety and viability reasons. As such, it is merely the design changes referred to in paragraphs 3.15 to 3.21 above which have been considered in terms of the development’s impact on the setting of a number of heritage assets.

#### Impact Assessment

- 7.5.15 The amendments under this application would result in no changes to the height or massing of the buildings. There would be some minor adjustments to window locations and balconies, but these would have no material visual impact. The amendments would ensure that windows and balconies are aligned and coherent with the overall design. The removal of the external cycle store adjacent to Block 4 and its replacement with 4 car parking spaces would have no impact on views from outside the site. Internally it would result in the loss of built form from within the landscaped areas and is considered to have some very minor visual benefit. The proposed design changes to this development would therefore have no material impact in terms of visual change to the overall character and appearance of the townscape setting of the Old Town Conservation Area which is located to the east of the site.
- 7.5.16 It was established at the appeal that the majority of views of the scheme from within the High Street and historic core of the conservation area would be obscured by the established built pattern of development combined with the containment by the overall built form as viewed from within the historic core. However, it was identified that there would be some glimpsed views of the development in part over the rooflines. The amended scheme retains the overall originally approved layout of built form and spaces and there would be no increase in height or massing. Therefore, it has been established that there would be no greater visual impact within the views from the High Street as a result of the proposed design changes.
- 7.5.17 The development was identified as being more readily visible from the public open space of the Millennium Gardens / Cricket Ground which fall within the conservation area. The proposed development was identified as being a new feature within the local townscape views and also rising above the treeline and in the context of more modern buildings that form part of the character area i.e. the southern part of the Old Town Conservation Area. The development would also be visible from some longer views through or within the wider urban context of the conservation area.
- 7.5.18 The proposed design amendments would not be observable from local and more distanced views of the development from the conservation area. In addition, as emphasised above, the height and massing of the blocks would not be increased. Further to this, the overall spacing between the blocks would also remain as approved. Moreover, the overall architectural approach to the design and materiality of the blocks would not change.

7.5.19 Taking the aforementioned into consideration, it is identified that the proposal would result in no significant change to the previously identified impacts on the appreciation and understanding of the heritage assets in terms of their significance and in the context of the existing townscape. It can be concluded that the proposed amendments to the approved scheme would not result in harm and would sustain the significance of the heritage assets. Further to this, by the Planning Inspectorate granting planning permission for the originally proposed scheme, they also did not identify any adverse built heritage impacts as a result of the development.

#### Assessment of Heritage Balance and Public Benefit

7.5.20 Paragraph 206 of the NPPF (2023) sets out that any harm to a designated heritage asset should require clear and convincing justification. In addition, where proposals that may cause less than substantial harm to the significance of a designated heritage asset, should be weighed up against the public benefits of the proposal, including where appropriate, securing the optimum viable use. In undertaking that weighting exercise 'considerable importance and weight' must be given to the preservation of the significance of the listed building, including its setting. In determining the application, it must be noted that 'less than substantial harm' is not a 'less than substantial planning consideration'.

7.5.21 Turning to public benefits, there is no definition of 'public benefits' on the National Planning Policy Framework or associated Planning Practice Guidance. All the guidance states (as set out in paragraph 10.5.7) that it "*should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large*". There is also Case Law that deals with what is a material consideration, and whether it serves a "*proper planning purpose*" (see *latest commentary on this in Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council*). Further, public benefit could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. The test therefore is whether the benefits clearly and convincingly outweigh the considerable importance and weight given to the heritage harm.

7.5.22 As identified by the Planning Inspectorate in the granting of planning permission, they considered there were a number of public benefits identified. The inspector identified that the scheme would deliver 575 residential units which in doing so would support the Government's aim expressed in paragraph 60 of the NPPF which is to significantly boost the supply of housing. The proposed development would also deliver affordable housing and they considered that due to historic under-delivery, was afforded significant weight. The site is also in a sustainable location, would redevelop a brownfield site which as set out in the NPPF, is afforded substantial weight. There is also the economic impacts of the development in terms of construction jobs as well as future expenditure into the local economy by future owner / occupiers of the development. Therefore, and as set out under paragraph 90 of the Inspectors decision, she states and quote "*I find that the benefits together have substantial weight*".

7.5.23 Taking the above into consideration, the inspector in paragraph 96 of their decision set out and quote "*In conclusion, the negative effects of the proposed development in terms of character and appearance and conflict with the development plan as a whole are outweighed by other considerations.*"

#### Summary

7.5.24 In summary, it can be concluded that the proposed amendments to the development would not be observable from viewpoints within the conservation area, would not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage would be preserved in accordance with national and local plan policy. Moreover, the overall benefits this development would

deliver as identified above would outweigh any potential harm the development would cause on the heritage assets.

## 7.6 Impact on residential amenity

### Impact upon neighbouring amenity

- 7.6.1 The application site is considered to be an “island” site which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In view of this, the application sites does not physically adjoin any residential developments. In assessing the impact on neighbouring amenity, the Council’s Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new developments. These are as follows:

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

- 7.6.2 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line. These developments are located between 50-60m away from the proposed development, including Block 7 which is the closest block to Kilby Road. Given the level of separation, which accords with the current standards set out in the Design Guide, the proposed amendments sought under this application could not cause any additional harm over and above what was agreed to be acceptable when the application was originally determined by the Council and at appeal.
- 7.6.3 Turning now to Monument Court, this lies to the north of the site and is over 50m away and again accords with the Council’s guidelines. Additionally, as the layout of the development has not changed, Block 6 would still be angled such that it faces on a south-west / north-east axis direction towards Lytton Way and Fairlands Way. This means the principal elevation overlooks the roundabout of Lytton Way and Fairlands Way and towards the East Coast Main Railway Line. In assessing the impact on properties within Townsend Mews along with the properties backing onto Lytton Way facing Ditchmore Lane, these would also be over 50m away from the proposed development. As such, the proposed design changes would cause no additional harm to the amenities of these properties over and above what has been established as being acceptable under the 2019 permission.
- 7.6.4 Having regard to the aforementioned relationships and separation, it is considered that there would be no sustainable objection to the revised scheme with regard to the impact on the amenities of nearby residential properties.

### Future Residential Amenity

- 7.6.5 In assessing the future residential amenity which would be provided by the proposed development, all of the dwellings as set out in this application including the additional 16 flats accord with the space requirements set out in the adopted Local Plan. In terms of the relationship between the blocks, as the layout of the development has not changed since it

was approved at appeal, there would still be adequate separation distances to ensure the majority of the development has suitable privacy levels for future occupiers.

- 7.6.6 In terms of layout, blocks 2, 5 and 7 would consist of 1, 2 and 3 bedroom apartments. Over 50% of apartments in these blocks are dual aspect. The one-bedroom flats are generally single aspect with private amenity space, open plan kitchen/living/diners and have direct access to private balconies. The two-bedroom units are generally dual aspect with kitchen / living / diners achieving views across two directions. The main bedrooms offer an en-suite. The 3-bedroom units are dual aspect and offer a main bedroom with en-suite and bathroom. These have open plan kitchen/living/diners and have direct access to private balconies. Additional to this, 50% of the units in the development would comply and exceed the accessible and adaptable dwelling requirements set out in the Local Plan.
- 7.6.7 With regards to communal amenity space, the Council's Design Guide recommends that 50m<sup>2</sup> of amenity space plus an additional 10m<sup>2</sup> per unit over 5 is required. This also states that where there is no communal space, effort should be made to provide balconies or roof gardens. The original approved scheme provided approximately 900m<sup>2</sup> of amenity space within the development which includes an equipped play area in the amenity space along with sculptural play within the courtyard spaces between the buildings and in the equipped amenity space. Added to this, all of the buildings are provided with balconies, the approximate size of which is 5m<sup>2</sup> which will provide an area of outdoor space for the occupiers.
- 7.6.8 The amended proposal under consideration here would provide the same level of community amenity space as the original application. The approved provision was below the standards recommended in the Design Guide providing approximately 65% of the requirement. The reason for the limited amount of amenity space is caused by the constrained shape and banked frontage of the site. However, it was determined that the site was within 5-minute walking distance from Millennium Gardens and King George V playing fields which offer a range of open space and play equipment and facilities. Additionally, there are the Medway Playing Field and the play area at Cutty's Lane within a 10 minutes walking distance. Having regard to the available public open space nearby, it was considered that the combination of this on-site and off-site open space provision would be appropriate for this development. The same conclusion is reached for the amended proposal.
- 7.6.9 With regards to the Nationally Described Space Standards (NDSS) for residential development as defined by Central Government policy, and, is a requirement of Policy GD1 of the Local Plan (2019), all of the residential properties within this development, including the bedrooms, would accord with these standards.
- 7.6.10 Having regard to the above assessment, it is considered that the dwellings which form part of this development will all have an acceptable living environment.

## **7.7 Parking**

- 7.7.1 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. Whilst the 2019 original 2019 planning application was refused by the Council (and subsequently won on appeal), it did not refuse the application on parking grounds. During the appeal process the Council adopted the Parking Provision and Sustainable Transport SPD (2020). This sets out new car parking requirements, specifically new requirements for flats. These are set out as follows:
- Studios and 1 bedroom flats – 1 space per flat
  - bedroom flats – 1.5 spaces per flat
  - bedroom flats – 1.5 spaces per flat.

- 7.7.2 The site lies adjacent to the defined Town Centre, but within accessibility Zone 1 as defined in the SPD. Within Zone 1 car parking is recommended to be within 25% and 50% of the standard. Paragraph 2.19 of the SPD sets out that the higher figure is a maximum and that level of provision would be “expected to fall within the range” taking into account individual site considerations. In relation to the application site, the site lies adjacent the town centre, on the footpath and cycle network, within 10 minutes’ walk of the bus and rail stations. The whole of Stevenage is within a 25 minute cycle ride, and the rail station less than a 5 minute cycle ride. As recognised in the appeal decision the site is in a highly accessible and sustainable location, in easy walking and cycling distance of public transport and a range of services.
- 7.7.3 The approved application provides for 237 car parking spaces, 2 of which are allocated as car club spaces. The remaining spaces were unallocated. Based on the housing mix and standards in the SPD, provision equated to 32% of the standard which was toward the lower end of the range. As part of the appeal, parking levels were considered “adequate given the location and scope for use of sustainable modes” (paragraph 62, Decision Letter 15th July 2022).
- 7.7.4 This application proposes to remove the 46 enclosed/undercroft parking spaces and one external surface space. It introduces a further 13 exterior surface level spaces. Overall, the development would provide for 198 car parking spaces, 2 of which would continue to be allocated as car club spaces. Based on the housing mix and standards in the SPD, provision would equate to 27% of the standard, at the lower end of the range but still within that range (see table below extracted from the Planning Statement).

**Table 2: car parking provision vs standards**

Beds	Standard	Homes	100%	Max (50%)	Min (25%)	Provision
1	1	265	265	133	66	
2	1.5	287	431	215	108	
3	1.5	40	60	30	15	
		592	756	378	189	198 (26%)

- 7.7.5 The applicant advises Collaborative Mobility UK (CoMoUK) is the national organisation for shared transport. Its research shows that on average each car club vehicle in the UK replaces 22 private cars. The applicant suggests the 2 car club spaces within the development, therefore, are the equivalent of 44 more car parking spaces on site. Given the location of the site immediately adjoining the town centre and the sustainable transport options available, the car parking provision is considered adequate and accords with policy and the SPD. The reduction in car parking would reduce car traffic generated below that of the approved scheme.
- 7.7.6 Turning to visitor parking, as the applicant confirmed the parking was not to be allocated, it was determined at the time of the original application that there was no requirement to provide parking for visitors. This remains unchanged. In relation to disabled parking, the Parking Provision SPD (2020) sets out a requirement of 5%. In this regard, 15 disabled bays were to be provided as part of the original proposal which accorded with the 5% requirement of 237 spaces. It is understood no changes are proposed to the proposed number of disabled spaces, giving a new total provision of 7% taking into account the reduction in total parking provision.

*Cycle Parking*

- 7.7.7 The Parking Provision and Sustainable Transport SPD (2020) sets out cycle parking standards. The approved scheme provides for 948 spaces in line with those standards with cycle stores within the Blocks and in a cycle store located adjacent Block 4. This application

seeks to increase the cycle parking provision to meet that required by the change in affordable mix and the additional flats. It also amends the location of spaces. The changes mean that 974 cycle spaces are required. The ground floor redesign enables more spaces to be incorporated within cycle stores within the blocks and for the cycle store adjacent Block 4 to be omitted. The amended proposals accord with cycle parking requirements. As a consequence of the changes, condition 12 on application 23/00655/FPM also needs to be amended to refer to the provision of 974 cycle parking spaces.

### *EV Charging Points*

- 7.7.8 Looking at Electric Vehicle Charging Points (EVCP), the Parking Standards introduced new requirements for EV charging. The standards require all new parking spaces be designed to fulfil Passive EVCP standards with the relevant underlying infrastructure being provided. In addition, a minimum of 20% of new parking on site should have access to an active EV charging point.
- 7.7.9 Notwithstanding the above, Part S of the Building Regulations (Infrastructure for the charging of electric vehicles) which took effect on the 15<sup>th</sup> June 2022 sets out a much more stringent requirement for EVCP compared to that of the Council's own standards. As such, it was determined at the appeal for the 2019 application that EVCP requirements would be dealt with a Building Regulations approval stage of the development project. As such, the scheme would comprise sufficient EVCP to encourage a shift to less polluting forms of transport.

## **7.8 Highway implications**

- 7.8.1 This application which is currently before the Council does not seek to extend or alter the approved access and egress arrangements for pedestrians, cyclists and motor-vehicles. Hertfordshire County Council as Highways Authority have raised no concerns with the amended scheme in terms of the impact on the local highway network of 16 additional flats. As such, the proposed amended scheme would not cause any undue harm to the safety and operation of the highway network.

