



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 5 March 2024

Time: 6.30pm

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact: Ian Gourlay (01438) 242703

committees@stevenage.gov.uk

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

AGENDA

PART I

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 8 FEBRUARY 2024

To approve as a correct record the Minutes of the previous meeting of the Planning & Development Committee held on 8 February 2024.

Pages 3 – 10

3. 23/00890/RMM - LAND TO THE NORTH OF STEVENAGE, OFF NORTH ROAD AND WESTON ROAD

Application for approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 442 no. residential units comprising Phase 2 pursuant to Outline permission 17/00862/OPM.

Pages 11 – 62

4. 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 63 – 72

5. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on appeal decisions, appeals lodged and called-in applications.

Pages 73 – 82

6. URGENT PART I BUSINESS

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

7. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

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

8. URGENT PART II BUSINESS

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

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Thursday, 8 February 2024

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair), Claire Parris (Vice Chair), Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Ellie Plater, Graham Snell, Carolina Veres, Stephen Booth and Conor McGrath

Start / End Time: Start Time: 6.30pm
End Time: 7.40pm

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

Apologies for absence were submitted on behalf of Councillors Julie Ashley-Wren, Adam Mitchell and Anne Wells.

Councillors Stephen Booth and Conor McGrath were in attendance as substitutes for Councillors Ashley-Wren and Wells.

There were no declarations of interest.

2 **MINUTES - 9 JANUARY 2024**

It was **RESOLVED** that the Minutes of the Planning and Development Committee held on 9 January 2024 be approved as a correct record and signed by the Chair.

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

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

The application was before the Committee for determination as the application had been called in by Councillor Loraine Rossati due to the potential impact on neighbouring properties, car parking and highway safety.

The Senior Planning Officer gave an introduction to the Committee. She reminded Members that the application had been deferred previously to seek amended plans to remove the proposed highways works to the front of the building.

The Chair then invited Mr Edward Veale, Chair of the Stevenage Old Town Business and Community Partnership to address the Committee. Mr Veale advised that he was concerned by the proposal, and expressed worries about both the loss of

parking, and the precedent that could be set for changing the space from public to commercial use.

The Chair then invited Russell Linnard, on behalf of the applicant to address the Committee. Mr Linnard advised that amended plans had now been submitted which had removed the previously sought works to the front of the property. The existing dropped kerb to the west of the proposed works would also be reinstated resulting in a net loss of 3no. parking spaces. Mr Linnard also advised that no objections had been raised by Herts County Council as Highways Authority, SBC Engineers Department or BEAMS.

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

The Senior Planning Officer confirmed that the applicant had provided an amended plan which no longer included the works to the front of the premises and also made clear with annotations that the existing dropped kerb to the west of the proposed works on the southern side of the property would be removed and made good. As a result of the removal of the dropped kerb, a parking space would be generated on the highway confirming the net loss of only 3no. spaces.

In response to a number of questions/comments from Members, the Senior Planning Officer advised:

- The change of use of the land would be covered by a pavement licence, the issuing of which is a separate function of the Council and not a Planning matter;
- This application was only concerned with the proposed engineering works, comprising the removal of parking bays, a widened public footpath and associated kerbs and ancillary works;
- Additional disabled spaces would be considered as part of the County Council's forthcoming Plan for the Old Town;
- The Reason for Condition 4 would be amended to refer to the application site being within a Conservation Area.

It was **RESOLVED** that application 23/00482/FP be **GRANTED** planning permission subject to the conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
RL3883-02; 457-09-Rev B
- 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 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 C. No other furniture other than that shown on the attached plan shall be installed or erected unless an application for planning permission is first sought from the Local

Planning Authority.

- 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 C to the satisfaction of the Local Planning Authority.
- 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.

INFORMATIVE

1 **Public Information on Planning Applications**

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

2 **Community Infrastructure Levy**

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

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

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk . - 10 -

3 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at building.control@hertfordshirebc.co.uk or phoning us on 01438 879990. To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made

online or by phoning the above number after the application has been uploaded. Please phone Hertfordshire Building Control for fees guidance on 01438 879990.

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

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

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

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

4 Party Wall etc. Act 1996

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

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

5 Hertfordshire County Council as Highways Authority

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

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

The Committee considered an application for:

23/00920/FPM

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.

24/00009/S106

Variation of section 106 agreement to increase the number of affordable homes and Primary Education contribution approved under planning permission reference 19/00474/FPM.

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

The Principal Planning Officer advised that the prime driver behind the application was to remove the 49 enclosed/undercroft car parking spaces for fire safety reasons. The installation of the additional fire suppression systems required by Building Regulations had significant costs associated with subsequent viability challenges for the applicant.

Members were also advised that engagement with affordable housing providers had identified that the approved mix contained 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 was proposed to deliver more 2-bed apartments. Out of the 16 additional flats to be provided, 4 were to be affordable equating to 25% of additional units which is in accordance with the Council's affordable housing policy.

The Principal Planning Officer summarised the changes proposed to blocks 1 – 7. She advised that the removal of the car parking spaces would leave the remaining provision at 27% of the maximum standard within the SPD which although was at the lower end, was still within the required 25% - 50% range.

The following concerns were expressed by members of the Committee in response to the application:

- The ratio of parking spaces available for residents would be diminished which would result in an unacceptable increase in on-street parking in surrounding roads including, but not limited to, Kilby Road, Watson Road and Fairview Road;
- Scepticism around the fire safety reasons for removing the undercroft parking and that the application was purely to increase the number of flats and developer profits;

- Repeat subsequent applications to make amendments to previously allowed large scale developments were a concern;
- It was noted that the applicant would again have to appeal any refusal of this application or the application would default to the original approval which had been granted by the planning Inspectorate following an earlier Appeal.

Following further discussion, it was **RESOLVED** that Application 23/00920/FPM be **REFUSED** for the following reason:

The removal of the undercroft parking together with the increase in the number of flats would leave insufficient off-street parking for the proposed development, which would likely result in increased on-street parking on roads to the north and west of the site. This will likely result in a situation which would be prejudicial to the safety and operation of these roads. The development proposal is therefore contrary to the National Planning Policy Framework (2023) Paragraph 108 (e) and National Planning Practice Guidance 006 Reference ID; 42-006-20140306, Policies SP6 and IT5 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019) and the Council's Parking Provision and Sustainable Transport SPD (2020).

As the Committee voted to refuse the application for the residential development on the land to the West of Lytton Way, the application to vary the S.106 agreement was also **REFUSED**.

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

The Committee considered an application by Hertfordshire County Council for an adult day service facility (Class E) including the creation of new vehicular access off Hayward Close, circulation area, car parking, landscaping and associated development.

The application was before the Committee as it was a consultation from Hertfordshire County Council for a Minor Development in Stevenage.

The Principal Planning Officer gave an introduction to the Committee. She advised that the determining issues in the application related to the principle of development and land use policy considerations, design and layout of the development, impact on residential amenities and the environment.

The Committee was advised that 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 to residential use at a later date.

It was noted that the proposed building would be of a high-quality, sustainable design bringing significant landscape and biodiversity benefits to the site. The proposed development would also not cause issues of flooding or generate environmental issues such as noise and air pollutants.

In response to a question, Officers confirmed that the Planning Authority would

request in their consultation response to HCC that the removed trees should be replaced on a 3 for 1 basis.

It was **RESOLVED** that the Council raises **No Objection** to the proposed development, 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 the report.

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

The Committee considered the unauthorised construction of a single storey extension.

The Development Manager advised that the site was located within the pedestrianised Town Square Conservation Area and comprised a ground floor retail unit with flats above. The unauthorised construction, a timber framed and finished in fibreboard timber with a Perspex roof was to the rear of the building.

The Chair then invited Mr Godwin, occupier of 20 Market Place to address the Committee.

Mr Godwin advised that he was keen to rectify the situation and work and co-operate with the Council. He had been unaware of the requirements for approval as neighbouring properties had existing extensions.

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

The Development Manager advised the Committee that the existing extension, being an incongruous form of development being constructed in unsympathetic materials, significantly detracted from the historic character of the Town Square Conservation Area. The extension was deemed to have an impact which was at the upper end of the scale of 'Less than Substantial Harm' and that the extension's overall benefits did not outweigh the harm caused.

In response to a question from a Member of the Committee, the Development Manager advised that the remedy required was that 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 should be returned to its previous state before the extension was constructed.

The Committee were keen to ensure Officers engaged with Mr Godwin to find an acceptable way forward for both the applicant and the Council.

It was **RESOLVED** that in relation to Application 22/01052/ENF:

1. An Enforcement Notice be issued and served by the Assistant Director (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 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 (Planning and Regulation).

2. That subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director (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.
3. That in the event of any appeal against the Enforcement Notice, the Assistant Director (Planning and Regulation) be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

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

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

Date: 5 March 2024

Author: Rebecca Elliott

Lead Officer: Zayd Al-Jawad

Contact Officer: Rebecca Elliott

Application No:	23/00890/RMM
Location:	Land to the North of Stevenage, off North Road and Weston Road, Stevenage.
Proposal:	Application for approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 442 no. residential units comprising Phase 2 pursuant to Outline permission 17/00862/OPM.