## **7.9 Impact on trees**

- 7.9.1 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 approved footprints of the relevant blocks do not extend into the root protection areas of any trees which are to be retained. The proposed 16 additional flats would all be within the ground floor envelope of the existing buildings. The proposed 13 external car parking spaces would not be sited within the root protection areas of any trees which are to be retained.
- 7.9.2 Taking into consideration the above, the proposed amended scheme is unlikely to cause any additional harm to trees over and above what was established to be acceptable by the original planning permission. However, and as per the appeal decision, a condition would be imposed requiring the requisite tree protection measures be put in place as specified in the Impact Assessment to ensure the retained trees would not be detrimentally affected by the development during its construction phase.

## **7.10 Flood Risk and Drainage**

- 7.10.1 The proposed removal of the undercroft parking and the re-configuration of the ground floor of the apartment blocks to provide 16 additional flats, together with the introduction of 13 external parking spaces would not have any implications for the approved surface water drainage strategy or flood risk assessment for the site as the proposed layout, height and massing of the buildings would remain as approved. As such, the proposed amendments are considered acceptable in this regard.

## **7.11 Impact on the environment**

7.11.1 The application site is defined as a previously developed site. The former office building has been demolished and preparation is ongoing to start construction. As such, there is the potential risk of contaminants being identified on-site which could potentially pose a risk to the environment and human health. Taking this into consideration, the 2019 application was supported by a Contamination Report which identified there were risk of contaminants on site. As such, the Planning Inspectorate imposed a condition to the planning permission. This condition requires a remediation strategy to be prepared and implemented if any contaminants were identified. In this regard, it is recommended that this condition be replicated on the Section 73 decision should the Council be minded to grant planning permission.

### Groundwater

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

### Air Quality

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

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

7.11.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO<sub>2</sub> emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required.

### Noise Pollution

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

7.11.7 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures are set out in the approved Construction Management Plan (CMP). Through the CMP, the hours in which noisy activities take place are controlled along with the imposition of relevant mitigation measures to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly.

7.11.8 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Council's Environmental Health department. In terms of noise impact from the East Coast Mainline Railway along with noise associated with aircraft and vehicular traffic, as per the appeal decision, a condition would be imposed to any decision issued by the Council.

## Light Pollution

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

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

7.11.10 Turning to the operational side of the development, as no details have been provided as to the design, location and intensity of illumination of any external lighting, as per the appeal decision, a condition would be imposed accordingly to any permission issued. This is to ensure that any external lighting system would not prejudice the safety and operation of the East Coast Mainline Railway. In addition, it would also ensure the amenities of future occupiers of the development would not be detrimentally affected by external levels of illumination from external lighting systems.

7.11.11 In terms of lighting associated with the construction aspect of the proposed development, this was dealt with as part of the approved Construction Management Plan (CMP). A condition would be imposed to any permission issued requiring the CMP to be adhered to until the completion of all construction works. This will ensure the safety of the adjacent railway line is maintained and that the amenities of future occupiers of each respective phase / block are completed and made available for occupation.

## **7.12 Other Matters**

### Community Infrastructure Levy

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

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

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

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

Section 106

7.12.4 As discussed above, the overall housing mix and affordable housing mix would be altered by this application, along with an additional requirement for a further contribution towards primary education. This requires a deed of variation to the original S106 agreement. The approved scheme included a Section 73 clause and therefore, any scheme approved under Section 73 remains bound to the original S106 Agreement along with the proposed deed of variation. The S106 agreement also includes the relevant viability review mechanisms and as a consequence, the development will be subject to viability reviews as it progresses. This mechanism will capture any uplift in value which would go towards affordable housing.

Fire Safety

7.12.5 The central core areas for Blocks 1 and 6 are subject to minor changes, although still meet fire safety requirements. The cores and escape distance for all other Blocks remain as already approved under previous S73/S96A applications. The removal of the enclosed car parking would improve fire safety by removing a potential source of fire risk. The reconfiguration of internal ancillary areas complies with fire regulations by ensuring appropriate separation and those areas, such as bike stores, do not exceed 100m<sup>2</sup>.

7.12.6 Whilst the Council has not received comments from the Health and Safety Executive (HSE), they did provide comments to planning application 23/00239/FPM. These are still pertinent to this application as it is similar in nature to the previously approved. As HSE advised at the time, given the application was submitted and approved before the Gateway One was introduced, there is no statutory requirement to formally consult HSE on Section 73 applications. Furthermore, given there are no changes to the overall layout to the development and firefighting equipment can reach all respective parts of the development site combined with the fire safety measures being put in place, it would be unreasonable to formally require the HSE to be consulted on this application.

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

General Waste and Recycle Facilities

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

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

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

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

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

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

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

#### Adaptation to climate change

- 7.12.14 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.
- 7.12.15 As part of the 2019 application submission, it was accompanied by an Energy Strategy (Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019). This strategy identified that the development would seek to achieve a 65% carbon reduction against Part L of the Building Regulations 2013. This was one of the key benefits identified by the Planning Inspector in their decision letter. As such, a condition was imposed to the permission requiring the applicant to submit a more detailed strategy to ensure the development would meet the 65% carbon reduction against Part L of the Building Regulations 2013. It is recommended this condition be imposed to this Section 73 application if the Council was minded granting planning permission. This would ensure the development adopts suitable methods which minimises energy usage and that it would be adaptable to climate change.

#### Equality, Diversity and Human Rights

- 7.12.16 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.
- 7.12.17 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation

of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

- 7.12.18 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.
- 7.12.19 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided across the site at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'
- 7.12.20 Level access would continue to be provided to the development at all pedestrian access points. The design of the scheme would provide a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit. In addition, the scheme comprises additional lift access across blocks 2, 5 and 7 to all floors of these buildings.
- 7.12.21 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **8 CONCLUSIONS**

- 8.1 In conclusion, the negative effects of the proposed development in terms of character and appearance and the conflict of the proposal with the development plan are outweighed by the overall benefits it would deliver as identified in the Planning Inspectorate decision. The proposed design changes to the development would not have a significant impact on the setting of the Old Town Conservation Area of other heritage assets. In addition, the scheme would not have a detrimental impact on the amenity of existing residential properties and there would still be acceptable living standards for future occupiers of the development.
- 8.2 The development would still comprise sufficient off-street parking (including cycle parking) and the amended scheme would not prejudice highway safety. In addition, the amended scheme would cause no additional harm to trees which are to be retained as part of this development and through appropriate conditions, would not cause any significant environmental issues. The revised scheme would still be subject to CIL and would be bound by the obligations which were secured through a Section 106 agreement attached to the 2019 permission, in addition to the proposed deed of variation. The revised scheme through appropriately worded conditions would comprise sufficient general waste and recycle storage facilities and ensure the delivery of Secured by Design measures to help design out crime.
- 8.3 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.

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

## 9 RECOMMENDATIONS

9.1 That the Committee agree the modification of Section 106 Agreement dated 6 July 2022 in relation to the affordable housing number and mix, primary school contribution and to delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variation to the original S106 agreement.

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

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

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

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

16-019 D – 050 C01; ICON-2-PS-200 rev C – Site Plan; 502686-IWD-XX-XX-DR-A-2320\_P1 A3 - Proposed Site Elevations; ICON-2-PS-1-100 - Proposed GA Plan-Level 00 – Rev C1; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – Rev B; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-1-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-1-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 1 (North and South) Rev C1; ICON-2-PS-1-111 - Proposed Elevations Block 1 (East and West) Rev C1; ICON-PS-2-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – Rev B; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – Rev B; ICON-2-PS-2-103 - Proposed Elevations; ICON-2-PS-2-103 - Proposed Elevations Block 2 Rev P1; ICON-PS-3-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-3-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-3-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-3-107 - Proposed Elevations Block 3 (East and West); ICON-2-PS-3-108 - Proposed Elevations Block 3 (North and South); ICON-PS-4-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-PS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – Rev B; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – Rev B; ICON-PS-4-103 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-4-104 - Proposed GA Plan - Level 12 – Rev B; ICON-2-PS-4-105 - Proposed Elevations Block 4 (North and South); ICON-2-PS-3-106 - Proposed Elevations Block 4 (East and West); ICON-2-PS-5-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – Rev C1; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – Rev B; ICON-PS-

6-102 - Proposed GA Plan - Level 02,04 – Rev B; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – Rev B; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – Rev B; ICON-PS-6-105 - Proposed GA Plan - Level 11 – Rev B; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – Rev B; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – Rev B; ICON-2-PS-1-110 - Proposed Elevations Block 6 (East and West); ICON-2-PS-1-111 - Proposed Elevations Block 6 (North and South); ICON-2-PS-7-100 - Proposed GA Plan - Level 00 – Rev C2; ICON-2-PS-7-101 - Proposed GA Plan - Level 01,03,05 – Rev C2; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04 – Rev C2; ICON-2-PS-7-103 - Proposed GA Plan - Level 06 Rev C1; ICON-2-PS-7-104 - Proposed GA Plan - Level 07 Rev C1; ICON-2-PS-7-105 - Proposed GA Plans - Level 08 Rev C1; ICON-2-PS-7-107 - Proposed GA Plan - Roof Level - Rev C1; ICON-2-PS-7-106 rev C1 - Proposed Elevations – Rev C1.

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

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

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

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

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

5. The surface water drainage strategy shall be carried out in accordance with drawing numbers 10336\_1602C2 and 10336\_1601C2 which shall be retained thereafter with the drainage strategy maintained in accordance with Appendix F of the Drainage Statement prepared by GTA civil and transport (document reference: 10336 dated 8 February 2023).

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

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

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

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

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

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

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

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

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

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

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

11. Prior to commencement of works above slab level, a detailed scheme of Secured by Design Section 2: Physical Security of the Home measure for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme prior to occupation of each block and be retained thereafter.

**REASON:-** In order to design out crime and to ensure the development has a safe and attractive environment.

12. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works shall take place until revised plans, including the details of any external cycle stores, showing the provision of 974 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.

**REASON:-** To ensure the provision of cycle parking spaces in line with the Council's adopted Parking Standards SPD.

13. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.

**REASON:-** To ensure the development has an acceptable appearance and to protect infrastructure associated with the railway line managed by Network Rail.

14. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-

- (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- (ii) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a hosing and infrastructure phasing plan is agreed, no occupation shall take place than in accordance with the agreed housing and infrastructure phasing plan.

**REASON:-** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

15. Prior to first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

**REASON:-** Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potentially pollution incidents.

16. Prior to first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.

**REASON:-** To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.

**REASON:-** To prevent harm to human health and pollution of the water environment.

## **INFORMATIVES**

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

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

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

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

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

or by telephoning 0300 1234047.

2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages

will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.
10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk).
11. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
12. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

### **PRO-ACTIVE STATEMENT**

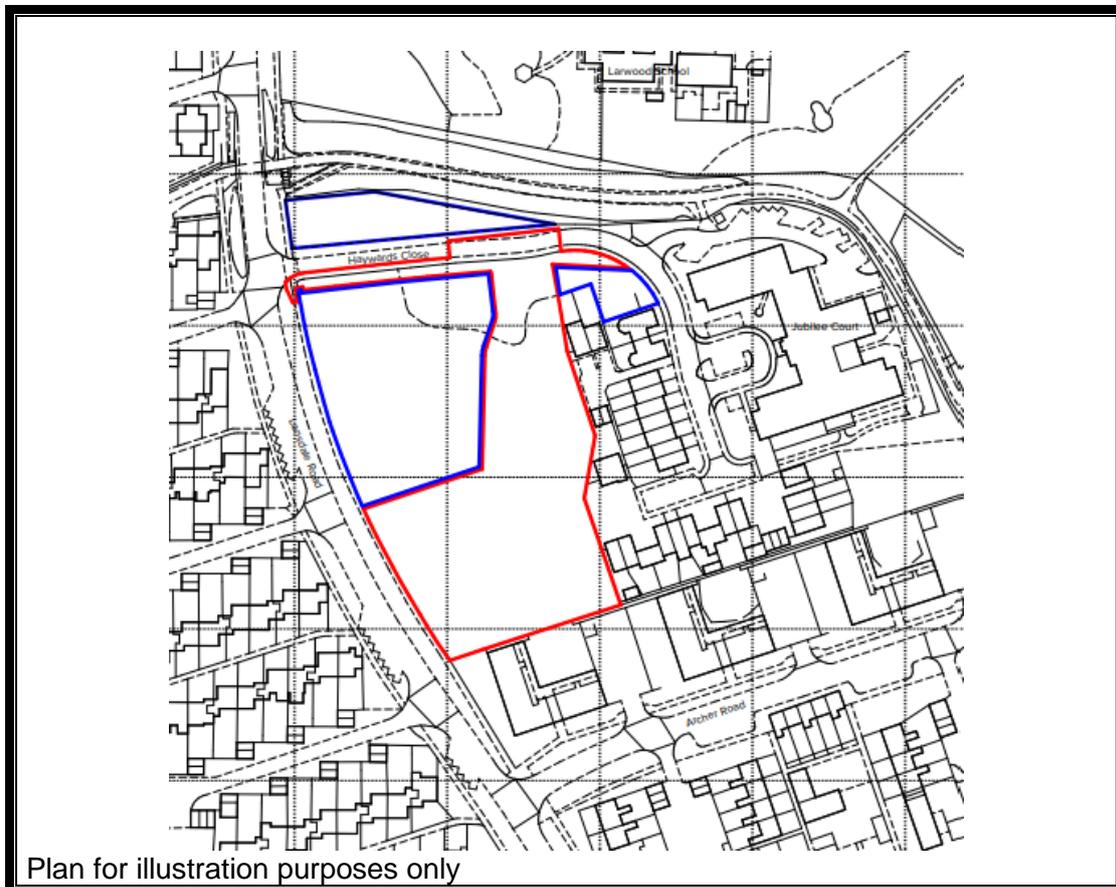
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the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