Drawing Nos.:

P1708.P2.GAR.104; P1708.P2.GAR.105; P1708.P2.GAR.106;
P1708.P2.GAR.107; P1708.P2.GAR.108; P1708.P2.SS.101-A; P1708.P2.SS.102-A;
P1708.P2.SS.103-A; P1708.SRL.0008-A; P1708.SUB.201; P1708.B2.P2.103;
P1708.B2.P2.104; P1708.B2.P2.105; P1708.B2.P2.106; P1708.B2.P2.107;
P1708.B3A.P2.101; P1708.B3A.P2.102; P1708.B3A.P2.103; P1708.B3A.P2.104;
P1708.B3B.P2.101; P1708.B3B.P2.102; P1708.B4.P2.101; P1708.B4.P2.102;
P1708.B4.P2.103; P1708.BLK10.201; P1708.BLK10.202; P1708.BLK10.203;
P1708.BLK10.204; P1708.BLK10.205; P1708.BLK10.206; P1708.BLK10.207;
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P1708.BLK11.208; P1708.BLK12.201; P1708.BLK12.202; P1708.BLK12.203;
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P1708.BM.P2.103; P1708.BN1.P2.104; P1708.BN.P2.101A; P1708.BN.P2.102A;
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P1708.BN1.P2.108; P1708.BN1.P2.109; P1708.BN1.P2.110; P1708.BO.P2.103;
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P1708.FR.P2.103; P1708.FR.P2.104; P1708.FR.P2.105; P1708.FR.P2.106;
P1708.FR.P2.107; P1708.GN.P2.101; P1708.GN.P2.102; P1708.GN1.P2.101;
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P1708.M3A.P2.101; P1708.M3B.P2.101; P1708.M4.P2.101; P1708.M4.P2.102;
P1708.MA.P2.101; BM1-OC-RMA-2-DR-C-6031-02; BM1-NPA-P2-ZZ-DR-Y-3203-A-C02;
BM1-NPA-V1-ZZ-M2-L-5008-S4-C03; BM1-OC-RMA-2-DR-C-6030-02;
BM1-OC-RMA-2-DR-C-6302-02; BM1-OC-RMA-XX-DR-C-2026-R07; P1708.022-M;
P1708.23-M; P1708.24-I; P1708.25-K; P1708.26-K; P1708.27-K; P1708.200-Q;
P1708.201-N; P1708.202-Q; P1708.BN1.P2 - REV A; P1708.BN1.P2.107 - REV A;
P1708.BO.P2.101 - REV A; P1708.BO.P2.102 - REV A; P1708.BO2.P2.101;
P1708.BO2.P2.102; P1708.BR.P2.103 - REV A; P1708.BR.P2.104 - REV A;
P1708.BR.P2.105; P1708.BR.P2.106; P1708.BW.P2.101 - REV A;
P1708.BW.P2.103 - REV A; P1708.BW.P2.104; P1708.BW.P2.105;
P1708.GW.P2.105 - REV A; P1708.GW.P2.106 - REV A; P1708.P2.SS.107-D;
P1708.P2.SS.108-C; P1708.P2.SS.109-C; P1708.MA.P2.102; P1708.MA.P2.103;
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P1708.HT1.P2.101; P1708.M4A.P2.101; P1708.M4A.P2.102; P1708.P2.GAR.102;
P1708.P2.SS.104-A; P1708.P2.SS.105-A; P1708.P2.SS.106-A;
P1708.WN.P2.104 - REV A; P1708.P2.SS.110-A; P1708.WN.P2.103 - REV A;
P1708.WN.P2.105; P1708.WN.P2.106; BM1-NPA-V1-OS-DR-L-7521-A-C01;
P1708.SRL.0008-A; BM1-NPA-V1-OS-DR-L-7520-A-C01; BM1-NPA-V1-OS-M2-L-7410-A-C01;
BM1-NPA-V1-ZZ-D-L-5008-A-C01; BM1-NPA-V1-ZZ-SP-L-5050-C01;
BM1-OC-RMA-2-DR-C-6000-03; BM1-OC-RMA-2-DR-C-6001-03; BM1-OC-RMA-2-DR-C-6002-03;
BM1-OC-RMA-2-DR-C-6003-03; BM1-OC-RMA-2-DR-C-6004-03; BM1-OC-RMA-2-DR-C-6005-03;
BM1-OC-RMA-2-DR-C-6006-03; BM1-OC-RMA-2-DR-C-6007-03; BM1-OC-RMA-2-DR-C-6008-03;
BM1-OC-RMA-2-DR-C-6009-03; BM1-OC-RMA-2-DR-C-6010-03; BM1-OC-RMA-2-DR-C-6011-03;
BM1-OC-RMA-2-DR-C-6012-03; BM1-OC-RMA-2-DR-C-6013-03; BM1-OC-RMA-2-DR-C-6014-03;
BM1-OC-RMA-2-DR-C-6015-03; BM1-OC-RMA-2-DR-C-6016-03; BM1-OC-RMA-2-DR-C-6017-03;
BM1-OC-RMA-2-DR-C-6018; BM1-OC-RMA-

2-DR-C-6019; BM1-OC-RMA-2-DR-C-6020; BM1-OC-RMA-2-DR-C-6021; BM1-OC-RMA-2-DR-C-6022; BM1-OC-RMA-2-DR-C-6023; BM1-OC-RMA-2-DR-C-6024-01; BM1-OC-RMA-2-DR-C-6025-01; BM1-OC-RMA-2-DR-C-6026-01; BM1-OC-RMA-2-DR-C-6027-01; BM1-OC-RMA-2-DR-C-6028-01; BM1-OC-RMA-2-DR-C-6029-01; BM1-OC-RMA-2-DR-C-6033; BM1-OC-RMA-2-DR-C-6034; BM1-OC-RMA-2-DR-C-6035; P1708.BC.205; P1708.BIN.201; P1708.BIN.202; P1708.BIN.203; P1708.P2.CP.101; P1708.P2.CYC.101; P1708.P2.GAR.101; P1708.P2.GAR.103;

Applicant: Bellway Homes (North London) and Miller Homes Ltd

Date Valid: 22 November 2023

Recommendation: APPROVAL OF RESERVED MATTERS.

1. SITE DESCRIPTION

- 1.1 The application site which measures approximately 75 hectares in area is located to the north of Stevenage and is situated to the east of North Road, to the north east of Granby Road and Chancellors Road and to the west of Weston Road and Great Ashby Way. To the north are agricultural fields. This site is agricultural land comprising a number of arable fields with semi mature hedgerows and trees. The site undulates with a ridgeline running along the northern boundary which adjoins trees. There are two sets of electricity pylons running through the site, with 132Kv pylons toward the north of the site and 44Kv pylons within the centre of the site.
- 1.2 The northern boundary of the site adjoins the borough boundary with North Hertfordshire District Council (NHDC). The land to the north of this is included in the adopted NHDC local plan for residential development. To the west the site faces onto North Road and the Wrenbridge employment site currently under construction, adjacent to which is the nearby Rugby Club and Lister Hospital. Along the south western boundary of the site is a public footpath/bridleway which runs along the boundary with properties in Chancellors Road, Granby Road and respective cul-de-sac spur roads. There are also footpaths running through the site to land to the north. To the east of the site is Weston Road which contains the Cemetery to the south west and the nearby St Nicholas Church and adjoining listed buildings on Rectory Lane. Finally, also to the east of the site is Rooks Nest Farm which comprises a number of listed buildings including the grade II listed farm itself and associated outbuildings and Rooks Nest House which is a grade I listed building. The south eastern part of the site is located within the St Nicholas and Rectory Lane Conservation Area and the Green Belt.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 17/00862/OPM granted Outline consent for the erection of 800 residential dwellings, creation of a new local centre, provision of a primary school, provision of landscaped communal amenity space including children's play space; creation of new public open space together with associated highways, landscaping, drainage and utilities works. The application was accompanied by an Environmental Statement. The decision was issued on 1st September 2022 following completion of a Section 106 Agreement.
- 2.2 Application 21/01354/FP granted permission for access works (comprising a new access to land to the west of North Road) on North Road, Stevenage in association with the Employment development on land to the west of North Road. The decision was issued on 1 April 2022.
- 2.3 Application reference 22/00781/RMM is currently being considered for the reserved matters application for the construction of a Country Park including access, layout and landscaping pursuant to Outline permission 17/00862/OPM.

- 2.4 Application reference 22/00806/RMM for the approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 115 units comprising Phase 1 Parcels D pursuant to Outline permission 17/00862/OPM was approved by members at the committee meeting of 26 November 2023 and the decision issued on 30 January 2024.
- 2.5 Application reference 22/00808/RMM for the approval of reserved matters for Site Wide Infrastructure including Highways Infrastructure, Drainage and Surface Water, and Green Infrastructure pursuant to Outline permission 17/00862/OPM was approved by members at the committee meeting of 9 February 2023 and the decision was issued on 15 March 2023.
- 2.6 Application reference 22/00810/RMM for the approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 243 units comprising Phase 1 Parcels A-C and commercial unit (Use Class E) pursuant to Outline permission 17/00862/OPM was approved by members at the committee meeting of 9 February 2023 and the decision was issued on 15 March 2023.
- 2.7 Application reference 22/00850/NMA was granted for a non-material minor amendment to outline planning permission 17/00862/OPM to amend wording of conditions 4, (Approval of Details), 18 (Service and Delivery Plan) and 37 (Power Lines). The decision was issued on 17 October 2022.
- 2.8 Application reference 22/00840/COND for the discharge of condition 36 (Flood Risk) attached to planning permission reference number 17/00862/OPM was approved on 6 November 2023.
- 2.9 Application reference 22/00841/COND for the discharge of condition 14 (Construction Management Plan - Temporary Access) attached to planning permission 17/00862/OPM was approved on 31 March 2023.
- 2.10 Application reference 22/01099/COND for the discharge of conditions 7 (Method Statement Ecology) and 8 (Construction Environmental Management) attached to planning permission 17/00862/OPM was approved on 31 March 2023.
- 2.11 Application reference 23/00011/CLPD for a Certificate of Lawfulness (Proposed) for the erection of a 3m high brick wall enclosure around proposed terminal tower 314A (subject to Section 37 of the Electricity Act) adjacent North Road was agreed on 22 February 2023.
- 2.12 Application reference 23/00013/NOI as a notice of intent to ground the overhead power lines and install two terminal towers under Section 37 of the Electricity Act 1989 and in accordance with the Overhead Lines (Exemption)(England and Wales) Regulations 2009, as permitted development was agreed on 6 February 2023.
- 2.13 Application reference 23/00014/TPTPO for works to trees covered by tree preservation orders to include the cutting back of mixed broadleaf trees (T47-T60) under TPO 71 along Bridleway 022 adjacent to No. 22 North Road and No.11 Granby Road was approved on 24 February 2023.
- 2.14 Application reference 23/00070/COND for the discharge of condition 9 (Biodiversity Monitoring Strategy) attached to planning permission 17/00862/OPM was approved on 11 April 2023.
- 2.15 Application reference 23/00086/TPCA for works to trees sited within the Conservation Area to include works to various mixed broadleaf hedgerows, mixed saplings and Elm saplings within the Conservation Area to provide minimum height clearance of 3.4m to 5.2m and minimum width of 3m to Bridleways 022 and 023 was agreed on 24 February 2023.