## **10 BACKGROUND DOCUMENTS**

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

<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>8 February 2024</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 245257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No :	23/00919/CC
Location :	Former Pin Green Playing Fields, Hayward Close, Stevenage
Proposal :	Full Planning application for an adult day service facility (Class E) including creation of a new vehicular access off Hayward Close, circulation area, car parking, landscaping and associated development
Drawing Nos.:	21168 Lsi A1 Xx Dr A 1170 S2 P01; 499 Sfl Ex 00 Dr L 06 P10; 1687 Kc Xx Y01reva; 1687 Kc Xx Y01rev0; 21168 Lsi A1 00 Dr A 1300 P02; 21168 Lsi A1 01 Dr A 1310 S2 P01; 21168 Lsi A1 Zz Dr A 1350 S2 P01; 21168 Lsi A1 Zz Dr A 1370 S2 P01; 21168 Lsi A1 Zz Dr A 1380 S2 P01; 211033 A1 00 Dr C 1000 P3; 21168 Lsi A1 Xx Dr A 1175 S2 P01
Applicant :	Hertfordshire County Council
Date Valid:	5 December 2023
Recommendation :	No objection to the proposed development



## **1. SITE DESCRIPTION**

- 1.1 The site comprises the former playing fields of Pin Green Primary School. The site is wholly in the ownership of HCC and is relatively flat, inclining slightly from east to west. The school was closed in 2005 and has since been redeveloped for housing and a care home, with this site marking the residual area that has not yet been developed. The site comprises a plot of mostly open undeveloped grassland, with some trees and hedgerows running along the borders.
- 1.2 A single vehicle width access into the site exists via Hayward Close, which links Lonsdale Road to Jubilee Court and residential properties that abut the eastern boundary. Access to the site is gained by crossing a footpath that abuts the western and northern boundary. There is an existing segregated cycleway running east to west to the north of the site beyond the tree belt. There are no known rights of way across the site.
- 1.3 To the east of the site, the built area of the former school has since been redeveloped as a care home and for housing at Jubilee Court and Hayward Close. Hayward Close is located to the north serving residential properties that abut the eastern boundary of the site. Lonsdale Road abuts the western boundary. Hedgerows demarcate the western boundary and part of the northern and southern boundaries. The eastern boundary is separated by a wooden fence line.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 There is only one relevant planning application for the site that was approved in 2006 and included two further reserved matters planning permissions, but none were implemented and have since lapsed:
- 07/00288/RM – 90 Bedroom Care Home with associated parking. Reserved matters application pursuant to Outline Permission 05/00578/OP.
  - 06/00522/RM – Residential development comprising 12 no. three bedroom and 11 no. four bedroom houses. Application for Reserved Matters consent pursuant to Outline Permission reference 05/00578/OP.
  - 05/00578/OP - Application for outline planning permission for redevelopment of part of former school site for an elderly persons care home and residential development. Granted 21st February 2006.

## **3. THE CURRENT APPLICATION**

- 3.1 To provide a Council response to Hertfordshire County Council (HCC) on planning reference PL/0375/23 (Stevenage Borough Council Reference:- 23/00919/CC) which is for the following proposed development:-
- Full Planning application for an adult day service facility (Class E) including creation of a new vehicular access off Hayward Close, circulation area, car parking, landscaping and associated development*
- 3.2 The proposal is for the development of the site for the provision of a day service facility, with the main building located in the southern half of the site. The building itself would be single storey in height and incorporate a garden area for service users as well as landscaping, parking and other associated development. Access would be created from the north onto Hayward Close. The proposals would include improvement/widening works to the highway that would include a widened road and pedestrian pathway.
- 3.3 This application comes before the Planning and Development Committee as it is a consultation from Hertfordshire County Council for a Minor Development in Stevenage.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Hertfordshire County Council as the Local Planning Authority will have undertaken the necessary consultation with local residents. As such, all public representations will be directed to HCC as the determining authority.

## **5. CONSULTATIONS**

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

### **5.2 Council's Environmental Health Section**

- 5.2.1 Environmental Health recommends the following conditions are imposed / matters to be considered as part of the decision making process:-

#### Contaminated Land

- 5.2.2 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken.

#### Dust Emissions

- 5.2.3 Dust emissions shall be controlled throughout the construction and demolition phases so as to prevent nuisance to the occupiers of neighbouring premises. The use of screening, damping down and thorough cleaning must be implemented, as well as regular wheel cleaning and monitoring of traffic by banksmen / traffic marshals.

#### Disposal of Waste

- 5.2.4 I note that there is a paragraph in the CEMP about disposal of waste, the Environmental Health Section would recommend adding no burning of waste to be allowed on site.

#### Noise

- 5.2.5 No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 08.00 hours or after 13.00 hours. In the CEMP it mentions work on Saturday until 14.00 or 15.00 – our local recommendations are that noisy works should cease at 13.00. These times apply to work which is audible at the site boundary. The proximity to adjacent residents must be considered when undertaking noisy work such as piling, which is likely to cause disruption. The mitigation procedures set out in the CEMP must be followed. Communication with local residents around scheduled noisy works is recommended.

### **5.3 Council's Arboriculture and Conservation Manager**

- 5.3.1 No comments received to date.

## **6. CONSULTATION RESPONSES TO HERTFORDSHIRE COUNTY COUNCIL**

### **6.1 Sport England**

- 6.1.2 Sport England acknowledges that the site is allocated in the adopted Stevenage Local Plan for residential (site allocation policy HO1/6). However, a site-specific requirement of this housing allocation as set out in paragraph 9.9 of the Local Plan is that the loss of sports facilities will need to be mitigated. This requirement was included in the Local Plan by Stevenage Borough Council directly in response to representations on the Local Plan made by Sport England.
- 6.1.3 Sport England also acknowledges that the principle of redeveloping the site for a care home was established by outline planning permission 05/00578/OP that was granted in 2006 by Stevenage Borough Council although this permission was not implemented and has now lapsed. However, in this planning application the loss of playing fields was mitigated through the payment of a financial contribution towards outdoor sports facilities that was secured through a section 106 agreement.
- 6.1.4 When the site was allocated for development in the adopted Local Plan, Sport England made no objection to the principle of developing this site and its retention or direct replacement was not sought. However, mitigation was expected in the form of developer contributions being secured towards the enhancement of existing community playing fields in the local area as this was consistent with Stevenage Borough Council's Playing Pitch Strategy at the time. The current planning application does not propose any mitigation for the loss of the playing fields so is therefore not considered to accord with the site specific requirements for Policy HO1 of the adopted Local Plan. Furthermore, the proposal is not consistent with the approach taken to playing field mitigation in the previous outline planning permission.
- 6.1.5 In conclusion, the proposed development, without playing field mitigation, would not be considered to accord with any of the exceptions to Sport England's playing fields policy or Government policy in paragraph 99 of the NPPF. I can therefore confirm that Sport England would object if the application was approved without any playing field mitigation.

### **6.2 Thames Water**

- 6.2.1 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 and 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### **6.3 Lead Local Flood Authority**

- 6.3.1 The strategy proposed to drain the site through permeable paving, rain gardens and an attenuation tank to restrict flows to a maximum of 2 l/s up to and including the 1 in 100 year + 40% climate change storm. It is proposed to discharge to the existing Thames Water surface water sewer under Lonsdale Road. A green roof is also proposed. Evidence of agreement in principle from TWUL has been provided. We are supportive of the proposed strategy however would raise the following concerns.
- 6.3.2 The proposed rain garden and permeable paving are welcomed, and we understand Phase 2 is likely to "convert" the rain garden into additional parking and replaced with permeable paving. This will reduce the amenity and biodiversity provided by the development. As a greenfield site, below-ground attenuation tanks should not be required. We strongly recommend that further consideration is given to the use of above-ground SuDS that can be retained for the lifetime of the development such as tree pits, SuDS planters, swales and small

basins, etc. The green roof is welcomed, there may be scope to revise this as a blue-green roof to provide above-ground attenuation.

6.3.3 We are pleased the access road will be drained via the permeable paving and rain gardens, with a channel drain to capture runoff at the access. We recommend that the pipe run from the channel drain is routed via the rain gardens/permeable paving such that runoff from the access benefits from treatment.

## **6.4 Affinity Water**

6.4.1 We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions. 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.

6.4.2 If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

6.4.3 Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

6.4.4 There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures.

## **7. RELEVANT PLANNING POLICIES**

### **7.1 Background to the Development Plan**

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- The Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted 2012)
- The Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (adopted 2014)
- The Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)

### **7.2 National Planning Policy Framework**

7.2.1 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.

7.2.2 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.

### **7.3 Planning Practice Guidance**

7.3.1 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.

### **7.4 National Design Guide**

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

### **7.5 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

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

- Policy SP1: Presumption in favour of sustainable development
- Policy SP2: Sustainable development in Stevenage
- Policy SP6: Sustainable Transport
- Policy SP8: Good design
- Policy SP9: Healthy Communities
- Policy SP11: Climate change, flooding and pollution
- Policy HO1/6: Housing Allocations
- Policy HO10: Sheltered and Supported Housing
- Policy IT5: Parking and Access
- Policy IT7: New and Improved Links for Pedestrians and Cyclists
- Policy GD1: High Quality Design
- Policy HC5: New Health, Social and Community Facilities
- Policy FP1: Climate Change
- Policy FP2: Flood Risk in Zone 1
- Policy FP7: Pollution
- Policy NH5: Trees and Woodland

## **7.6 Supplementary Planning Documents**

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

Stevenage Design Guide SPD (2023)  
Council's Parking Standards SPD (2020)  
The Impact of Development on Biodiversity SPD (2021)

## **7.7 Community Infrastructure Levy Charging Schedule**

7.7.1 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.

## **8. APPRAISAL**

8.1.1 The determining issues in this application relate to the principle of development and land use policy considerations; design and layout of the development; impact on residential amenities; parking provision; highway implications; impact on the environment; trees and landscaping; biodiversity, ecology and protected species and flood risk.

8.1.2 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.

### **8.2 Land Use Policy Considerations**

#### Principle of Development

8.2.1 The site is allocated within the Local Plan for residential use under Policy HO1/6 for approximately 42 dwellings. The policy states the loss of sports facilities will need to be mitigated. The site is owned by Hertfordshire County Council. Notwithstanding the site allocation, Hertfordshire County Council is proposing an adult day care centre on the southern part of the site to replace the existing facility at Leyden House day centre on Gunnells Wood Road, which is now considered inappropriately located amongst a wider industrial area and no longer fit for purpose. The day service would provide a space for vulnerable adults to socialise, relax and enjoy activities, predominantly for individuals from Stevenage but would also be available to individuals from across the county.

8.2.2 During pre-application meetings with both SBC and HCC, officers were informed that it is currently HCC's intention to develop the remainder of site allocation for a 50-unit extra care housing (ECH) scheme, which would be the subject of a separate future planning application. Whilst the proposed day centre facility would conflict with the housing allocation HO1/6, development for market housing on the site has not been forthcoming. Notwithstanding the development of the day centre service facility, the remainder of the site has been proven to have sufficient space for the delivery of a future housing/extra care scheme and as such, the housing allocation is not considered to be undermined.

8.2.3 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.

- 8.2.4 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).
- 8.2.5 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.
- 8.2.6 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.
- 8.2.7 Whilst the proposed day centre is not in compliance with the housing allocation, the residual area of the site allocation could accommodate the indicative allocation of 42 dwellings, potentially delivering up to 50 extra care/market residential units as demonstrated during pre-application discussions with the landowner. The planning benefits of a new day centre on this part of the site are also a material consideration in terms of the services it would offer to vulnerable adults within Stevenage and the wider County and replacing an existing facility which is no longer fit for purpose and poorly located. On balance therefore, it is considered the partial use of the site as a day centre would be acceptable and would not compromise the remainder of the allocated site from being developed for residential use.

#### Loss of Playing Field

- 8.2.8 The site forms part of the playing fields of the former Pin Green School, which closed in 2005 and this part of the school has remained unused since. Under Policy HO1 of the Local Plan (2019), it states the loss of sports facilities on this site will need to be mitigated. Notwithstanding the objection from Sport England, the site comprises a disused playing field and as outlined in the NPPF and the Town and Country Planning (Development Management Procedure) (England) Order 2015 Sport England should not be a statutory consultee, as the site has not been used as a playing field for more than 5 years. It is noted the site does not compromise an existing sports facility, is not allocated for use as a playing field and does not involve the replacement of an existing grass surface with an artificial pitch. On this basis, it is accepted the loss of the former playing field would not need to be mitigated.

### **8.3 Design, Layout and Appearance**

- 8.3.1 Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should

achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 8.3.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
  - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
  - is sympathetic to local character and history;
  - establishes or maintains a strong sense of place;
  - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
  - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.3.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 8.3.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 8.3.5 The Council’s Design Guide SPD (2023) generally reflects the above policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.
- 8.3.6 Given the slightly elevated position of the site that boosts its prominence in the local vicinity, careful attention has been given to layout and massing of the proposals. The immediate surrounding vernacular is characterised by semi-detached, albeit linked, dwellings and blocks of flats with relatively short frontages and the proposed design broadly recognises this character and arrangement. The proposed day service facility would comprise a compact single storey building, maximising inclusive access located with a degree of separation to the surrounding existing dwellings to mitigate against any perceived loss of amenity.
- 8.3.7 A generous rooflight centrally positioned to the flat roof would channel natural daylight into the building and the main hall activity space. Both the main entrance and the access into the rear garden would be covered, providing a transition zone between the inside and outside, suited to people suffering from dementia. The landscaped garden would be an enclosed and private amenity space, which could function as an extension and multi-functional spill-out area to the internal activity spaces.
- 8.3.8 The positioning of the parking and surrounding layout is more legible and linear and relates well to the building. Although some parking spaces would be partially visible from the public realm, the enhancement of a landscape buffering area to the west may offer a useful design solution through the proposed landscaping scheme. In terms of materiality, it is proposed to utilise a mixture of brick, metal cladding and glazing which is considered acceptable. Overall,

it is considered the proposed day centre would represent a high-quality design in accordance with Policies SP8 and GD1 of the Local Plan.