- 2.16 Application reference 23/00204/COND for the discharge of condition 6 (housing and infrastructure phasing plan) attached to planning permission reference number 17/00862/OPM was approved on 16 May 2023.
- 2.17 Application reference 23/00205/COND for the discharge of condition 22 (Highways infrastructure (d) bus stops) attached to planning permission 17/00862/OPM was approved on 11 April 2023.
- 2.18 Application reference 23/00206/COND for the discharge of conditions 27 (Archaeological trial trench) and 28 (Archaeological Mitigation) attached to planning permission 17/00862/OPM were approved on 04 July 2023.
- 2.19 Application reference 23/00215/COND for the discharge of condition 5 (phasing plan) attached to planning permission reference number 17/00862/OPM was approved on 31 May 2023.
- 2.20 Application reference 23/00216/COND for the partial discharge of condition 37 (power lines and pylons) attached to planning permission reference number 17/00862/OPM relating only to the technical specifications and general phasing plan was approved on 04 July 2023.
- 2.21 Application reference 23/00310/NMA for a non-material minor amendment of reserved matters (layout, landscaping, scale, and appearance) for residential development of 243 units comprising Phase 1 Parcels A-C and commercial unit (Use Class E) pursuant to Outline permission 17/00862/OPM relating to make changes to the external appearance of blocks 1-4 in the local centre to include Juliet balconies and brick detailing; addition of block paving around the play area in the local centre; changes to parking area around block 1; changes to hard surface materials to commercial and rear parking area of block 1; addition of a disabled bay at block 1; erection of a new sub-station; and change in orientation of plots 60-62, 70 and 71 in the Bellway sales area to include change in house type from TH to MA was approved on 31 May 2023.
- 2.22 Application reference 23/00360/NMA for a non-material minor amendment of reserved matters application 22/00808/RMM to amend condition 2 (approved plans) with regards to SuDS basins, drainage layout, planting, hardsurface materials, boundary treatments, landscaping and pedestrian routes was approved on 19 December 2023.
- 2.23 Application reference 23/00377/COND is currently being considered for the discharge of condition 35 (Drainage Strategy) relating to side wide infrastructure, attached to planning permission reference number 17/00862/OPM.
- 2.24 Application reference 23/00378/COND for the discharge of condition 26 (hard surface materials) relating to site wide infrastructure, attached to planning permission reference number 17/00862/OPM was approved on 17 July 2023.
- 2.25 Application reference 23/00430/COND is currently being considered for the discharge of condition 35 (Drainage Strategy) relating to Phase 1A-C, attached to planning permission reference number 17/00862/OPM (Phase 1A-C).
- 2.26 Application reference 23/00431/NMA for a non-material minor amendment to reserved matters approval reference 22/00810/RMM to replace bay windows with flush windows on some dwellinghouses was approved on 06 July 2023.
- 2.27 Application reference 23/00509/COND for the discharge of condition 26 (Materials) relating to the Bellway Homes plots, attached to planning permission reference number 17/00862/OPM was approved on 13 September 2023.

- 2.28 Application reference 23/00529/S106 is currently being considered for the modification of Schedule 2 Clause 2.2, 4.4, 4.5, 4.6 and 4.7, Schedule 5 Clause 1.2, 1.5 and 2.1.1 and Schedule 7 Clause 2.1 to Section 106 Agreement (dated 01.09.2022) approved under planning permission reference number 17/00862/OPM relating to the Country Park clauses.
- 2.29 Application reference 23/00526/RMM for the approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 243 units comprising Phase 1 Parcels A-C and commercial unit (Use Class E) amendments to Phase 1C Local Centre pursuant to Outline permission 17/00862/OPM was approved by members at the committee meeting of 3 October 2023 and the decision was issued on 6 November 2023.
- 2.30 Application reference 23/00551/COND for the discharge of condition 26 (Hard Surfacing Materials) relating to the Miller Homes plots, attached to planning permission reference number 17/00862/OPM was approved on 14 September 2023.
- 2.31 Application reference 23/00656/COND for the discharge of condition 11 (Piling and Foundation) attached to planning permission reference number 17/00862/OPM was approved on 14 December 2023.
- 2.32 Application reference 23/00667/COND for the discharge of condition 7 (Bat and Swift Boxes) relating to Phase 1A-C attached to reserved matters permission reference number 23/00810/RMM was approved on 18 October 2023.
- 2.33 Application reference 23/00668/COND for the discharge of condition 13 (External Lighting) relating to Phase 1A-C attached to reserved matters permission reference number 22/00810/RMM was approved on 19 December 2023.
- 2.34 Application reference 23/00669/COND for the discharge of Condition 14 (External Materials) relating to Phase 1A-C attached to reserved matters permission reference number 22/00810/RMM was approved on 3 November 2023.
- 2.35 Application reference 23/00737/COND for the discharge of condition 14 (External materials) attached to planning permission reference number 23/00526/RMM (Phase 1A-C) Miller Homes plots only was approved on 19 December 2023.
- 2.36 Application reference 23/00748/COND for the discharge of condition 11 (Piling and Foundation) attached to planning permission reference number 17/00862/OPM was approved on 19 December 2023.
- 2.37 Application reference 23/00789/COND for the discharge of condition 14 (Construction Traffic Management Plan) attached to planning permission reference number 17/00862/OPM is a live document for the duration of the development construction.
- 2.38 Application reference 23/00827/NMA for a non-material minor amendment to reserved matters approval 22/00808/RMM to amend condition 2 (approved plans) following approval of reserved matters approval 23/00526/RMM (Phase 1A-C) to amend the Local Centre design was agreed on 19 December 2023.
- 2.39 Application reference 24/00008/COND is currently being considered for the discharge of Condition 7 (Bat and Swift Boxes) and 13 (External Lighting) attached to planning permission reference 23/00526/RMM.
- 2.40 Application reference 24/00036/COND is currently being considered for the discharge of condition 37 (Power Lines) attached to planning permission reference 17/00862/OPM.

3. THE OUTLINE APPLICATION AS APPROVED

- 3.1 The outline application (reference 17/00862/OPM) was submitted to establish the principle of development at the site, with all matters reserved except for the means of access. The outline proposal sought permission for a residential development of up to 800 dwellings as well as the creation of a new local centre, provision of a primary school, provision of landscaped communal amenity space together with associated highways, landscaping, drainage and utilities works. The outline application was approved with a masterplan and a series of parameter plans identifying design coding, building heights and showing the illustrative layout of the development, including how the development will impact on the St Nicholas and Rectory Lane Conservation Area.
- 3.2 The primary access to the site is to be taken from North Road via two vehicular access points from which the remainder of the road network for the site will be formed. The primary access road, or spine road, forms a loop within the residential developed land between the two main access points. Beyond this, the highway network will extend into the residential parcels to provide permeable access to all parts of the site, including the proposed Country Park. A bus route is provided along the primary access route through the site, with a connection proposed to the neighbouring North Hertfordshire District Council (NHDC) NS1 designated residential site. The primary access route would also have dedicated cycle and footways, with access off an improved cycleway provision along North Road in conjunction with Hertfordshire County Council (HCC).
- 3.3 The residential development on site would be limited to the western side, with the eastern half of the site providing a fully accessible Country Park. The residential provision is separated into northern and southern parcels, with the primary school and local centre located centrally between. The layout of the developed part of the site accommodates the 440kv electricity pylons within a landscaped corridor running east-west across the site and to the south of the primary school and local centre. The northern 32kv cables within the site would be grounded with terminal towers being provided on the western and eastern parameters of the developed area of the site.
- 3.4 The outline application was approved in September 2022 with the S106 Agreement being signed at the same time. This agreement makes provision for financial and developer contributions towards (but not limited to) primary education, affordable housing, the Country Park, outdoor open space and children's play space, highways works, improved pedestrian and cycle connections along North Road and the NHS.

4. RESERVED MATTERS APPLICATIONS

- 4.1 Following the approval of the outline application, the permission was conditioned such that further details were to be submitted by reserved matters applications for the siting, layout, landscaping and appearance of the development. Four reserved matters applications have been submitted for 1. Infrastructure; 2. Country Park; 3. Residential Phases 1A-C (Including Local Centre parcel); and 4. Residential Phase 1D (Conservation Area Parcel).
- 4.2 Application reference 22/00808/RMM as approved relates to the infrastructure reserved matters (RM) which proposes the main highway network of the spine road and primary spur road connections off the spine road, it also covers all foot and cycleway provision, open space (excluding the Country Park) and landscaping provision within the main non-residential areas of the site, the drainage proposals and the site's play spaces.
- 4.3 The Country Park application reference 22/00781/RMM has a resolution to grant permission following being heard at planning committee on 29 November 2023 and would provide a 38-

hectare accessible open space within Stevenage. The Country Park would be served by a car park and toilet block accessed from the proposed residential development to the north of the site. This area of development known as and referred to as Phase 2 is due to come forward as a RM within the second quarter of 2023. Access to the Country Park is shown on the respective infrastructure plan of the current infrastructure RM application. The Country Park also includes provision of two drainage attenuation basins, perimeter and other footpaths/cycleways, and furniture.

- 4.4 The southern half of the site being developed under Phases 1A-D has been agreed under planning references 22/00806/RMM and 23/00526/RMM, including parcel C being the local centre, and parcel 1D which is contained within the St Nicholas and Rectory Lane Conservation Area. All parcels in Phase 1 would equate to a total of 358 dwellings, which includes a provision of flats in the local centre, and larger aspirational homes in the Conservation Area.
- 4.5 The northern half of the site, Phase 2, the subject of this application, would provide the remaining 442 dwellings across a range of apartment blocks in combination with 2, 3 and 4 bedroom dwellings. This phase of the site would also provide the self-build plots which are a policy requirement of the site. This northern half of the site would also provide connectivity through to the neighbouring North Herts District Council allocated site NS1. The residential RM applications include all areas of open space and landscaping not contained in the infrastructure application; secondary roads and cul-de-sacs; parking areas; communal areas; cycle stores and bin stores (where appropriate).