#### **8.4 Impact on residential amenity**

##### Impact upon neighbouring amenity

- 8.4.1 The preservation of residential amenity is important with the positioning of the day-care centre to the south closest to the existing dwellings on Lonsdale Road and Haywards Close. The Council does not have specific policies when it comes to outlook and privacy for non-residential development. The proposed day service building would be single storey in height and as such, issues of overbearing impact, day light and sunlight and overlooking falls away. Notwithstanding this, in accordance with the Stevenage Design Guide (2023), a separation distance of approximately 25m would be employed to safeguard residential amenity and reduce impacts of any noise dissipation from the building and associated garden area from the nearest residential properties.
- 8.4.2 Tree planting to the eastern and southern boundary is proposed, which would offer a greater degree of screening and a degree of noise attenuation. Operational noise is not considered to be a concern with regards to surrounding dwellings, due to the nature of the use. Notwithstanding this, acoustic fencing is proposed at selected boundaries to the south and east, as well as planting to offset noise such as the coming and going of vehicles on nearby dwellings and to attenuate any noise from the external areas. It is recommended the details of the acoustic fencing are secured via a condition should planning permission be granted. The development is considered to satisfy Policy GD1 of the Local Plan and the Design Guide SPD regarding the protection of residential amenity.

#### **8.5 Highways and Parking**

- 8.5.1 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. Policy IT4 seeks to ensure application proposals are accompanied by a Transport Assessment or Transport Statement (as appropriate) and to ensure development would not have an adverse impact on highway safety. The application is supported by a Transport Statement and Travel Plan.
- 8.5.2 The site is located within the urban area of Stevenage and is relatively well served by public transport. There are two bus stops near the site. It is approximately 1.4 miles from Stevenage Train Station, which is predominantly served by Great Northern and ThamesLink services with excellent links to London, Cambridge and surrounding towns. Stevenage bus station is approximately 1.2 miles, which provides transport around Stevenage and the surrounding town and villages. It is acknowledged the site lies within a sustainable location.

##### *Access*

- 8.5.3 The site would be accessed via the creation of a new ingress/egress point on Hayward Close. The Planning Statement advises other accesses were assessed as part of pre-application discussions, with three ingress/egress points from Lonsdale Road explored, but these were considered difficult to implement given the level changes and the preference of the Highway Authority to secure access from minor roads.
- 8.5.4 Notwithstanding, access would be taken from the northeast and works to widen the road are to be undertaken and visibility splays incorporated. This is so that the new ingress/egress would take into account vehicular speed on Hayward Close and removes existing vegetation for safe vehicular manoeuvring out of the site. The access road includes an 'island', which facilitates a one-way vehicle routing, acting as a turning head and to enable safe and efficient drop-off and pick-up of service users via the minibus bays that surround the island. It also has

been designed to accommodate larger vehicles including a 12m long refuse collection vehicle and future use of the adjacent land for residential.

### *Trip Rates*

- 8.5.5 The accompanying Transport Statement provides an overview of the likely trip rates resulting from the development. In assessing existing peak AM and PM trips from the extant facility at Leyden House and applying these to the site, 14 would arrive in the morning (20 total two-way trips), with six departures, with only four leaving in the evening (four total two-way trips), which is considered negligible in the context of Lonsdale Road and the surrounding highway network. The Transport Statement confirms junction modelling has been undertaken and has demonstrated that the Hayward Close/Lonsdale Road junction would operate within capacity. The Transport Statement should be reviewed by Hertfordshire County Council as Highway Authority as consultee to this application. At the time of writing this report, it is noted no response has been provided to date.

### *Parking*

- 8.5.6 Regarding parking, provision for the day centre would be 24 spaces, of which four would be for disabled access. Additional bays for minibuses would be located towards the centre of the site to allow collective pick up and drop off in the local community. Regarding the future development of the remainder of the site, the 'rain garden' areas located in the central island and eastern boundary would be made of permeable surface material, which would allow for easy conversion to parking spaces as part of the implementation of any future housing scheme should Hertfordshire County Council bring this forward. Cycle parking would also be provided, with designated cycle shelter located towards the building entrance to the north, providing eight spaces in total.
- 8.5.7 In terms of parking requirements, the Council's Parking SPD (2020) advises for an adult day service facility (Class E) a total of 1 space per 2 staff members plus 1 space per 3 persons attending; or 1 space per 9m<sup>2</sup> gfa should be provided. The Transport Statement advises there are currently 25 staff at the existing Leyden House facility. The gross internal floor space would be 921m<sup>2</sup>. The application site is not within an accessibility zone where reduced parking provision would be encouraged; therefore, maximum provision should be provided. It is assumed there would be no reduction in staff at the new centre and therefore there would be a requirement to provide 12.5 spaces (rounded up to 13) for staff. It is not specified how many people would attend the centre, but a total provision of 24 spaces plus parking for 3 minibuses and a drop off facility outside the entrance would be sufficient. It is considered the proposed parking provision is acceptable.
- 8.5.8 In terms of cycle parking, parking would be provided within a designated cycle shelter located towards the building entrance to the north, providing eight spaces in total. The Parking Provision SPD (2020) does not advise on standards for a day service facilities. The closest use is for health centre or dentist which states 1 long stay space per 5 staff and 1 short stay space per 3 staff, giving a total requirement of 13 spaces (5 long stay and 8 short stay). Given cycle parking requirements are not stated for day centres within the Council's SPD, it is considered 8 spaces would be acceptable, however it is recommended a planning condition is added seeking further details i.e., type of bike stands, enclosure etc prior to occupation.
- 8.5.9 With regards to electric vehicle provision, the SPD states the Council would like new developments to provide car parking designed to fulfil a Passive Electrical Vehicle Charging Point standard; and a minimum of 20% of new parking on a site should have access to an active EV charging point. Given Building Regulations requirements for EV parking are more stringent, the Local Planning Authority is leaving it to be considered at that stage of the process, however, it is noted 5 Electric Vehicle charging facilities would be provided, with the remaining 19 to have access to passive charging infrastructure which is welcomed.

- 8.5.10 With regards to disabled parking, the plans include 4 disabled spaces amounting to 6% of provision which is in accordance with the Parking Provision SPD (2020).

#### *Travel Plan*

- 8.5.11 A Travel Plan is submitted as part of the application and details both 'hard' and 'soft' measures to encourage sustainable modes of transport. Hard measures include improvements to the surrounding public realm by widening the footway and cycleway along Hayward Close leading to Lonsdale Road and traffic calming measures, as well as cycle provision and EV charging points. Soft measures would include welcome packs to staff and visitors that would promote cycling and walking along with details of public transport routes around the site, as well as key services to limit trip rates by private vehicle. Whilst most visitors to Leyden House arrive by mini-bus, promotion would be made of local transport routes with facilities for disabled and impaired people where possible to do so. Finally, staff would be recruited from the local area as much as practically possible, again to limit private car usage.
- 8.5.12 The Travel Plan should be reviewed by Hertfordshire County Council as Highway Authority as consultee to this application. At the time of writing this report, it is noted no response has been provided to date.
- 8.5.13 The Transport Statement demonstrates that the proposals would deliver a safe and suitable access from Hayward Close following upgrading works and improvements to visibility splays. Transposed trip rates from the existing facility at Leyden House would not cause an unacceptable impact on the surrounding highway network and parking (including cycle and disabled) is considered sufficient given existing needs, including mini-bus pick-up and drop-off bays. Travel Plan initiatives would seek to encourage sustainable modes of transport to the site. As advised above, Hertfordshire County Council as Highway Authority should review and confirm their agreement to the conclusions of the Transport Statement and Travel Plan prior to planning permission being granted. However, Stevenage Borough Council as Local Planning Authority are satisfied the parking provision is acceptable, subject to a cycle parking condition.

## **8.6 Impact on Trees**

- 8.6.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. The site contains several trees, mostly to the northern and southern boundaries. It should be noted that none of these are subject to Tree Preservation Orders (TPO's) and generally vary in quality between Grades B (moderate value) and C (low value) as confirmed by the Tree Survey and Impact Assessment that is submitted with this application.
- 8.6.2 The access is proposed in the northeast corner of the site, leading from Hayward Close. To create the access, the Arboricultural Impact Assessment (AIA) advises it would require the loss of trees from a small copse that lies to the south of Hayward Close. Referring to the submitted Tree Protection Plan, it would be necessary to remove trees 19, 20 and a selection of smaller stems from tree group 15. Tree 19 is a Zelkova that has partially fallen in the past before the two main stems have reverted to a more upright stance. Tree 20 is a lime that, typical of its species, has developed tight unions between its stems. These unions render the stems more susceptible to failure. The AIA advises trees within group 15 are diminutive with no individual tree of any great merit. None of these stems are of sufficient quality and value to constrain the scheme and their loss can be offset by the proposed understorey planting of the retained tree group to the east.
- 8.6.3 The visibility splay and pathway arrangement on either side of the proposed access would also require the loss of hedgerows 13 and 26, a small section of hedgerow 9, as well as five further

stems from tree group 15. Hedgerow 13 would be replaced with a new hedgerow set further from Haywards Close and would be complete, rather than having a large gap where the existing gateway is located. Hedgerow 26 is not proposed to be replaced but enhancements of the retained tree group are proposed to offset the loss.

- 8.6.4 As the access proceeds into the site, it would result in no impact to existing trees. The car park provision, proposed garden and Day Centre building would require the loss of a small group of planted trees (trees numbered 6 to 8 in the schedule). The AIA advises there is limited collective merit in the group of trees, but none of the individual trees are good examples. Their loss would be offset by a more formal style of tree planting in keeping with the proposed use.
- 8.6.5 The proposed building would also require the loss of tree 10, a small Norway maple. The tree is multi-stemmed with tight unions between those stems. The AIA advises the tree is not suited to long term retention given its form. New tree planting, including understorey planting, is proposed in the same location to provide replacement tree cover. The hedgerows (numbered 5 and 9 in the tree schedule) on the southern and western boundaries would be retained and are unaffected (apart from the small loss of the northern tip of hedgerow 9) by the proposed layout.
- 8.6.6 In light of the above, it is considered the proposals accord with Policy NH5 of the Local Plan, in demonstrating that there is sufficient land reserved for replacement planting and landscaping and the category C and U trees that would be lost are being replaced by those of better quality, using locally native species of similar maturity. Whilst not in the Local Plan, Stevenage Borough Council has a parks and amenities policy that requires 3 trees to be planted for every tree lost, at a ratio of 3:1. It is recommended the standard tree protection and replacement planting conditions are added and that replacement tree planting should be secured at a ratio of 3:1.

## **8.7 Landscaping**

### *Access Road and Parking*

- 8.7.1 Access to the site off Hayward Close aims to establish a clear circular route which allows for easy drop off and pick up for the Day Centre. Whilst some of the existing trees would have to be removed the majority along with the existing hedge would be retained along the northern boundary of the site. An island of new trees and shrubs would form a central focus around which parking and drop off areas are located. These northern parking spaces are envisaged as eventually primarily serving any development on the remainder of the site. This shared central drop off zone is therefore designed with an emphasis on ensuring an inclusive and welcoming domestic character with reduced kerb heights and small unit paving to all parking areas.
- 8.7.2 Parking would be set back from the eastern boundary to ensure there is enough space for tree and shrub planting to provide for the necessary privacy for existing residents. This zone is also carefully dimensioned to allow for refuse and emergency vehicle turning around the central island. The bin store would be located adjacent to the central loop to ensure easy daily access by staff and weekly pick up. Minibus parking would be located at the south-eastern side of the central zone. Cycle parking stands would be provided under the canopy at the main entrance with accessible parking spaces also located adjacent to the building entrance at the northern end of the finger of parking dedicated to the Day Centre which would extend south, between the Day Centre and the eastern site boundary.
- 8.7.3 All surfaces and levels would be carefully considered to ensure these busy public areas are as inclusive as possible. Groups of trees to the centre of this area and along its southern boundary are intended to contain views in and out of this part of the site. An important northern corridor of planting extends east/west providing a sense of separation and privacy between the Day Centre and any future development to the north. Overall, the layout has been carefully considered to establish a coherent sense of arrival in an attractive landscape setting with a

focus on the Day Centre entrance. The new planting would frame views and the carefully chosen block paving would create a more domestic character at the drop off area and building entrance.

#### *Western Lonsdale Road Boundary*

- 8.7.4 The Day Centre building would be set back to a line marking the top of the existing bank (circa 2m high) which runs along the western boundary following the line of the existing hedge. The existing hedge would be retained connecting to the hedges on the southern and northern boundaries. The bank would be seeded and managed as native meadow/grassland with native trees and understory planting framing views out from the Day Centre whilst also breaking up the visual impact of the building views from the north and south along Lonsdale Road.

#### *Day Centre Gardens*

- 8.7.5 The landscape layout illustrates the potential of the site to deliver the aspirations of service users and staff. There would be strong visual and physical connection into the garden space on the south side of the building from the main social and activity spaces within the new building. A circular path would link a large patio area with other garden activities which include covered seating areas, a kitchen garden with garden shed and raised planters. A central lawn would offer an opportunity for more informal small-scale recreation surrounded by planting which is intended to create a year-round sensory experience with a domestic garden character.
- 8.7.6 A brick wall designed as part of the wider architectural strategy would reinforce the sense of a walled garden whilst also creating a secure and private boundary. External planting around the southern garden boundary is designed to prevent unauthorised access between the wall and existing hedge. When combined with the existing hedge, this landscape corridor would also provide enhanced privacy between the Day Centre and residents to the south.
- 8.7.8 The proposed landscaping strategy has been well considered, taking into account the constraints of the site and the proposed development would sit within a high quality and attractive landscaped setting in accordance with policies SP12 and NH5 of the Local Plan (2019). It is recommended landscaping condition(s) are imposed requiring compliance with the submitted details.