5. THE CURRENT APPLICATION

- 5.1 The current application is for the residential development of Phase 2 of the site providing 442 no. residential units, all highways matters outside of the infrastructure application, landscaping and boundary treatments.
- 5.2 Phase 2 covers the whole northern parcel of the site, sitting to the north of the spine road and extending from the western side by North Road to the central green corridor on the eastern side of the site. A small parcel of housing to the south west of the spine road and east of the Primary School allocated land forms part of Phase 2 also. To the east of Phase 2 there is a narrow strip of land that forms part of the St Nicholas and Rectory Lane Conservation Area, and which directly abuts the proposed Country Park. This area of land forms a green barrier between the built form and Country Park, including an area for the LEAP (Local Equipped Area for Play) presented at the entrance of the Country Park.
- 5.3 Across the north western boundary of the site an existing mature tree line forms a green screen around the site. At midway centrally the tree belt cuts diagonally south east towards the Country Park. To the north of this section of tree belt the proposed site layout would see approximately one third of the dwellings sited. The boundary with NS1 has been left with minimal landscaping and dwellings facing outwards to provide a legible connection between the two developments.
- 5.4 Phase 2 is most directly accessed from the northern vehicular access off North Road. The spine road approved under the Infrastructure RM provides a tree-lined avenue throughout the development. Phase 2 has several secondary and tertiary roads leading off the spine road to form cul-de-sacs and shared driveways, as well as the main connection through to NS1 and leading to the Country Park car park and entrance.

5.5 The proposed apartment blocks form gateway buildings into the first two roads off the western end of the spine road. The spine road itself is fronted by predominantly semi-detached dwellings, with some detached dwellings on corner plots. The rest of the site is largely made up of semi-detached dwellings and rows of terraces, with policy compliant levels of affordable housing displaced across the whole site.

6. PUBLIC REPRESENTATIONS

6.1 As a major planning application the proposal has been publicised by way of letters to adjoining and nearby premises, as well as all third-party contributors from application 17/00862/OPM, the erection of site notices and a press notice. Following this publicity, two objections have been received as below –

- There are too many houses planned for in this area, ruining the countryside round Stevenage. This is an area enjoyed by horse riders, cyclists and walkers. Please retain the tracks on this land so that we can continue to enjoy it.
- There is no consideration given to horse riders in this. Existing tracks should be maintained and consideration to the safety of riders must be given in light of the significant increase in traffic that will occur.

7. CONSULTATIONS ON THE ORIGINAL APPLICATION

7.1 Hertfordshire County Council as Highways Authority

7.1.1 HCC Highways has reviewed the drawings supporting this Reserved Matters Application for Phase 2 of this development and consider the are acceptable. We do note however, that the dimensions of some garages, whilst meeting the SBC standard dimensions for car parking (6x3m), are smaller than neighbouring authorities' standards (NHDC etc) for garages that accommodate cycle parking (7x3m).

7.1.2 HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

7.1.3 AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. 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.

7.1.4 AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. 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.

7.1.5 AN3) 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.

- 7.1.6 AN4) 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.
- 7.1.7 AN5) Works within the highway (section 278): 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 County Council website at: <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.
- 7.1.8 AN6) 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>
- 7.1.9 AN7) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.
This should be carried out prior to any new apparatus is placed within the highway.
- 7.1.10 AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements,

and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

- 7.1.11 AN9) 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

7.2 Hertfordshire County Council as Lead Local Flood Authority

- 7.2.1 Thank you for your consultation on the above site, received on 24 November 2023. We have reviewed the application relating to the Reserved Matters application as submitted and wish to make the following comments. The Reserved Matters Application relates to the development of 442 no. residential units comprising Phase 2 including appearance, landscaping, layout and scale pursuant to outline permission 17/00862/OPM which was granted outline planning permission on the 1 September 2022.
- 7.2.2 The previous outline application was for the erection of 800 residential dwellings, the creation of a new local centre, provision of a primary school, provision of landscaped communal amenity space including children's play space; creation of new public open space together with associated highways, landscaping, drainage, and utilities work. At this stage, the LLFA has the following advice on this reserved matters application:
- 7.2.3 The LLFA notes that plots 389-398, 405, 410, 411, 417, 419, 420, 438, 442-444, and 494-496 have finished floor levels which are lower than the proposed finished ground level for the roadways. Therefore, we highly recommend that these properties can be altered to have a sufficient level of resilience through a minimum of 300mm freeboard to any flood level along with a minimum of 150mm freeboard to the surrounding ground level. It is unclear if all the areas of above ground flooding from the drainage scheme have yet to be identified, as the plot drainage is not included in any of the supporting calculations. The calculations have included the impermeable areas, but the detailed design of the above plots have not been provided, and hence the LLFA advises the LPA and the applicant that flood resilience has to be assessed at the Discharge of Conditions stage.
- 7.2.4 The LLFA requires information on how the areas of permeable paving will be draining as the drawings submitted do not include any information on their proposed drainage connections to the site wide infrastructure. This should be supplied at the discharge of conditions stage.
- 7.2.5 There is no information on the individual plot drainage demonstrating how the gardens are to be drained, or how the retaining walls will impact the drainage and surface water flow paths. This information should be provided at the discharge of conditions stage.
- 7.2.6 It should be noted that no information provided on this application resolves the outstanding query regarding flood risk for Basin 4 located in the Country Park area. It is still required to show that Basin 4 will not be overwhelmed from the ordinary watercourse at the 1% AEP plus 40% climate change flood event. This would require modelling of the ordinary watercourse pre and post development to show how Basin 4 is outside this area of flooding, flood water cannot enter the drainage basin and the drainage basin does not impact flood storage for the existing property downstream. Without this information it cannot be confirmed if there would be sufficient storage in Basin 4 for the proposed drainage scheme for the design event.

7.2.7 Informative to the LPA

- 7.2.7.1 The LLFA would like it to be noted that Phase 2 discharge of conditions application will require each of the plots to restrict the discharge to that modelled going into the site wide drainage infrastructure. This is due to Phase 2 requiring the drainage network of the Site Wide Infrastructure along with Basin 4 which is accessed through Phase 1 Parcel D. Detailed design of on plot drainage is required.
- 7.2.7.2 In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see [FEH22 - User Guide \(hydrosolutions.co.uk\)](https://www.hydrosolutions.co.uk/FEH22-User-Guide)). Both 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.
- 7.2.7.3 Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

7.3 Council's Conservation Advisor BEAMS

- 7.3.1 No comments received at the time of drafting this report.

7.4 Hertfordshire County Council Rights of Way

- 7.4.1 No comments received at the time of drafting this report.

7.5 Council's Parks and Amenities / Green Spaces / Arboricultural Manager

- 7.5.1 I have reviewed the plans and don't see any major issues requiring my comments. However, I noticed there isn't much information about the landscaping yet. I assume that further planting plans, including details about the species, will be shared in due course, presumably as a condition discharge.

7.6 Historic England

- 7.6.1 Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

7.7 North Herts District Council

- 7.7.1 Thank you for consulting North Herts Council (NHC) on the above-mentioned planning application, which proposes development located adjacent to the boundary between the two authorities. As you are aware, the site abuts the strategic housing site referred to as NS1 as allocated in the North Herts Council adopted local plan. An outline planning application has recently been submitted to North Herts Council for the development of NS1 for the erection of up to 900 dwellings (including affordable housing and self/custom build units), provision of a primary school, provision of a neighbourhood centre including community building, and provision of open space areas across the site, together with associated drainage, land works and utilities works. This application is accompanied by an Environmental Statement.
- 7.7.2 There are a number of interconnected considerations between Stevenage Borough Council (SBC) Phase 2 reserved matters application and North Herts Council's (NHC) NS1 site which

potentially can deliver mutual benefits for both developments. These are set out below for your consideration. For reference, copies of the masterplan and other supporting documentation for NS1 can be found on the North Herts Council public access system here (application reference 23/02935/OP) – <https://pa2.north-herts.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=S610TNLKFGX00>

7.7.3 Sense of place and architecture

7.7.3.1 Paragraph 131 of the NPPF confirms ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’ At paragraph 135 of the NPPF, reference is made to the need for ‘good architecture’ and to ‘establish... a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit’.