### **8.8 Ecology and Biodiversity**

- 8.8.1 The application is accompanied by a Preliminary Ecological Appraisal (PEA). The site predominantly comprises unkempt amenity grassland with scattered trees and shrubs on the borders, which are generally considered to be of low ecological significance. The PEA advises proposals to develop the site are unlikely to impact on any important or protected species or habitats. However, the trees are considered to have some value to nesting birds. Regarding protected species, various invertebrates and hedgehogs have been recorded at or in close proximity to the site, but it is unlikely that its condition would be conducive to insects in light of its mowed character and urban location. However, given the presence of trees and hedgerow, the site could support common nesting birds but again, offering negligible value.
- 8.8.2 Whilst it is regrettable that trees, hedgerow and shrubs would be lost as part of the proposals, the PEA confirms that the site is of negligible ecological value and as such, does not have a significant impact on protected species. In compensation, the development would include modified grassland, native scrub, wildflower meadow and a biodiverse green roof that would offer an appropriate environment for vertebrate and invertebrates via a varied planting structure. Replacement tree planting (29 trees) would be planted throughout the site, replenishing those that have been lost and securing a net gain.
- 8.8.3 Biodiversity Net Gain (BNG) requirements arising from the Environment Act (2021) are due to come into law from 12 February 2024 for major sites and from 2 April 2024 for other qualifying

smaller developments. The government has confirmed that 10% BNG will be a mandatory requirement for those applications that meet the set thresholds. As such, whilst it is not currently mandatory to do so, the applicant has taken steps to ensure that the proposals go above and beyond what would be required under impending national regulations and the Council's Impact of Development on Biodiversity SPD (2021), which seeks 10% net gain on qualifying applications.

- 8.8.4 It is acknowledged that the site mostly comprises unkempt grass and some trees to the northern and southern boundaries and hedging to the north and west, but it is located in an urban setting surrounded by existing development. Indeed, existing habitat conditions on the site are considered to be of low quality, scoring 1.69 baseline habitat units. Notwithstanding, the proposals would deliver a substantial BNG score of 15% net gain given the introduction of new grassland, a green roof, urban trees and native hedgerow replanting/strengthening which is welcomed.
- 8.8.5 With the implementation of appropriate ecological mitigation, compensation and the proposed biodiversity enhancement into the development design and landscaping, it is considered that the development proposals would result in an overall enhancement to the biodiversity and ecological value of the application site, improve access to nature and ensure compliance with Section 15 of the NPPF and policies SP12 and NH5 of the Local Plan (2019). Compliance with the proposed ecological and BNG enhancements should be secured via planning condition.

## **8.9 Development and Flood Risk**

- 8.9.1 A Drainage Strategy for the site has been prepared and is submitted with this planning application. An intrusive ground investigation has confirmed that the site is made of clay-with-flints at depths of circa 2m and is for the most part impermeable. This and the absence of nearby watercourses significantly dictates the drainage strategy for the proposals. Whilst the site is in Flood Zone 1 and there are no issues with regards to surface water flooding, the sustainable management of surface water runoff has also been identified as the key issue to be investigated and addressed as part of this FRA.
- 8.9.2 Given the impermeable nature of the site at a relatively shallow level and the presence of underlying chalk, infiltration methods have been discounted. Instead, the proposals would incorporate several measures to restrict peak discharge into the sewage system, alleviating pressure on the local drainage system in times of heavy rainfall. The proposals would include SuDS via the incorporation of a biodiverse roof on the day service facility, measuring approximately 750m<sup>2</sup> in size, at a varying depth of 60-100mm, reducing run-off by 50%. Further measures include permeable paving for the parking and pick-up drop off areas and raingardens (located in the 'island' and eastern boundary of the site), which could be converted into parking spaces if required.
- 8.9.3 Run-off from the access roads would be routed via permeable paving and/or rain gardens and would be directed to a geo-cellular attenuation tank located to the north of the building, adjacent to the main entrance. This feature would have a capacity of 221m<sup>3</sup> and would include a hydro-brake system that would restrict peak discharge rates into the sewage system to 2l/s for 1 in 100-year storm events, with a 40% allowance for climate change. Pre-treatment of water is proposed via catch pit manholes upstream from the attenuation tank to reduce pollution and sediment depositing into the SuDS system and the wider drainage system.
- 8.9.4 Exceedance flows would utilise the existing and proposed topography so that excess water would leave the site via an overland flow south-west towards Lonsdale Road, away from the proposed day service facility. Foul water would be disposed of by a private gravity system that would connect with the existing foul sewage system to the southwest located on Lonsdale/Archer Road.

- 8.9.5 HCC as the determining planning authority would need to ensure that the development has an acceptable drainage strategy through consultation with HCC as Lead Local Flood Authority (LLFA). In addition, it would need to impose appropriate conditions to ensure that the drainage strategy as agreed by the LLFA is put in place prior to first occupation of the development.

## **8.10 Impact on the environment**

### *Contamination*

- 8.10.1 The application is supported by a Phase 1: Desktop Study and Preliminary Risk Assessment, which assesses the contamination potential of the site. The report advises the site is located within an area of chalk mining activity, however there are no potentially contaminative land uses associated within the site or in the immediate surrounds. The site has never been developed. Therefore, the report does not recommend any further investigation works are carried out. However, it does recommend that a watching brief be undertaken, and any suspected contamination should be reported for further investigation. The standard contamination conditions should be applied if planning permission is granted requiring remediation if necessary.

### *Groundwater*

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

### *Air Quality*

- 8.10.3 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).
- 8.10.4 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to an approved Construction Management Plan which should detail measures on controlling levels of dust and air pollutants which are generated during the construction phase of development.
- 8.10.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO<sub>2</sub> 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 is not required.

### *Noise Pollution*

- 8.10.6 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 8.10.7 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures should be set out in the Construction Management Plan (CMP) to be approved via condition. 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. With regards to noise which could arise during the operational phase of development, if any complaints arose, these would be dealt with by the Borough Council's Environmental Health department.

## *Light Pollution*

8.10.8 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.

8.10.9 Turning to the operational side of the development, as no details have been provided as to the design, location and intensity of illumination of any external lighting, a condition should be imposed to any permission issued. This would ensure that any external lighting system does not harm the amenities of the occupiers of the residential properties close to the site. In terms of lighting associated with the construction aspect of the proposed development, this should be dealt with as part of the approved Construction Management Plan (CMP).

## **8.11 Archaeology**

8.11.1 The site is not located within a locally defined Area of Archaeological Significance; however, the application is accompanied by an Archaeological Desk Based Assessment. The report concludes the proposed development would not impact on any designated archaeological assets and identifies a low archaeological potential for evidence of occupation and settlement dating to all past periods of human activity. A moderate potential is considered for Medieval land division and agricultural activity. If present, the report advises any remains would most likely be of local significance only. Past ground disturbance is likely to have been widespread, but shallow as a result of historic agricultural activity.

8.11.2 Overall, the report concludes the site retains a limited archaeological potential, and it is unlikely that the proposed development would have either a significant or widespread archaeological impact. No further archaeological works are recommended in advance of development, however given the site's previously undeveloped nature, the County Archaeologist may take a precautionary approach and request a programme of archaeological work. If required, the principle of development has already been established by the allocation of the site for development in the Stevenage Local Plan (2019) and therefore further work could be secured by an appropriately worded planning condition attached to the granting of planning consent.

## **8.12 Other Matters**

### Community Infrastructure Levy

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

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m <sup>2</sup>	£100/m <sup>2</sup>
Sheltered housing	£100/m <sup>2</sup>	

Extra care housing	£40/m <sup>2</sup>
Retail development	£60/m <sup>2</sup>
All other development	£0/m <sup>2</sup>

- 8.12.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 8.12.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.
- 8.12.4 Whilst the proposed development as a day centre is not CIL liable, it does fall within the same use class as retail – use class E 'commercial, business and service use' which is CIL liable at £60/m<sup>2</sup>. To exempt the applicant from paying CIL for retail and prevent an unrestricted change of use to another use within class E, the use of the building should be restricted to day centre use class E(f) of the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020. This should be secured by way of a planning condition, should planning permission be granted.

#### Sustainable construction and climate change

- 8.12.5 Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature;
  - Reducing water consumption to no more than 110 litres per person per day, including external water use;
  - Improving energy performance of buildings;
  - Reducing energy consumption through efficiency measures;
  - Using or producing renewable or low carbon energy from a local source; and
  - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 8.12.6 The Day Centre has been designed around a comprehensive sustainability strategy, aiming for a low climate impact building with high wellbeing performance for building users. The building would provide comfort by balancing good daylight provision against overheating risk by checking the design's performance against future climate scenarios. The applicant has high aspirations for material efficiency for low embodied carbon and low operational energy consumption in use. The design process has incorporated Passivhaus designer advice to inform the building fabric and services choices. This has resulted in the incorporation of mechanical ventilation with heat recovery in some spaces, to reduce heat loss in cold weather. The high thermal mass of the walls and floor slab has been implemented as a passive strategy for delivering thermal comfort year-round. Natural ventilation would be available in all regularly occupied spaces for comfort in warmer weather.
- 8.12.7 The Design and Access Statement advises embodied carbon is being analysed as the design progresses and where possible, low embodied carbon materials have been prioritised; the building is a simple loadbearing masonry structure with relatively short spans to minimise material for the roof structure. The use of steel in the structure has been minimised where possible, with only the central hall requiring some steel framing to support the longer spans.

- 8.12.8 Furthermore, the Design and Access Statement advises progress has been tracked against a comprehensive set of bespoke sustainability targets, based on BREEAM criteria. These targets have ensured the project addresses energy efficiency, passive design principles, low carbon materials, health and wellbeing, future climate scenarios, community and local area, water consumption, responsible material sourcing, waste minimisation and post occupancy aftercare.
- 8.12.9 It is considered the above sustainability strategy is acceptable and meets the objectives of Local Plan policy FP1. The measures seeking mitigation and adaptation to climate change should be secured as part of a planning condition should planning permission be granted.

#### Waste and Recycling

- 8.12.10 The Design Guide (2023) states provision should be made within new development for the storage and collection of waste from a site. The application submission states waste and recycling would be stored within external open air refuse and recycling bins. Access to the bin store would be from the northeast, and integrated into the brick garden wall. Refuse and recycling containers would be stored in a secure brick walled compound, with a locked closed boarded timber gate. A timber pergola is proposed on top of the bin store to give the impression of a garden feature of the garden beyond.
- 8.12.11 The enclosure is large enough to accommodate 6 no. lockable refuse and recycling containers. The general waste collection is weekly and recycled waste is fortnightly. The unused medication would be taken to a local pharmacy for disposal. The County Council would need to ensure that there is sufficient waste and recycling facilities to serve the Day Centre and condition the details proposed to ensure they are delivered as part of any planning permission.

#### Equality, Diversity and Human Rights

- 8.12.12 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.
- 8.12.13 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 8.12.14 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.
- 8.12.15 In terms of inclusive access, the proposed building has been designed to be fully accessible and inclusive. All spaces in the new building would be accessible; the floors and thresholds would be level. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed building. Disabled parking spaces would be provided close to the entrance. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'

- 8.12.16 Level access would continue to be provided to the development at all pedestrian access points. The design of the scheme provides a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit.
- 8.12.17 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.

## 9 CONCLUSIONS

- 9.1 In summary, and subject to the imposition of appropriately worded conditions set out in this report, the proposed Day Centre would provide a high-quality facility for vulnerable adults within Stevenage and wider County. Whilst not in accordance with the designation of the site for housing, it would not compromise the remainder of the site from being developed for residential use at a later date. The planning benefits it would bring in terms of providing a valuable service to residents and replacing an existing facility which is poorly located and not fit for purpose are a material planning consideration in favour of granting planning permission.
- 9.2 The proposed building would be of a high-quality, sustainable design bringing significant landscape and biodiversity benefits to the site. Furthermore, the proposal would not have a significant detrimental impact on trees, ecology or residential amenity. Moreover, the proposed development would not cause issues of flooding or generate environmental issues such as noise and air pollutants.
- 9.3 Given the aforementioned assessment, it is considered that on balance, the proposed development accords with the Council's adopted Local Plan (2019), the Council's Supplementary Documentation, the NPPF (2023) and PPG.

## 10 RECOMMENDATIONS

- 10.1 That the Council raises **No Objection** to the proposed development. However, this is subject to the County Council ensuring the proposed development does not prejudice highway safety and has an acceptable drainage strategy. Furthermore, the Council recommends that appropriately worded conditions are imposed to any permission issued as specified in this report.

## 11 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD 2020; Design Guide SPD 2023.

3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy Guidance.