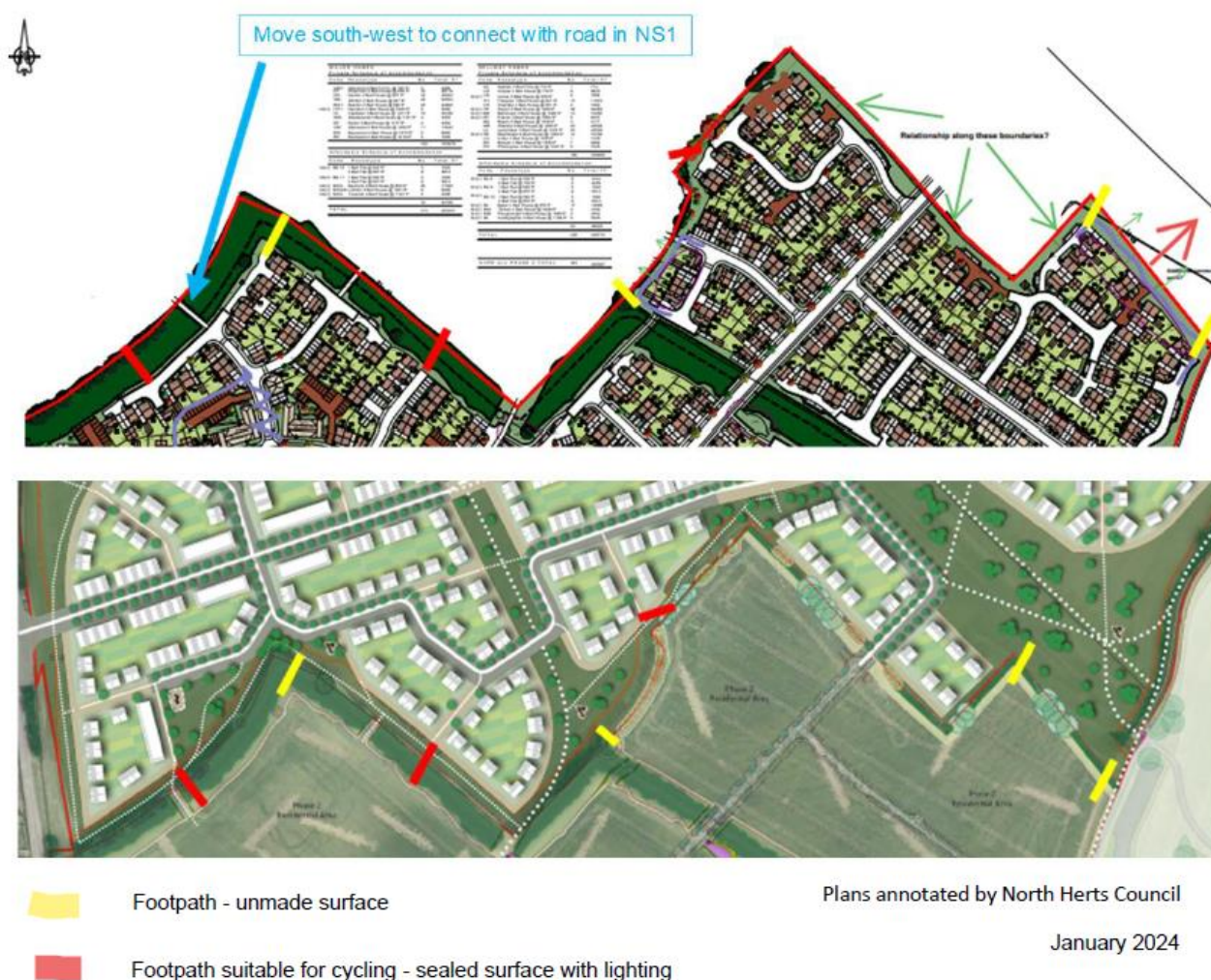
7.7.3.2 The connecting/primary road between Phase 2 and NS1 appears to be aligned. The open space that runs adjacent to the party boundary either side of this road will provide a transitional area between the Phase 2 and NS1 that will also helping create a sense of place. To further enhance and differentiate between the two sites and help with a sense of transition from one character area to the adjacent one that will be established in NS1, some other visual cues may also be beneficial. There are two key plots within Phase 2 - 544 and 572 (parcels C1 and C2) - which are of greatest importance in this respect as they are the primary buildings when entering the leaving the two sites. The use of dual aspect frontages to these plots (house type Bowyer) are welcome. However, a bolder architectural statement could be made of these particular dwellings by the greater use of contrasting materials compared to the neighbouring properties and the inclusion of more pronounced design features such as a single or two storey bay window to the principal (primary) street elevation. The combination of such features/changes would provide greater visual interest and create high quality street scene and enhance the sense of space all referenced in the NPPF.

7.7.3.3 Plots 523, 524, 525 and 526 located within parcel C1 front onto public / open space on all elevations. The rear of the properties will face a large public open space and active travel link located within NS1 and linking to Phase 2. Elsewhere on the Phase 2 site, primary frontages of dwellings overlook and interact with the public realm (roads and spaces). Following this theme and to ensure a high-quality and connected development across Phase 2 and NS1 that creates a sense of place, we would highly recommend that either (i) these four plots be reorientated to face north-west to overlook and interact with the strategic public open space proposed within NS1 or (ii) less traditional and semi permeable rear and side boundary treatments to these plots be incorporated/conditioned. The photograph below illustrates how this might successfully be achieved with use of railings with hedgerow planting. It is appreciated that the rear gardens are traditionally private spaces and that the railing detail to the aforementioned plots could be taller than that illustrated with semi mature hedgerow planting to provide privacy during the summer months when the gardens are more likely to be in use.

7.7.3.4 Plots 595, 603, 604 and 641 are located within area C3 and these abut the strategic open space within NS1 along the Forster Way linking to the country park within Stevenage. None of these plots are currently dual aspect and, as proposed, the dwelling types for these plots will create effectively a ‘dead frontage’ when viewed from the aforementioned strategic open space located within NS1. The absence of house types that interact and enhance the public realm along this important boundary would be a missed opportunity. It is therefore suggested that alternative and distinctive dual aspect house types with contrasting materials be sought for all of these plots. The added value in making such changes to these plots would be significant in terms of place making and would ultimately create a high-quality development across the two sites.

7.7.4 Active travel and connectivity

7.7.4.1 Paragraphs 104, 108 (c) 114 and 116 of the recently revised NPPF confirm that developments should enhance rights of way and pay particular attention to promoting cycling and walking opportunities. The illustrative strategic masterplan provided for NS1 is at an advanced stage and therefore there is some certainty that the site will be developed in accordance with this. In relation to connectivity and the promotion of cycling and walking, the SBC Phase 2 reserved matters plan identifies active travel routes/links which align with similar points on the NS1 masterplan. There are a number of locations within Phase 2 which about open spaces within NS1 and where there is not currently an identified active travel route for residents to use. The importance of such links cannot be understated given the fact that local services in both parcels will be accessed and used by residents of both developments. The attached marked up plan illustrate the suggested additional links. The red routes should be suitable for cycling (sealed surface and lighting) and yellow routes a footpath (unmade surface).



7.8 **Thames Water**

7.8.1 Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

7.9 Affinity Water

7.9.1 Affinity Water has no comments to make regarding planning application 23/00890/RMM.

7.10 Anglian Water

7.10.1 No comments received at time of drafting this report.

7.11 Herts and Middlesex Wildlife Trust

7.11.1 No comments received at time of drafting this report.

7.12 UK Power Networks

7.12.1 No comments received at time of drafting this report.

7.13 Herts County Council Minerals and Waste

7.13.1 No comments received at time of drafting this report.

7.14 Herts County Council Growth and Infrastructure

7.14.1 No comments received at time of drafting this report.

7.15 Hertfordshire Police Crime Prevention Officer

7.15.1 Thank you for inviting me to comment on this planning application. Having studied the documentation, I have the following comments to make. I note that within the Design and Access Statement section 5.10 deals with 'Safety & Security'. I noted that although there is mention of the Police preferred minimum security standard that is 'Secured by Design' (SBD). There is no mention as to whether the applicants intend to seek accreditation to this standard. I would encourage the applicant to engage with Hertfordshire Constabulary's Crime Prevention Design Service with a view to seeking to achieve SBD accreditation. From what has been demonstrated I see there being very minor issues that would prevent them from achieving accreditation.

7.15.2 The only, minor, issue I could see with the design and layout is regarding the parking provision for the apartment blocks. I would encourage the developers to ensure that majority of the windows that overlook the parking courts are for 'Active' rooms. For Police purposes there are kitchens, lounge/dining rooms and studies/utility rooms. They do not include bedrooms, bathrooms, hallways, and toilets. Given my comments above the Police CPDS supports this application.

8. RELEVANT PLANNING POLICIES

8.1 Background to the Development Plan

8.1.1 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).

8.2 Central Government Advice

- 8.2.1 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.
- 8.2.2 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.
- 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 11(d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.
- 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.

8.3 Planning Practice Guidance

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.

8.4 Adopted Local Plan (2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP4: A Vital Town Centre;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP9: Healthy communities;
Policy SP11: Climate change, flooding and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy SP13: The historic environment;
Policy IT3: Infrastructure;
Policy IT4: Transport assessments and travel plans;
Policy IT5: Parking and access;
Policy IT6: Sustainable transport;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy HO3: North of Stevenage;
Policy HO7: Affordable housing targets;
Policy HO8: Affordable housing tenure, mix and design;
Policy HO9: House types and sizes;
Policy HO11: Accessible and adaptable housing;
Policy GD1: High quality design;
Policy HC8: Sports facilities in new developments;
Policy FP1: Climate change;
Policy FP2: Flood risk in Flood Zone 1;
Policy FP5: Contaminated land;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy NH7: Open space standards;
Policy NH8: North Stevenage Country Park;
Policy NH10: Conservation areas;

8.5 Supplementary Planning Documents

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

8.6 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.

9. APPRAISAL

9.1 The principle of the development of this site to provide up to 800 dwellings, a primary school, local centre, landscaped communal amenity spaces, highways, drainage and utilities have been established with the grant of outline planning permission which has also considered and agreed the means of access to the site from North Road.

9.2 Furthermore, reserved matters (layout, landscaping, scale and appearance) details pertaining to Phase 1A-D have already been approved under planning references 22/00806/RMM and 23/00526/RMM for the erection of a total of 358 units and a local centre pursuant to Outline permission 17/00862/OPM.

9.3 The current application seeks approval for the remaining balance of 442 dwellings (including 8 no. self-build plots) and associated highways (not considered under the infrastructure application), green spaces, landscaping, drainage, pedestrian and cycling connectivity and other matters.

9.3 The main issues for consideration now are the visual impact of the development on the character and appearance of the area, impact of the development on the conservation area and its wider setting, impact upon neighbouring amenities, impact upon future amenities of residents, parking provision, highway implications, development and flood risk, impact on the environment, trees and landscaping, and ecology.

9.4 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.

9.5 North of Stevenage Policy

9.5.1 The site has two site specific policies that should be identified as key elements throughout the consideration of each RM application, and it must be ensured that all the RM's can be read in conjunction and don't contradict each other.

9.5.2 Policy HO3: North of Stevenage defines the boundary of the site and identifies its allocation for the development of approximately 800 dwellings. The policy states that development proposals will be permitted where the following criteria are met:

- a) The applicant can demonstrate that development can be expanded beyond the Borough boundary, and fully integrated with a wider, cross-boundary scheme;
- b) Satisfactory vehicular access is provided. At least two access points to and from the site will be required, which link effectively into the existing road, cycleway and pedestrian networks;
- c) The scheme is designed to encourage the use of sustainable modes of transport;

- d) At least 5% aspirational homes are provided in line with Policy HO9;
- e) Plots to accommodate at least 1% new homes are made available for self-build purposes;
- f) At least 30% affordable housing is provided in line with Policy HO7;
- g) Provision for supported or sheltered housing is provided in line with Policy HO10;
- h) Local facilities to serve the community are incorporated, including a GP surgery;
- i) A primary school is provided in line with the most up-to-date evidence of need;
- j) A skate park or MUGA for children is provided on-site;
- k) A full archaeological assessment is undertaken;
- l) A full flood risk assessment is undertaken;
- m) The proposal seeks to preserve the conservation area, including the setting of adjacent listed buildings. The following mitigation measures should be incorporated –
 - i. As much of the requirement for aspirational homes (criteria d) as possible should be met on the part of the site that lies within the conservation area. Development within this area should also be heavily landscaped to reduce visual impact of development;
 - ii. Existing hedgerows should be maintained and additional screening implemented to reduce visual impact of the development;
 - iii. Tall buildings will not be permitted. Building heights will be a maximum of two storeys within the eastern part of the site;
 - iv. No vehicular access to the site will be permitted from the east of the site, across the open fields;
 - v. Existing Public Rights of Way are retained and designed into the development, where possible; and,
 - vi. Building styles and layout to the east of the site should reflect the key features of the conservation area.
- n) The scheme incorporates a network of green infrastructure, with an emphasis on high quality landscaping within and around the development to reduce the impact of the development on the surrounding greenfield / Green Belt land; and
- o) An appropriate buffer around existing power lines is incorporated.

9.5.3 Policy NH8: North Stevenage Country Park states that within that part of the Rectory Lane and St Nicholas Conservation Area which lies within the Green Belt, proposals that facilitate improved public access and / or the creation of a country park will be supported in principle where they also support the aims and purposes of the existing policy designations.

9.5.4 Given the nature of this RM proposing the residential parcels of Phase 2, Policy NH8 is not relevant in this case as matters pertaining to the Country Park are being considered under application reference 22/00781/RMM.

9.6 Visual impact of the development on the character and appearance of the area.

9.6.1 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”. 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”.

9.6.2 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, not just for the short term but over the lifetime of the development;
- is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
- is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- establishes or maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
 - 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, and where crime and disorder, and fear of crime, do not underestimate the quality of life or community cohesion and resilience.
- 9.6.3 Paragraph 136 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change”.
- 9.6.4 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”.
- 9.6.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the 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.
- 9.6.6 Policy HO3: North of Stevenage requires high quality not just in the provision of homes on site, but in the green spaces and landscaping and through sustainability of pedestrian and cycleway movements throughout the site.
- 9.6.7 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 9.6.8 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 9.6.9 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute

towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-

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

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

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

9.6.11 Policy GD1 of the adopted local plan 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. Furthermore, the newly adopted revision of the Stevenage Design Guide (2023) has been updated to reflect the ten characteristics above and re-emphasises the need for high quality design and development.

9.6.12 The application seeks to provide 442 residential units in the northern half of the site. Phase 2 would cover everything north of the spine road, local centre and primary school site. In addition to the dwellings located in Phase 1, the site total would equate to the 800 dwellings approved by the outline permission.

Layout

9.6.13 The layout of Phase 2 has emerged and been influenced by the approved parameter plans from the outline permission and following pre-application advice. It is considered the scheme has adapted positively as a result. The layout is informed by the infrastructure layout with much of the core area laid out for the primary school site and to address the constraints on site, namely the southern line of overhead lines and pylons which would sit within the central green corridor.

9.6.14 In this phase of the site, the layout is also strongly inferred because of the northern tree belt and boundary with NHDC allocated site NS1 which sits directly north of the site. The tree lined spine road forms the southern boundary for the majority of the phase, with a small parcel of dwellings located east of the primary school site and due west of the spine road where it runs to the south and across the central green corridor.

9.6.15 The residential dwellings form patterns of units i.e. perimeter blocks which sit so that rear gardens are contained together facing inwards, with frontages facing outwards on the main boundaries and inner roads. This creates good surveillance in the area and prevents rear boundaries from being prominent in the street scene.

9.6.16 The layout and siting of the buildings has also been considered such that taller buildings are placed furthest from the eastern side of the site where the conservation area lies and closest

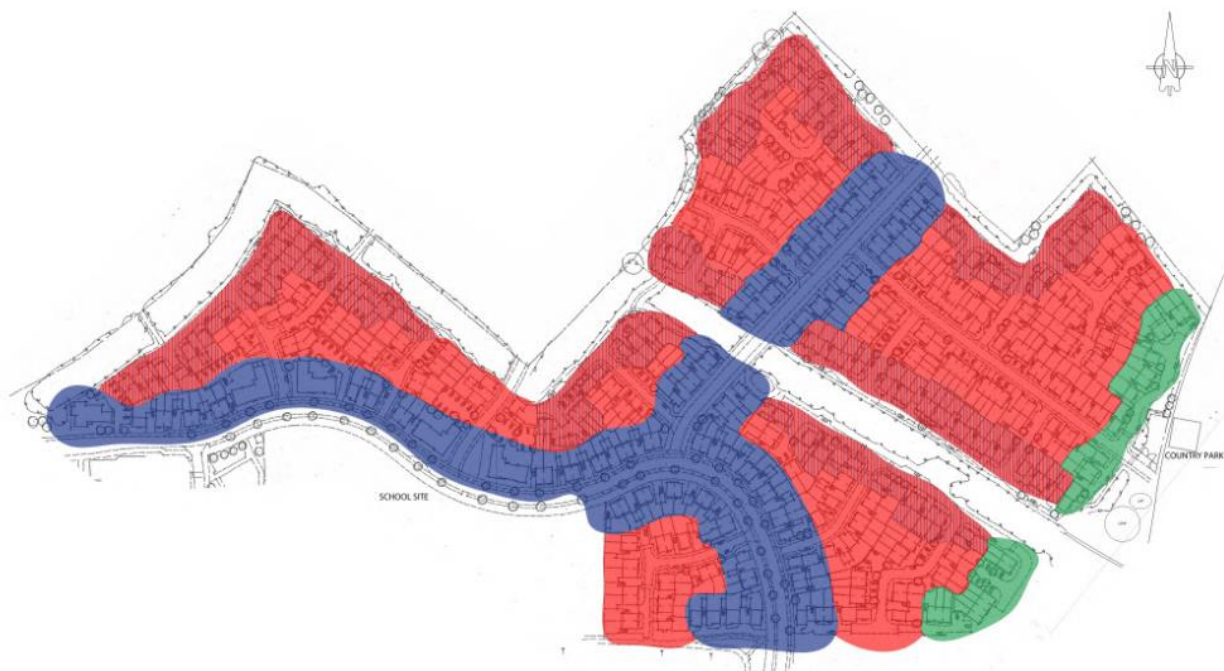
to the Local Centre. This provides a key distinctive character to this part of the new development, with lower density and scale dwellings proposed in the more sensitive areas.

Character Areas

9.6.18 The residential units have been designed to have character areas, to bring a mixture of features and materials forward, whilst respecting the context of the site with existing developments nearby and proximity to the Conservation Area. These character areas are presented in the Design and Access Statement (DAS) submitted in support of the application. This document outlines the design progression including site context and surrounding architecture. These areas have already been seen and approved as part of the Phase 1 development of the site.

9.6.19 The character areas follow on from the outline permission, informing the site layout, helping to provide legibility and a sense of place when travelling by foot, cycle or car. These areas are intended to have an individual personality and inform the scale, design and material treatment of the buildings proposed, creating appropriately individual senses of place and establishing a defined hierarchy of built form throughout the site. The character areas are identified as –

- Main Street and Local Centre (blue)
- Green Edge (green)
- The Neighbourhood (red)
- Neighbourhood Edge (dark red)



Character Areas Plan

1	Main Street & Local Centre
2	Green Edge
3	Neighbourhood
3.A	Neighbourhood Edge

9.6.20 It is of note that the character areas for Phase 2 do not include the St Nicholas End area which covered Phase 1D as it is sited in the conservation area. Furthermore, due to Phase 2 being sited on the northern edge and being characterised more by the mature tree belt and

boundaries with NHDC, there is the addition of a 'Neighbourhood Edge' character area. This character area includes the parcel edges where they face the tree belt and northern boundary.

9.6.21 Main Street and Local Centre

9.6.21.1 These character areas cover the dwellings which front onto the main spine road and NS1 connection road. This character area focuses on the entrance to the new development and the key connectivity routes. It brings modern features to the street scene. The properties are predominantly 2.5 storey townhouses and 3 storey apartment blocks (blocks 8, 9, 10, 11 & 12) with some 2 storey dwellings interspersed. The character area is the central spine running through the development and fronts on to the tree lined spine road and NS1 connection to the north east.

9.6.21.2 The modern design principles for the Main Street and Local Centre character area include the use of buff brick and white render, along with grey roof tiles. The fenestration would be contemporarily styled with full length glazing and finished in Anthracite grey. No window heads or cills are proposed to emphasise the modern design. The dwellings would have front or side facing gable roofs, with some properties incorporating small flat roof dormers in the roofscape. Porch details would be flat roofed.

9.6.22 Green Edge

9.6.22.1 The green edge character area covers a smaller area in Phase 2 as the land is not located near existing properties and only has a small boundary with the Country Park and conservation area. The Green Edge character area is therefore only reflective of a small stretch of properties on the north eastern edge of the phase. The area is made up of 2 storey detached and semi-detached dwellings at a low to medium density. The houses would have parking by way of private driveways or allocated bays (affordable units only). The properties in this character area are accessed from the finish points of each spur road, via shared surface or private driveway.

9.6.22.2 The design of the dwellings in the Green Edge character area are traditional in appearance, including features such as pitched roof bay windows, boarding and pitched porch coverings. The materials palette includes traditional red brick with contrasting dark red brick detail brick, single brick band and quoins, gauged brick heads and stone cills to windows, and plain red or brown roof tiles. Properties would have front to back or hipped roof forms. Windows would be finished in UPVC casement windows with a mid-bar and in white.

9.6.23 The Neighbourhood

9.6.23.1 The Neighbourhood character area is a blend of the Main Street and Green Edge areas. Properties form the middle sections of the parcels on the secondary and tertiary streets. Predominantly 2 storeys in height, the properties are a mix of detached, semi-detached, and small rows of terraces. The layout of the dwellings is informal with different set-back distances from the shared surface roads. Parking provision is typically to the side/rear of the dwellings, with some parking bays to the front of properties in certain areas.