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

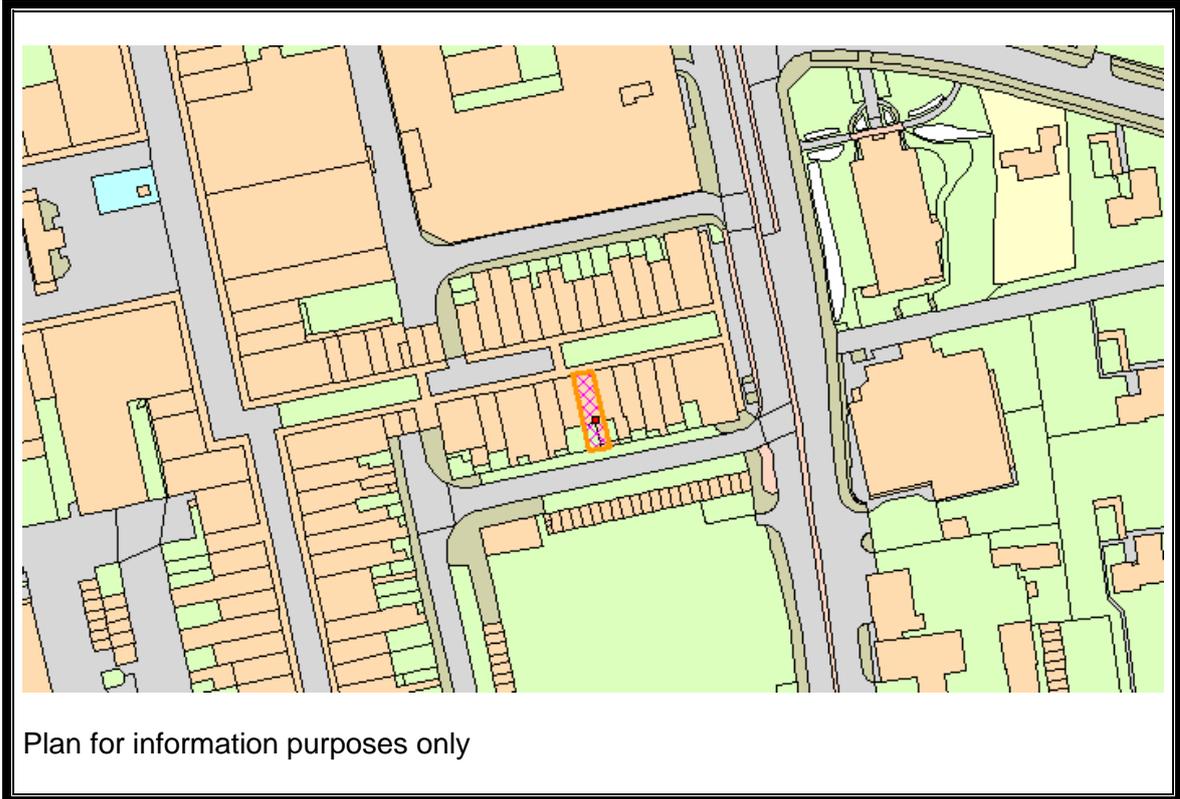
**Date:** 8 February 2024

**Author:** James Chettleburgh

**Lead Officer:** Zayd Al-Jawad

**Contact Officer:** James Chettleburgh

Application No:	22/01052/ENF
Location:	20 Market Place, Stevenage
Proposal:	Unauthorised construction of a single-storey rear extension.
Drawing Nos.:	N/a
Applicant:	N/a
Date Valid:	N/a
Recommendation:	SERVE AN ENFORCEMENT NOTICE



## 1. BACKGROUND

- 1.1 The enforcement site is located on the eastern side of Market Place which forms part of the pedestrianised town centre of Stevenage. The premises which is the subject of enforcement comprises a ground floor retail unit (Ehi Afro Caribbean Foods) with flats above. To the rear of the building, subject to the proposed enforcement action, is an unauthorised single-storey

extension, which is timber framed and finished in fibreboard timber with the roof clad in Perspex. This structure infills the service area to the retail premises (Figures 1 and 2).

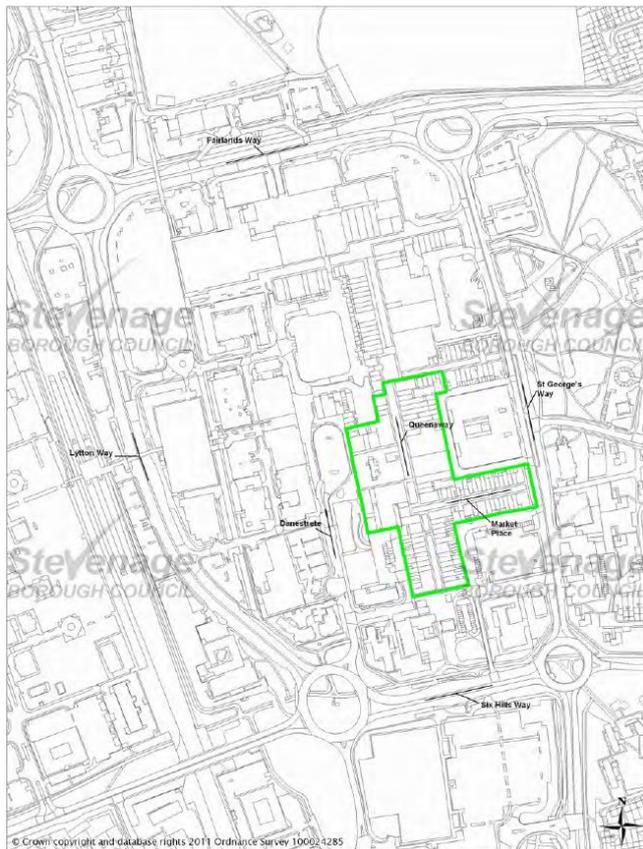


**Figure 1:** Photographs of existing extension (Photograph taken on 13/12/2023).



**Figure 2:** Photographs of existing extension (Photographs taken on 25/11/2022).

- 1.2 The surrounding area comprises Stevenage Town Centre which includes a mixture of retail, commercial and residential development. The enforcement site is located within the Town Square Conservation Area (Figure 3) and Stevenage Town Centre Shopping Area.



**Figure 3:** Town Square Conservation Area map – green line denotes boundary (source: Town Square Conservation Area Management Plan SPD 2012).

### Site history

1.3 No relevant planning history.

## **2. Consultation with the Council's Conservation and Heritage Advisor (BEAMS).**

2.1 The structure appears to be of poor material / appearance as seen from East Gate, so it is not considered to be acceptable.

## **3. POLICY**

3.1.1 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).

3.1.2 Dealing specifically with development in Conservation Areas, The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes several 'statutory duties' for decision-makers, all of which are applicable to the unauthorised development:

- “Section 72(1): the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

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

## **3.2 Central Government Advice**

3.2.1 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.

3.2.2 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).

3.2.3 In relation to development in conservation areas, Paragraphs 205 to 208 of the NPPF (2023) have to be considered in respect to this unauthorised extension at 20 Market Place. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 205, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

- 3.2.4 Paragraph 206 of the Framework sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 3.2.5 Paragraph 207 of the NPPF (2023) sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 208 of the Framework, this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **3.3 Planning Practice Guidance**

- 3.3.1 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.

### **3.4 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy SP8: Good design  
Policy GD1: High Quality Design  
Policy SP13: Historic Environment  
Policy NH10: Conservation Areas

### **3.5 Supplementary Planning Documents**

Stevenage Design Guide SPD (2023)  
Town Square Conservation Area Management Plan SPD (2012)

## **4. DISCUSSION**

### **4.1 Assessment of the planning breach - the unauthorised extension.**

*Policy background – Conservation Areas*

- 4.1.1 Dealing firstly with development in Conservation Areas, consideration has to be given to Section 72(1) of The *Planning (Listed Buildings and Conservation Areas) Act 1990* (see paragraph 3.1.2 of this report) and paragraphs 205 to 208 of the NPPF (2023) (see paragraph 3.2.3 to 3.2.5). In addition, consideration is made to Policy SP13 of the Stevenage Borough Local Plan 2011-2031 (2019). This policy stipulates that the Council will seek to preserve and enhance the most important areas and characteristics of Stevenage. Criterion b. of this policy states “*We will use national guidance and legislation to review, designate and determine planning applications affecting heritage*”. Policy NH10 Conservation Areas states those development proposals within, or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.

### *The Town Square Conservation Area*

- 4.1.2 The enforcement site is located within the Town Square Conservation Area as defined by the Local Plan (2019) policies map as reflected in the Conservation Area Management Plan SPD (see figure 3). The Conservation Area was originally designated in 1988. The boundary of this was extended in 2010 following a review and is drawn tightly around the properties that enclose Queensway. This is the main north-south spine which runs through the retail area. It also includes Market Place which extends east from Queensway and there are also the properties on the northern and south side of Town Square which form its enclosure.
- 4.1.3 The conservation area reflects Stevenage being designated as the UK's first New Town in 1946. As such, the town centre was planned as part of the product of contemporary thinking on planning and architecture in the 1950's. For this reason, Stevenage town centre has a unique and distinctive architectural form, reminiscent of post war town planning. The town centre was constructed over three phases and was completed by the late 1960s, presenting a continual retail frontage of low rise, three storey buildings arranged in a block of rectilinear plots. The retail streets were designed as traffic free pedestrianised routes, to create a safe shopping environment.
- 4.1.4 The Town Square Conservation Area Appraisal 2010 confirms the principal features of the conservation area. These are the buildings which are three-storeys in height, flat roofed, with metal framed windows, primary coloured panels and flat roofed canopies above ground level. It also sets out that the pedestrianised precincts are of a consistent width, which is enclosed by the three-storey buildings on both sides of the street. There are subtle public art features and street furniture with an overall unique New Town Design and architecture.
- 4.1.5 The Town Square Conservation Area Management Plan SPD (2012) provides a non-exhaustive list of strengths that are considered to warrant the designation of the Conservation Area. One of the key features of the conservation area is the large open square in the middle to the town centre with a central raised platform. This square is enclosed by retail outlets and it is punctuated by trees and shrub planting around its edges. It is noted that Queensway is the primary retail parade which forms Phase 1 of the Town Centre combined with the provision of key features as detailed in the Conservation Area. There is also the low rise buildings (being three storeys) which have a strong co-ordinating element. They are arranged in a rectilinear block form throughout the conservation area which present a uniform frontage.
- 4.1.6 There is also the presence of the canopies which run along the building frontages which provide protection along the pedestrianised precincts. The canopies themselves are generally constructed from timber and are supported with metal poles. The paving throughout is generally block paved concrete which is broken by smaller block paving.
- 4.1.7 Given the above, the Conservation Management Plan seeks to protect the 1950's style architecture where unsympathetic alterations detract from the key features of the Conservation Area. Therefore, alterations or extensions should not dominate an existing building's scale or alter the composition of its main elevations.

### *Policy background – Design and visual impact*

- 4.1.8 Paragraph 131 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So

too is effective engagement with applicants, communities, local planning authorities and other interests throughout the process”.

4.1.9 Paragraph 135 of the NPPF sets out a number of requirements for new development, including that development:

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

4.1.10 Paragraph 137 of the NPPF states that applicants “should work closely with those affected by their proposals to evolve designs that take into account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”. Paragraph 139 of the Framework sets out that where development is not well designed it should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

4.1.11 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

4.1.12 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 extensions to commercial premises. 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.

### *Assessment of the existing works*

- 4.1.13 It was reported to the Council that an extension had been constructed within the rear service yard area of the enforcement property. Following officer's investigation and a review of the planning history, no application has been received for the existing extension. In addition, as the extension is not classed as permitted development (see section 4.2 for further details), it would require planning permission. Therefore, it is evident that there has been a clear breach in planning control. As such, an assessment needs to be made as to whether it is expedient to take enforcement action against the unauthorised extension works.
- 4.1.14 Given the enforcement property is located within the Town Square Conservation Area, an assessment needs to be made as to whether or not the works cause harm to the overall historic character of the Conservation Area. Following a detailed review of the extension, it is considered that the extension has been constructed from unsympathetic and incongruous materials i.e., fibreboard timber with a Perspex roof, and is of a poor design which does not reflect the architectural characteristics of the host property. Furthermore, it is an incongruous form of development within the Conservation Area and the wider street scene as viewed from East Gate. Therefore, it is considered to be an unacceptable addition to the enforcement property, contrary to the Town Square Conservation Area Management Plan SPD (2012) and the Council's Design Guide SPD (2023).
- 4.1.15 Taking the aforementioned into consideration and as supported by the Council's Conservation and Heritage Advisor, the rear extension neither preserves or enhances the historic character of the Town Square Conservation Area. It is therefore, deemed that the extension causes a level of harm which is at the higher end of the scale of Less than Substantial Harm. As the development works which have taken place are deemed to have limited public benefit which would outweigh the harm which has been caused, it is considered that the development as whole fails to accord with paragraphs 205 to 208 of the National Planning Policy Framework (NPPF) 2023. Moreover, it does not accord with policies SP13 and NH10 of the adopted Local Plan (2019) and the Town Square Conservation Area Management Plan SPD (2012).
- 4.1.16 Further to the above, given the development works are unsympathetic and is deemed to incongruous, they also have a detrimental impact on the character and appearance of the premises and the visual amenity of the wider street scene of East Gate which is located to the rear of Market Place. As such, the development works as constructed do not accord with paragraph 131 of the NPPF (2023) and associated PPG, policies SP8 and GD1 of the adopted Local Plan (2019) and the Council's Design Guide SPD (2023).

### *Conclusion*

- 4.1.17 In summary, it is considered that the existing extension, being an incongruous form of development being constructed in unsympathetic materials, significantly detracts from the historic character of the Town Square. The extension is deemed to have an impact which is at the upper end of the scale of 'Less than Substantial Harm' and that the extensions overall benefits do not outweigh the harm caused.

## **4.2 Whether the existing extension would be classed as permitted development.**

- 4.2.1 The existing extension has been considered against the criteria specified under Article 3, Schedule 2, Part 7 (Non-domestic extensions, alterations etc), Class A (The extension or alteration of a commercial, business, or service establishment) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because the existing premises is a shop as falls under Class E (commercial, business, or service establishment) of the Use Classes Order 1987 (as amended).
- 4.2.2 It has been determined that the existing fails to accord with A.2 (conditions) of the aforementioned, whereby development is permitted by Class A subject to the following conditions.....(b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended.
- 4.2.3 Taking the above into consideration, the existing extension as shown in figures 1 and 2 has not been constructed using materials which have a similar external appearance to those used for the building being extended. As a consequence, the existing extension would not benefit from being classed as permitted development and would require planning permission from the Council as Local Planning Authority.

## **4.3 Is the extension exempt from enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended).**

- 4.3.1 Section 171B Time Limits of the Town and Country Planning Act 1990 (as amended) states as follows:

(1)Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2)Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(2A)There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(3)In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4)The preceding subsections do not prevent—

(a)the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b)taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

- 4.3.2 Based on the evidence collected by officers to date, the extension appears to only have been in place for 13 months (since November 2022). In addition, the landowner(s) have not submitted a Lawful Development Certificate (Existing) to the Council to demonstrate that on the balance of probability, the operation was substantially completed more than 4 years.

Therefore, it is officers opinion that the extension would not be immune from enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended).

#### **4.4 Consideration of European Convention on Human Rights and the Equalities Act 2010.**

- 4.4.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights (ECHR). It is not considered that the decision would result in a violation of any person's rights under the Convention. This is because the unauthorised extension relates to a premises i.e. 20 Market Place which is operated by a retailer Vitago Foods Multi International Ltd which is a commercial business. In addition, the property is managed by a commercial landlord Brocklease (Stevenage) Ltd. As such, the serving of an enforcement notice does not affect an individual person's rights under Articles 1 and 8 of ECHR.
- 4.4.2 Turning now to equalities, 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 (This has been established as a key requirement in planning decision making by case law through the relevant courts). 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 ("PSED"). As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment ("EqIA") produced by officers.
- 4.4.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 4.4.4 As set out under paragraph 4.5.1, the enforcement site i.e., 20 Market Place, is occupied by a retail operator i.e. Vitago Foods Multi International Ltd. As a consequence, whilst there maybe persons who are employed or work for the retail operator who have a protected characteristic as defined under the Equalities Act, the serving of an enforcement notice relating to the unauthorised extension would not discriminate against those who have protected characteristics. More specifically, the unauthorised extension relates to a commercial business with it being used by the commercial business for the storage and refrigeration of goods. This is clearly evidenced in the photograph detailed in figure 4.



**Figure 4:** Extension being used for storage and refrigeration of goods.

- 4.4.5 Therefore, it is not considered that serving an enforcement notice would discriminate persons who have protected characteristics.

## **5. RECOMMENDATION**

- 5.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the existing extension located within the rear service area to the property known as 20 Market Place. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 5.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 5.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

## **6. REMEDY REQUIRED**

- 6.1 Within six months of the date of any Enforcement Notice served, the entirety of the structure as built in the service yard with the land made good and returned to its previous state before the extension was constructed.

## **7. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents associated with reference.
2. Stevenage Borough Local Plan 2011-2031 (2019)

3. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2023, Town Square Conservation Area Management Plan 2012.
4. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy 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 : 23/00736/FP  
Date Received : 04.10.23  
Location : Aldi Stores Fairlands Way Stevenage Herts  
Proposal : Proposed extension to foodstore, including minor elevational alterations and ancillary works.  
Date of Decision : 11.01.24  
Decision : **Planning Permission is GRANTED**
  
2. Application No : 23/00738/FP  
Date Received : 06.10.23  
Location : Land Adjacent To 73 Pankhurst Crescent Stevenage Herts  
Proposal : Erection of single storey side extension to create 1no. one bedroom dwelling  
Date of Decision : 03.01.24  
Decision : **Planning Permission is GRANTED**

3. Application No : 23/00749/FPH  
Date Received : 10.10.23  
Location : 23 Bray Drive Stevenage Herts  
Proposal : Two storey front and rear extension  
Date of Decision : 27.12.23  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed two storey rear extension, by virtue of its height and depth, projecting approximately 6.5m beyond the main rear elevation of No. 37 Swale Close, would result in an unacceptable outlook for the occupiers of this neighbouring property, having a harmful overbearing impact on the rear habitable room windows, their conservatory and immediate garden area. The development is, therefore, contrary to policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), National Planning Policy Framework (2023) and the Planning Practice Guidance.

The two storey rear extension by reason of its design, scale and siting in front of the existing dormer window will result in an incongruous form of development which appears contrived and of poor design. It would therefore be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), the National Planning Policy Framework (2023) and the Planning Practice Guidance.

4. Application No : 23/00778/AD  
Date Received : 21.10.23  
Location : 4 Whitworth Road Stevenage Herts SG1 4QS  
Proposal : Retrospective advertisement consent for 1no. externally illuminated fascia sign.  
Date of Decision : 09.01.24  
Decision : **Advertisement Consent is GRANTED**

5. Application No : 23/00806/FPH  
Date Received : 06.11.23  
Location : 25 Broadwater Crescent Stevenage Herts SG2 8EQ  
Proposal : Retrospective planning permission for outbuilding  
Date of Decision : 28.12.23  
Decision : **Planning Permission is GRANTED**

6. Application No : 23/00809/FP  
Date Received : 07.11.23  
Location : 15 Buckthorn Avenue Stevenage Herts SG1 1TT  
Proposal : Change of use of property from Class C4 (HMO) to Sui Generis (Large HMO), demolition of existing garages and erection of part single-storey, part two-storey rear extension and two-storey side extension.  
Date of Decision : 02.01.24  
Decision : **Planning Permission is GRANTED**
7. Application No : 23/00810/FPH  
Date Received : 07.11.23  
Location : 553 Archer Road Stevenage Herts SG1 5QR  
Proposal : Demolition of conservatory and garage and erection of single storey rear extension and garage.  
Date of Decision : 28.12.23  
Decision : **Planning Permission is GRANTED**
8. Application No : 23/00814/CLEU  
Date Received : 08.11.23  
Location : 250 Broadwater Crescent Stevenage Herts SG2 8HL  
Proposal : Certificate of Lawfulness (Existing Use) to establish the use of the existing outbuilding as 1 no. one bedroom self-contained residential unit.  
Date of Decision : 02.01.24  
Decision : **Certificate of Lawfulness is APPROVED**
9. Application No : 23/00823/FPH  
Date Received : 10.11.23  
Location : 42 Grove Road Stevenage Herts SG1 3NU  
Proposal : Part demolition of existing extension / wing of application property and construction of single storey rear extension.  
Date of Decision : 02.01.24  
Decision : **Planning Permission is GRANTED**

10. Application No : 23/00831/FP  
Date Received : 14.11.23  
Location : 110 Ely Close Stevenage Herts SG1 4NR  
Proposal : Conversion of existing 1no. five bedroom dwelling into 2no. two bedroom flats.  
Date of Decision : 02.01.24  
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
- The gross internal floor area of both the proposed flats in the converted dwelling would be below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (2019) for two bedroom single storey dwellings, and would thus be contrary to Policy GD1 of the Stevenage Borough Local Plan 2011-2031 which requires proposals to at least meet the nationally described space standards. This would lead to unsatisfactory living conditions for future occupiers of the proposed residential accommodation.
- The gross internal floor area of all the bedrooms in both the proposed flats in the converted dwelling would be below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (2019) for single bedrooms and would thus be contrary to Policy GD1 of the Stevenage Borough Local Plan 2011-2031 which requires proposals to at least meet the nationally described space standards. This would lead to unsatisfactory living conditions for future occupiers of the proposed residential accommodation.
11. Application No : 23/00857/FPH  
Date Received : 15.11.23  
Location : 87 Mildmay Road Stevenage Herts SG1 5RS  
Proposal : Two storey front extension  
Date of Decision : 09.01.24  
Decision : **Planning Permission is GRANTED**
12. Application No : 23/00877/FP  
Date Received : 16.11.23  
Location : The Lodge Old Chantry Lane Todds Green Stevenage  
Proposal : Removal of condition 2 (use of site ancillary to the riding school) attached to planning permission reference number 74/0006  
Date of Decision : 11.01.24  
Decision : **Planning Permission is GRANTED**

13. Application No : 23/00878/AD  
Date Received : 16.11.23  
Location : Centric Gunnels Wood Road Stevenage Herts  
Proposal : Erection of 1 no. internally illuminated totem sign.  
Date of Decision : 09.01.24  
Decision : **Advertisement Consent is GRANTED**
14. Application No : 23/00886/CPAS  
Date Received : 17.11.23  
Location : Giles Nursery And Infants School Durham Road Stevenage Herts  
Proposal : Prior approval for proposed solar PV systems consisting of approximately 255 panels with a total DC capacity across the roofs of approximately 110 kWp  
Date of Decision : 02.01.24  
Decision : **Prior Approval is NOT REQUIRED**
15. Application No : 23/00889/FP  
Date Received : 21.11.23  
Location : 33 Julians Road Stevenage Herts SG1 3ES  
Proposal : Demolition of the existing yard buildings (office and storage) and their replacement with 6 no. dwellings with associated gardens, landscaping, car and cycle parking. Retention of existing residential (2 no. flats) and office building (Class E) to the front of the site (33 Julians Road).  
Date of Decision : 18.01.24  
Decision : **Planning Permission is GRANTED**

16. Application No : 23/00892/FP  
Date Received : 23.11.23  
Location : Units 1 - 8 Pin Green Industrial Estate Cartwright Road Stevenage  
Proposal : Decoration of existing profiled metal cladding and installation of profiled metal cladding to low level brickwork on two industrial unit terraces; decoration of doors and windows; replacement of single glazed curtain walling to the front of Unit 3 for double glazed curtain walling to match existing; removal of plantroom store.  
Date of Decision : 16.01.24  
Decision : **Planning Permission is GRANTED**
17. Application No : 23/00894/FPH  
Date Received : 23.11.23  
Location : 1 Aspen Close Stevenage Herts SG2 8SJ  
Proposal : Erection of single-storey extensions and alterations to the elevations following demolition of existing conservatory.  
Date of Decision : 16.01.24  
Decision : **Planning Permission is GRANTED**
18. Application No : 23/00895/TPCA  
Date Received : 24.11.23  
Location : Bayley House Sish Lane Stevenage Herts  
Proposal : 3 metre crown reduction to Tree 1, 3 metre crown lift to Tree 2, reduce back 2 metres to G1, reduce back to wall 2 metres to G2  
Date of Decision : 29.12.23  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
19. Application No : 23/00897/FP  
Date Received : 27.11.23  
Location : Harvester, Unit 13 Roaring Meg Retail Park London Road Stevenage  
Proposal : Replacement boundary fencing, erection of statue, replacement of front porch, external works and alterations to existing building and alteration to external extraction system.  
Date of Decision : 22.01.24  
Decision : **Planning Permission is GRANTED**

20. Application No : 23/00899/TPCA  
Date Received : 28.11.23  
Location : 6 Church Lane Stevenage Herts SG1 3QR  
Proposal : Reduction by 30% to 1no. Oak Tree  
Date of Decision : 05.01.24  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
21. Application No : 23/00903/TPCA  
Date Received : 29.11.23  
Location : Osprey House Primett Road Stevenage Herts  
Proposal : Crown reduce height and spread by up to 3m to 1 no: Lime Tree (T1) and 1 No Sycamore Tree (T2)  
Date of Decision : 10.01.24  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
22. Application No : 23/00905/FPH  
Date Received : 30.11.23  
Location : 20 Manor View Stevenage Herts SG2 8PE  
Proposal : Two storey side and rear extension  
Date of Decision : 15.01.24  
Decision : **Planning Permission is GRANTED**
23. Application No : 23/00909/FPH  
Date Received : 30.11.23  
Location : 18 Newgate Stevenage Herts SG2 9DS  
Proposal : Erection of single storey side and rear extension and associated alterations  
Date of Decision : 09.01.24  
Decision : **Planning Permission is GRANTED**

24. Application No : 23/00910/FP  
Date Received : 30.11.23  
Location : 125 Webb Rise Stevenage Herts SG1 5QF  
Proposal : Replacement of 4 PVCu windows and composite door  
Date of Decision : 15.01.24  
Decision : **Planning Permission is GRANTED**
25. Application No : 23/00911/FPH  
Date Received : 04.12.23  
Location : 62 Gordian Way Stevenage Herts SG2 7QH  
Proposal : Retrospective application for the installation of 2 no. air conditioning units to side elevation.  
Date of Decision : 18.01.24  
Decision : **Planning Permission is GRANTED**
26. Application No : 23/00912/FPH  
Date Received : 04.12.23  
Location : 10 Chambers Gate Stevenage Herts SG1 3XE  
Proposal : Erection of first-floor side extension.  
Date of Decision : 24.01.24  
Decision : **Planning Permission is GRANTED**

27. Application No : 23/00913/TPPTPO  
Date Received : 04.12.23  
Location : 30 Daltry Road Stevenage Herts SG1 4AW  
Proposal : Fell and remove 1no. Silver Birch tree (T3) protected by TPO 71.  
Date of Decision : 23.01.24  
Decision : **REFUSE WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

For the following reason(s):

There is insufficient evidence to support the proposed removal of the Silver Birch tree (T3). Further, the Silver Birch is a high amenity value tree which is beneficial to the visual character of Daltry Road. Therefore, its removal would have a detrimental impact on the visual amenities of the area. Consequently, the proposal does not accord with Policy NH5 of the adopted Local Plan (2019), the Town and Country Planning (Tree Preservation) (England) Regulations (2012), the NPPF (2023) and the National Planning Practice Guidance: Tree Preservation Orders and Trees in Conservation Area published 6 March 2014.