9.6.23.2 The elevations are more traditional in style, but modern features proposed within the Main Street character area are incorporated, including flat roof porch canopies and bay windows. This character area has a mixed materials palette to take account of the transition between Main Street and the green Edge. Red brick is proposed for the elevations, with use of grey weatherboarding at first floor. The windows would have gauged heads, but no cills are proposed. The roof scape would be a mixture of front to back, gabled and hipped finished in red or grey tiles. Plain upvc white casements are proposed.

9.6.24 Neighbourhood Edge

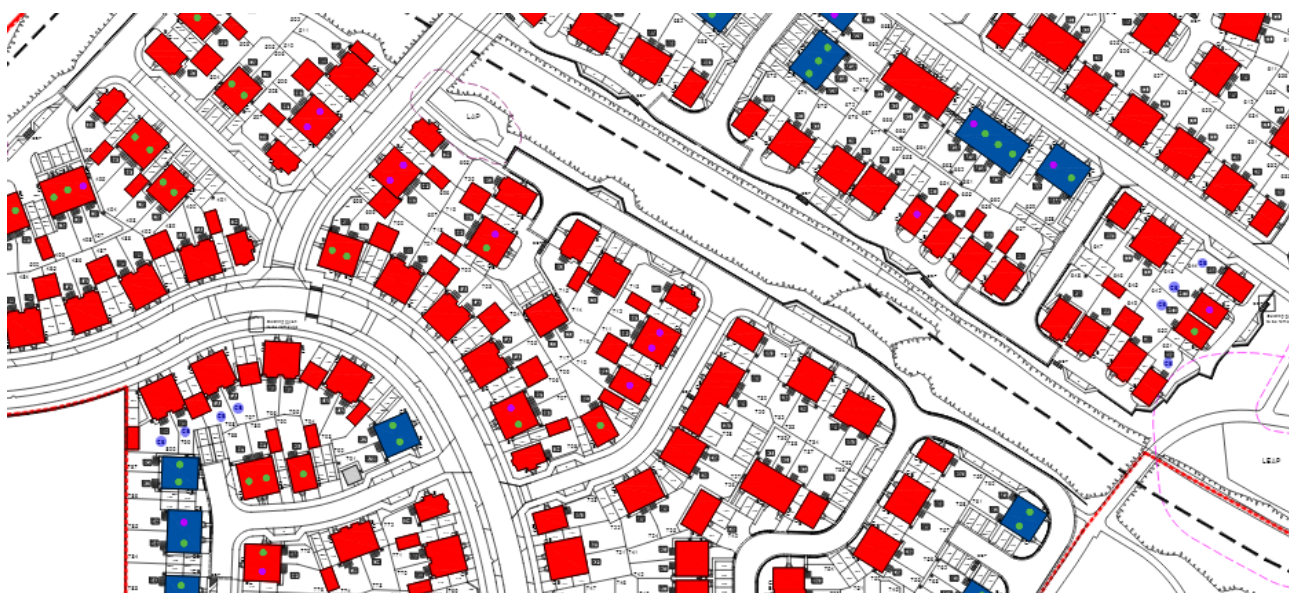
9.6.24.1 The Neighbourhood Edge character area is a balance of the modern/traditional mix of The Neighbourhood whilst providing a connectivity and transition from the established and new boundary / landscaping along the norther boundary and the Neighbourhood character areas. These areas are single sided, predominantly fronting onto the landscaping / tree belt and neighbouring development of NS1. The layout would also be informal with a variety of set-backs from the highway similar to the Neighbourhood character area.

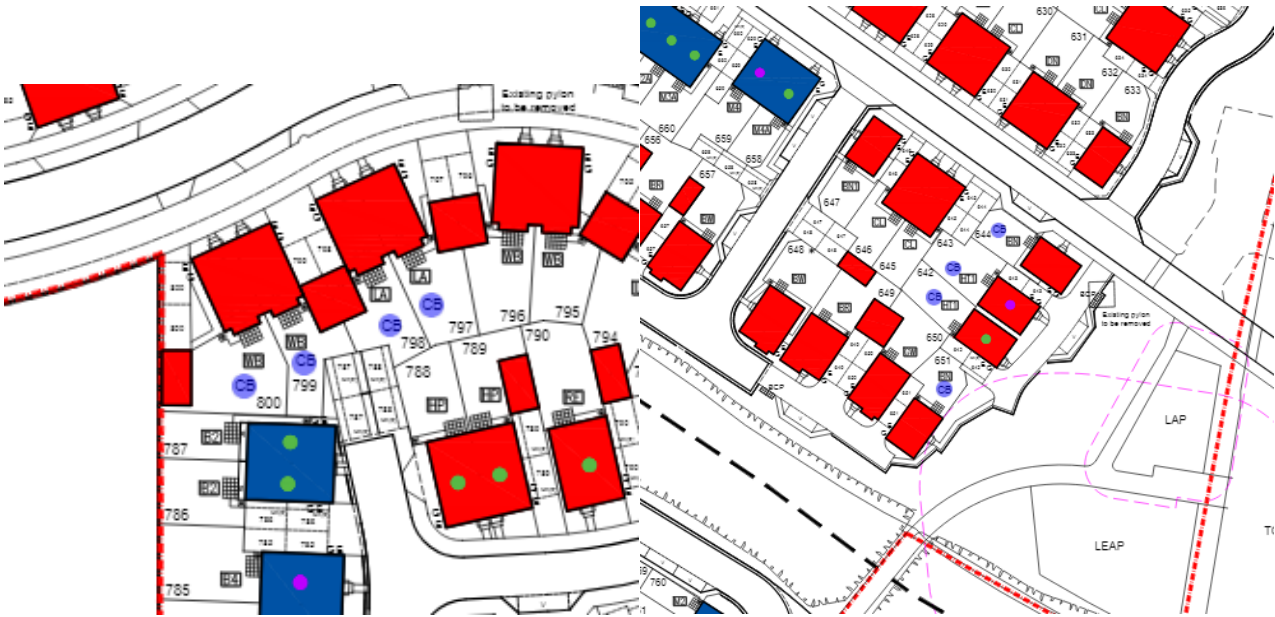
9.6.24.2 The dwellings are generally 2 storey in height, and comprise detached, semi-detached and occasional terraces. As above, the elevations are traditional in style with some small modern features. Elevations would be red brick with some weatherboarding to the first floor, and gauged heads to windows but with no cills. The properties would be typically front to back roofs with occasional hips, constructed of red or grey tiles. Plain white UPVC casement windows are proposed, along with partly glazed front floors, flat roof porches with decorative brackets and bay windows with flat roofs on certain plots.

9.6.25 House Types

9.6.25.1 The proposed house types within Phase 2 and across the four character areas are as approved for Phase 1. These ensure the properties fit within their character area whilst providing legibility and integration across the whole site. As part of this application some minor changes have been made to house types on specific plots, reflective of the comments made by NHDC. These largely include the presence of dual aspect properties on entrance points from NS1 and where properties face onto open spaces within the NS1 site. Where dual-aspect house types are not appropriate in terms of the street layout within Phase 2, additional fenestration has been included on flank walls facing the NS1 boundary, as well as slight materials palette changes to add visual interest. These changes are deemed acceptable and meet the requested changes made by the neighbouring authority.

9.6.25.2 As part of the adopted policy HO3 for this site, the development has to provide 1% self-build plots within the site. With a total number of 800 dwellings this would equate to 8 dwellings. A Custom Build Note and associated plan have been submitted in support of this criteria for the development. The site layout plan Drawing number P1708.24 Rev E submitted identifies the tenure for Phase 2, including those plots for self-build (plot no's 642, 643, 644, 651, 797, 798, 799 and 800). These are shown in the wider site context below and then in two groups of four dwellings in the closer screen shots below.





9.6.25.3 The plots have all been shown as specific house types in both locations to ensure they fit within the wider layout and context of the phase. Should a self-build plot be taken up on this site, it is likely the proposed house would take on the house type shown or very similar to ensure it is not out of place in this larger development.

9.6.25.4 The 'Custom-build Strategy' submitted details that the plots will be marketed for up to two years. However, if they are not taken up by the public within this two year window they will revert to conventional build plots and will be built out by the developers in accordance with the plans submitted. The strategy put forward in the document is considered an acceptable way in which to advertise the self-build plots and take them forward.

9.6.26 Boundary Treatments

9.6.26.1 The submitted Landscaping and Ecology report by Nicholas Pearson Associates identifies types of boundary treatments, which are typically rural in nature. These accord with those details agreed under Phase 1 and are therefore considered acceptable. In accordance with Phase 1 the use of 1.8m or 2m high timber fencing in rear gardens is acceptable, but, where a rear garden forms a side boundary which faces a main or secondary highway the details have been amended to propose brick boundary treatments for aesthetics purposes, and where sited close to on-street parking provide additional protection to rear gardens.

9.6.26.2 In terms of front garden boundaries, given the pretext of design principles for the site, the use of hedging or landscaping to demarcate a boundary is acceptable and preferable to the LPA. This stance replicates the proposals approved under Phase 1. The use of 0.45m high knee rail fencing and where appropriate 1.2m high estate railings is considered most appropriate for harder appearance enclosures to frontages or around the estate boundaries to prevent access by unauthorised vehicles.

9.6.26.3 Comments received by NHDC specific to boundary treatments referred specifically to plots 523-526 which are located in the south western corner of the north eastern parcel of Phase 2, beyond the tree belt and facing a boundary with NS1 which has minimal landscaping.



9.6.26.4 In response to the possibility of flipping the properties such that they face the boundary with NS1, which has been discussed earlier in this report, officers at NHDC have asked that a more permeable boundary enclosure be explored for these properties, to provide greater legibility between the two sites, especially as this area of the NS1 boundary is a green open space.

9.6.26.5 The applicants have taken on board these comments but have declined to take this point further as the boundaries in question are for private rear gardens for dwellinghouses rather than apartment block amenity spaces, as shown in the example in NHDC’s response. Officers are inclined to agree in this case. Had the units in this location been flats with shared amenity spaces, the use of permeable boundary treatments such as railings would have been considered more acceptable. However, for privacy reasons, the use of a permeable/legible boundary treatment fronting an open space is not considered appropriate in this situation.