28. Application No : 23/00916/CPAS  
Date Received : 05.12.23  
Location : Astute Electronics Ltd Astute House Rutherford Close Stevenage  
Proposal : Prior approval for the installation of Solar PV 360 no. PV Modules with Installed Solar Capacity: 155kWp and Inverter Capacity: 110kVA to East/West Pitched Roof of building.  
Date of Decision : 16.01.24  
Decision : **Prior Approval is NOT REQUIRED**

29. Application No : 23/00918/CLPD  
Date Received : 06.12.23  
Location : Kings Court London Road Stevenage Herts  
Proposal : Certificate of lawfulness (Proposed) to alter the existing entrance area comprising replacement windows and doors and installation of entrance canopy.  
Date of Decision : 18.01.24  
Decision : **Certificate of Lawfulness is REFUSED**  
  
For the following reason(s);  
  
The proposed canopies are not permitted by any Class within any Part of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposed development would not be lawful.
30. Application No : 23/00921/AD  
Date Received : 07.12.23  
Location : The Marquis Of Granby 4 - 6 North Road Stevenage Herts  
Proposal : Installation of 1 no. externally illuminated post mounted pictorial sign, 2 no. post mounted signs, 1 no. door plaque, 2 no. Welcome signs, 1 no. externally illuminated fascia sign, 1 no. external lantern, 1 no. externally illuminated name board and 1 no. amenity board.  
Date of Decision : 17.01.24  
Decision : **Advertisement Consent is GRANTED**
31. Application No : 23/00922/NMA  
Date Received : 08.12.23  
Location : Glaxo SmithKline Gunnels Wood Road Stevenage Herts  
Proposal : Non-material amendment to permission 23/00666/FP to amend condition 1 (approved plans) to lower the approved fence height from 3.0m to 2.4m.  
Date of Decision : 09.01.24  
Decision : **Non Material Amendment AGREED**

32. Application No : 23/00927/COND  
Date Received : 12.12.23  
Location : Land To The North West Of Junction 7 Of The A1(M)  
Knebworth Park Old Knebworth  
Proposal : Discharge of Condition 13 (Landscaping) attached to planning  
permission reference number 21/00536/FPM  
Date of Decision : 12.01.24  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
33. Application No : 23/00928/TPTPO  
Date Received : 12.12.23  
Location : 3 Trafford Court Skegness Road Stevenage Herts  
Proposal : Reduce 3 No: Oak Trees (T1, T2 and T4) by 30% and 1 No:  
Beech Tree (T3) by 20%, protected by TPO 123 (Amended  
Proposal)  
Date of Decision : 12.01.24  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE  
SUBJECT OF A TREE PRESERVATION ORDER**
34. Application No : 23/00931/PADEMO  
Date Received : 13.12.23  
Location : Hobbs Court Vardon Road Stevenage Herts  
Proposal : Prior Approval for the demolition of Hobbs Court comprising 41  
no. sheltered accommodation units, outbuildings, and single  
storey bungalows.  
Date of Decision : 08.01.24  
Decision : **Prior Approval is REQUIRED and GIVEN**
35. Application No : 23/00940/NMA  
Date Received : 19.12.23  
Location : Airbus Defence And Space Gunnels Wood Road Stevenage  
Herts  
Proposal : Non material amendment to planning permission 19/00736/FP to  
provide an increase in the width of the vehicle access on Argyle  
Way, new widened access gate and ancillary works.  
Date of Decision : 03.01.24  
Decision : **Non Material Amendment AGREED**

36. Application No : 23/00941/FPH  
Date Received : 20.12.23  
Location : 11 Ruckles Close Stevenage Herts SG1 1PE  
Proposal : Single-storey front extension.  
Date of Decision : 24.01.24  
Decision : **Planning Permission is GRANTED**
37. Application No : 24/00015/CLPD  
Date Received : 12.01.24  
Location : 3 Lawrence Avenue Stevenage Herts SG1 3JX  
Proposal : Certificate of lawfulness for a proposed single storey rear extension  
Date of Decision : 15.01.24  
Decision : **Certificate of Lawfulness is APPROVED**
38. Application No : 24/00032/NMA  
Date Received : 22.01.24  
Location : Land To The North West Of Junction 7 Of The A1(M)  
Knebworth Park Old Knebworth  
Proposal : Non material amendment to planning permission 21/00536/FPM to amend proposed layout to increase number of charging points  
Date of Decision : 24.01.24  
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

**Date:** Thursday 8 February 2024

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

Author – James Chettleburgh

Lead Officer – Zayd Al-Jawad

Contact Officer – Zayd Al-Jawad

### **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 23/00231/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**

23/00553/FPH. 171 Verity Way.

3.1 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.

3.2 The Appeal was dismissed.

3.3 The inspector considered that whilst the proposed alterations to the principal elevation would be complementary and would not result in harm to the host dwelling or wider, they considered the proposed additions to the rear of the dwelling would be harmful. In their decision, the inspector sets out in paragraph 17 that the proposed additions to the rear would add significant bulk, resulting in what they considered to be an overbearing and incongruous development that would appear out of place against both the host dwelling and neighbouring properties. They also agreed with the Council in that the roof design was poor and would be highly visible from many parts of the surrounding area, adding to the impact.

- 3.4 The inspector did not agree with the Council's concerns that the proposed window in the side elevation would cause harm in terms of overlooking. The inspector considered that as the window served a hallway / landing and not a useable room, they agreed with the appellant that this window could be obscurely glazed and non-openable, which in this case would cause no harm. The inspector set out in their decision that this could be secured by condition.
- 3.5 In terms of car parking, the inspector concluded in paragraph 25 that the Council's policy is clear on the matter and sets out that even if the appellants do not require additional parking presently, there is no guarantee that future occupiers may have more cars than can be accommodated in the parking area. As such, the inspector sets out that this would result in significant harm to the living conditions of neighbouring occupiers associated with increased pressure on the availability of parking.
- 3.6 With respect to personal circumstances, part of the justification for the proposal is that the appellant wishes to provide more space for a disabled family member to live and be supported in the home. The inspector gave great weight to the personal circumstances and considered alone, the ground floor extension would not result in unacceptable harm. However, whilst they agree there is a genuine need for a single additional bedroom on the ground floor to provide adequate accommodation for the disabled adult, they failed to see how it would justify for an additional bedroom on the first floor, given the harm identified to character and appearance, as well as the requirement for parking.
- 3.7 In considering the Public Sector Equality Duty (PSED), the inspector states 'a refusal would not amount to unlawful discrimination. Allowing the appeal when the proposal would result in the harm I have identified would undermine relations between people who do not share a protected characteristic. This supports my view that the need for the proposals does not outweigh the harm to the character and appearance of the area, not the car parking requirements' (paragraph 29 of the decision). The inspector goes on to stipulate that they must determine the appeal in its entirety, and that they consider that the harm identified would not be outweighed by the benefits. For the reasons specified, the appeal was dismissed.



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## Appeal Decision

Site visit made on 19 December 2023

**by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 January 2024**

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### **Appeal Ref: APP/K1935/D/23/3332016**

#### **171 Verity Way, Stevenage SG1 5PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Queenta Tafon against the decision of Stevenage Borough Council.
  - The application Ref 23/00553/FPH, dated 17 July 2023, was refused by notice dated 6 September 2023.
  - The development proposed is part single-storey, part two-storey rear extension, raised patio with associated balustrade and single-storey front extension.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. During the determination of the application the description of development was amended by the council to reflect the elements of the proposal that require planning permission. I have therefore used the amended description included in the decision notice for accuracy.

### **Preliminary Matters**

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Neither the appellant nor the Council have made any further submissions regarding the revised Framework, and I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.
4. The appeal proposals are, in part, motivated by a need to provide ground floor accommodation for a disabled adult. The Public Sector Equality Duty (PSED) contained in the Equality Act 2010, sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Under the requirements of the PSED, I have taken account of the protected characteristics referred to in the submissions made by the appellants in my consideration of this appeal.

### **Main Issues**

5. The main issues are:
  - The effect of the proposals on the character and appearance of the host dwelling and surrounding area

- The effect of the proposals on living conditions of neighbouring occupiers
- The effect of the proposals on car parking
- The effect of the personal circumstances of a disabled occupier of the host dwelling

## Reasons

### *Character and Appearance*

6. Verity Way sits within a residential, post-war development of two storey houses, arranged in terraced blocks addressing public open spaces.
7. Most do not have direct vehicular access, where it is instead 'segregated' to rear parking courtyards where there are garages and parking spaces allocated to specific dwellings.
8. Because of the arrangement of the dwellings, I was able to clearly see that very few of the neighbouring dwellings had been subject to front or rear extensions. Of those that had, they were single storey. I was also able to observe that there was limited car parking available to visitors.
9. No 171 (the appeal property) is a 3 bedroom, two storey end of terrace house which fronts on to an area of open space, with a private rear garden which is accessed via an alleyway leaving from a parking courtyard. The side and rear of the appeal property is also visible from a pedestrian pathway which runs along the side of the property. Like many of the neighbours, there is a single storey rear projection which provides a utility/storage area for the dwellings and appears to be a part of the original design.
10. Policy GD1 (High Quality Design) of the Stevenage Borough Local Plan (2019) (LP) seeks development that makes a positive contribution to its surroundings and has regard to the guidance set out in the Stevenage Design Guide Supplementary Planning Document (2023) (SPD1) which also requires consistency in design (including roof pitch and scale).
11. Policy SP8 (Good Design) of the LP seeks development that preserves and enhances Stevenage whilst delivering 'substantial improvement' to the image and quality of the built form of the town.
12. The Framework at para 8 (the social objective) seeks '*well designed, beautiful... places*', as well as para 124 (e) in respect of upward extensions where the development should be '*consistent with the prevailing height and form of neighbouring properties and the overall street scene*'.
13. The appeal proposals would result in significant single and double height extensions to the rear, together with alterations to the front elevation. The appellant has helpfully supplied 3D imagery of the proposed extension which illustrates the overall scale and massing of the appeal scheme.
14. The development to the rear would involve the creation of a narrow two storey pitched roof outrigger design, together with a flat-roofed two storey extension over a single storey ground floor extension which would extend the full width of the house.

15. Whilst the ground floor extension to the principal elevation of the house would also run the full width, this would have a mono-pitched roof which would also provide a porch feature. I note that the council consider the size of the front porch to exceed the dimensions set out in SPD1. At the site visit, I noticed another similar dwelling with a similar ground floor front extension with mono pitched roof also fronting the same area of open space. Whilst that front extension may have been smaller (and in any case I have determined this appeal on its own merits), it seems to me that the effects of the proposed front extension would be similar in this case.
16. I agree with the appellant that the proposed alterations to the principal elevation would be complementary and would not result in harm to either the host dwelling or the wider area. However, the proposed additions to the rear of the dwelling are of concern to me.
17. The proposed additions to the rear would add significant bulk, resulting in what I consider to be an overbearing and incongruous development that would look out of place against both the host dwelling and the neighbouring properties. This is caused by the first floor element of the proposed extension. In this respect, I agree with the council that the roof design is poor and would be highly visible from many parts of the surrounding public domain, adding to the impact.
18. Consequently, the overall effect would be overbearing and harmful to the character of the host dwelling and wider area.
19. I find that the proposals to the rear would result in significant harm to the existing character of the host dwelling and the wider area, contrary to policies GD1, SP8 and the relevant parts of the SPD1 and the Framework.

#### *Living Conditions*

20. I note the council's concerns that the proposed window in the wide elevation could result in overlooking over the neighbouring property. However, this window would serve a hallway/landing and not a useable room. To that end I agree with the appellant that this window could be obscure glazed and non-openable which would, in that case result in no harm to the living conditions of the neighbouring occupiers. This could be secured by a planning condition.
21. I therefore do not find offence to policy GD1 or SP8 of the LP, nor the relevant parts of the SPD or Framework.

#### *Car Parking*

22. The proposed development would result in two bedrooms being added to the property, creating a 5 bedroom house. Under Policy IT5 (Parking and Access) of the LP and the Stevenage Borough Council Car Parking Standards Supplementary Planning Document (2020) (SPD2), there is a requirement for homes with 5 bedrooms to provide 2.5 car parking spaces. This, rounded up to the nearest whole number (as required) would be 3 parking spaces.
23. The host dwelling, as described by the appellant has an '*assigned garage space adjacent to no. 125 Verity Way plus... a hardstanding area to the front of the garage*'. It is clear to me that the occupiers have access to two formal spaces. The appellant claims that there are further spaces available, despite the 'no parking' signs which can accommodate additional cars, but these are informal.

The appellant suggests that the council have not provided evidence of parking congestion, but it is not for the council to do so. I was able to see at the site visit that car parking was very limited and I have some doubts about how genuinely useable the garages are for parking, given their smaller dimensions.

24. I note the appellant's argument about the sustainable location of the appeal property, being in accessibility zone 3, as set out in SPD2. Had the proposals been a single additional bedroom and bathroom to meet the needs of the disabled person who is described in the submissions then the argument would have been more straightforward.
25. However, I consider the policy is clear on the matter and even if the appellants do not require additional parking presently, there is no guarantee that future occupiers may have more cars than can be accommodated in the parking area. This would result in significant harm to the living conditions of neighbouring occupiers associated with increase pressure on the availability of car parking. I therefore conclude that the proposals would be contrary to Policy IT5 and the guidance contained within the SPD2.

#### *Personal Circumstances*

26. Part of the justification for the proposals is that the appellant wishes to provide more space for a disabled family member to live and be supported in the home. From the submissions made in the application and appeal, I can see that the ground floor extension would accommodate an additional bedroom and bathroom for this purpose. There is no existing space to accommodate a ground floor bedroom and bathroom, so it is clear to me that the ground floor rear extension is necessary. The proposals to further enlarge the ground floor with an extension to the front would provide a larger space to accommodate circulation and a segregated lounge and kitchen/dining area. Given the disabled family member would then be better able to share this space with the family, I consider the further space would also be necessary given the fact that they would be living entirely on the ground floor in light of their mobility limitations.
27. As a result, I give great weight to the personal circumstances of the appellant's disabled family member and consider that the ground floor extension (to the front and rear) alone would not result in unacceptable harm.
28. Whilst there appears to be genuine need for a single additional bedroom on the ground floor and that it would provide adequate accommodation for the disabled adult as part of the wider family home, I fail to see how it would also justify the additional bedroom on the first floor, given the harm I have already identified to character and appearance, as well as the requirement for additional car parking.
29. In considering the requirements of the PSED, a refusal of permission would not amount to unlawful discrimination. Allowing the appeal when the proposal would result in the harm I have identified would undermine relations between people who do and do not share a protected characteristic. This supports my view that the need for the proposals does not outweigh the harm to the character and appearance of the area, nor the car parking requirements.
30. As I must determine this appeal in its entirety, I consider that the harm I have identified would not be outweighed by the benefits.

**Conclusions**

31. For the reasons given and having considered all matters raised, I conclude that the appeal is dismissed.

*Sian Griffiths*

INSPECTOR

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