Conclusion

9.6.27 In conclusion, it is considered the layout, scale and design of Phase 2 has presented a good reflection of Phase 1 and creating a balance between the new development coming forward and the existing siting and context of the site within the North Road area of Stevenage. The proposals have evolved following officer and consultee input to the benefit of the scheme. The proposed residential areas fit well within the constraints of the site and around the infrastructure being proposed to bring the development forward.

9.6.28 The proposals are considered to have taken full account of the current National Design Guide and criteria as laid out in the NPPF and local policy. The character areas create clear distinctive parcels whilst showing a legibility between each area and ensuring the site has an appealing mixture of designs and features, providing visual interest. It is considered that the proposal would have a positive impact on the character and appearance of the area, creating a well-balanced and landscape led development.

9.7 Impact on the Conservation Area and other Heritage Assets

9.7.1 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”.

9.7.2 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).

9.7.3 Paragraph 196 of the NPPF (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 wider social, economic and environmental benefits that conservation of the historic environment can bring;

c) the desirability of new development making a positive contribution to local character and distinctiveness; and

d) opportunities to draw on the contribution made by the historic environment to the character of a place.’

9.7.4 Furthermore, paragraphs 205 to 211 of the NPPF (2021) have to be considered in the determination of this planning application. As established through case law, if there is *any* harm to designated heritage assets, great weight must be given to it. Dealing with Paragraph 205, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the St Nicholas and Rectory Lane Conservation Area, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 206 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.

9.7.5 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.

9.7.6 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.

- 9.7.7 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 211, 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.
- 9.7.8 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”
- 9.7.9 The planning practice guidance goes on to state that public benefits should flow from the development. They should be of a nature or scale to be of benefit to the public at large and not just private benefit. However, benefits do not always have to be accessible to the public in order to be genuine public benefits, for example, works to a listed building which secure its future as a designated heritage asset could be a public benefit. Consequently, while a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
 - Reducing or removing risks to a heritage asset;
 - Securing the optimum viable use of a heritage asset in support of its long term conservation.
- 9.7.10 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.

9.7.11 Policy NH8 of the local plan relates to the North Stevenage Country Park and states:-

“Within that part of the Rectory Lane and St Nicholas Conservation Area which lies within the Green Belt, proposals that facilitate improved public access and/or the creation of a country park will be supported in principle where they also support the aims of and purposes of the existing policy designations”

9.7.12 Finally, Policy NH10 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

9.7.13 The application site predominantly falls outside of but immediately adjacent to the St Nicholas and Rectory Lane Conservation Area, with a small margin of green space to the north east of the site falling within the conservation area. Therefore, due regard is given to the St Nicholas and Rectory Lane Conservation Area Management Plan SPD (2012). The SPD sets out that this part of the town was occupied since the Saxon period where it is thought the settlement stood in the area around the parish church of St Nicholas. In the 12th Century, a flint and stone church was constructed, and the tower is now the earliest remaining part of the church, dating around 1125AD.

9.7.14 The settlement around the church grew and the oldest remaining building is the Old Bury (grade II*). In addition there are a number of listed buildings in the surrounding area including Rooks Nest House (grade I) and Rooks Nest Farmhouse and outbuildings (separate grade II list entries). Rooks Nest House was the home to EM Forster for a period of time and the surrounding area has become known locally as Forster Country.

9.7.15 In assessing the proposed allocation of the site in the Adopted Local Plan, the Inspector referred to the Council’s assessment of the contribution that the heritage assets made to the area as part of the evidence base for the plan. She also went on to state:-

“There is no doubt that the landscape contributes to the setting of the listed buildings to some degree. However taking the listed buildings in turn, St Nicholas Church has a sizeable churchyard that is heavily wooded and contains numerous monuments. When walking around the churchyard, one gets a sense of enclosure within the well planted churchyard. There are glimpsed views of the fields to the north of the Church through the trees, but in terms of views of the wider landscape these are only achieved by leaving the churchyard.”

“The Church building and in particular its tall spire are visible from a wide area, and the appreciation of its contained, heavily wooded churchyard reflect its central role within the Parish. However, the setting of the building that is experienced from the allocated site is that of a confined, wooded churchyard, with glimpsed views to land outside the churchyard. The wider landscape is within the setting of the Church, but due to the nature of the churchyard, site HO3 contributes little to its significance, compared to the land immediately north of the churchyard. Additionally, built development on the site would be located some distance from the Church and churchyard and would certainly not hinder the ability to appreciate it or its setting. Indeed there is modern built development much closer to the Church than this proposed development would be.”

“Rooks Nest House Howards is located on Weston Road, a narrow lane. It is set back from the road within maturely landscaped gardens which enclose it and significantly limit views of

it. To the west of Rooks Nest House Howards and the adjacent Rooks Nest Farm (listed grade II) are agricultural fields. Nevertheless, this is an agricultural landscape of open fields as a result of modern farming practices. Consequently, much of the historic character of these fields has been lost, with the removal of field boundaries and hedges and so it appears different to how it would have done when EM Forster resided here. Also visible in this landscape is the housing development to the south of the allocated site, the extensive Lister Hospital complex to the west and numerous tall electricity pylons that straddle the fields.”

- 9.7.16 Finally, the Inspector went on to conclude:- “Overall, whilst built development here would increase significantly, I am confident that the site could be developed in a manner that protects the significance of the designated heritage assets. Also, for the reasons set out above, exceptional circumstances have been demonstrated to justify the release of this site from the Green Belt.”
- 9.7.17 In respect of the current application, the assessment of harm relates specifically to the impact of the housing parcels on the setting of the conservation area only. It is noted and as identified by the Local Plan Inspector, that there is already significant built form in close proximity of the conservation area. Also, given the siting of parcel 1D in Phase 1 and other built development within the Chancellors Road estate to the south of the site, and south east of Phase 2, it is considered the proposals would not harm the setting of the nearby listed building St Nicholas Church and its associated neighbouring Grade II listed buildings. Furthermore, given the distance from, and proposed screening of this Phase from properties on Weston Road to the east of the proposed Country Park, it is not considered the proposals require a further assessment of their impact on the listed buildings associated with Rooks Nest (House, Farm and Barns).
- 9.7.18 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’.
- 9.7.19 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 this is pretty much 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.
- 9.7.20 Historic England have provided comments on each RM application, having made representations on the outline application. They acknowledge that the application has been approved and that the principle of development of the site has been established. They have responded to consultation on this application to advise that they respond where their input will offer value. They have taken the decision not to respond in this case.
- 9.7.21 It is noted that Historic England provided comment on the approved reserved matters upholding their former objection to the development of this site and the likely harm caused. It was highlighted in the outline application officer report that the level of harm perceived by Historic England was not supported by officers, nor the Council’s historic advisors and the Heritage Assessment undertaken by the applicants. Given the current application follows

those made in respect of Phase 1 which is arguably closer to the heritage assets impacted, and given Historic England's position to not respond, it is reinforced here that the impact on the conservation area and heritage assets nearby will not be significant in its harm. Phase 2, being furthest to the north of the site, is of sufficient distance beyond existing and proposed Phase 1 built development to be acceptable and would offer less than substantial harm.

9.7.22 Subsequently, the development of the built form of Phase 2 being outside of but adjacent to the conservation area, it is considered the layout and style of houses proposed is acceptable. The principle of developing this area has been agreed, with all of Phase 1 being agreed. Taking account of the above, the NPPF guidance, local policy and conclusions of the Inspector following the Local Plan assessment, it is officers opinion that the proposals would have some level of impact on the setting of the conservation area, albeit less than substantial harm and on the lowest end of the scale.

9.7.23 Furthermore, the proposed development would bring about public benefits that hold significant weight, predominantly the delivery of much needed housing (including affordable housing), as well as green spaces, biodiversity and greater connectivity to existing and proposed development. These would outweigh the less than substantial harm at the lower end of the scale which would be caused by this development.

9.8 Affordable Housing

9.8.1 Criteria f) of Policy HO3 of the Local Plan (2019) states that the site should provide at least 30% affordable housing in line with Policy HO7, and this figure was secured through the S106 agreement attached to the outline permission granted. The S106 has a resolution to grant a Deed of Variation, largely on clauses relating to the Country Park, its delivery and trigger dates for this. However, it would also encompass a small change to the affordable housing mix, informally agreed, to allow two additional flats being proposed, in replacement of two 2 bedroom dwellings. This was due to the apartment block arrangements and ensuring a whole block was affordable in its tenure.

9.8.2 In Phase 1, just over 50% of the total site affordable housing has been approved, and a total of 51% of the number of houses within Phase 1 will be affordable, an overprovision in numbers and of smaller dwellings (1 and 2 bed flats) and under provision of houses (2, 3 and 4 beds). This imbalance is largely due to the higher proportion of the flatted requirement being met in the Local Centre, of which all are proposed as affordable, and no provision of affordable units being in parcel 1D (the Conservation Area) as this parcel seeks to meet the aspirational homes target set in Policy HO3.

9.8.3 The remainder of the required affordable housing provision as proposed for Phase 2 meets the requirements for the total site. The below table shows the split across Phases' 1 and 2, equating to a total of 240 dwellings.

Unit size	No. of dwellings in Phase 1	No. of dwellings in Phase 2	Total (number of dwellings)	Total (%)
1 & 2 bed flats	87	59	146	61%
2 bed houses	21	37	58	24%
3 bed houses	12	12	24	10%
4 bed houses	5	7	12	5%
Total	125	115	240	100%

9.8.4 Given the large quantity of flats required under the S106 requirements, all five apartment blocks proposed in this Phase are to be affordable units, similar to Phase 1. The dwellings

proposed in this phase are then in small pockets of terrace or semi-detached dwellings. These would overlook the tree-lined spine road, primary school site, Country Park and be within smaller cul-de-sac areas. The proposals are considered to be acceptable given the full policy compliant has been reached, including the mix as identified by the S106 Agreement.

9.8.5 The site is also required to provide 5% Aspirational Homes and 1% self-build plots. The aspirational homes, as mentioned above, have been proposed and agreed within the Conservation Area parcel 1D. In respect of the self-build plots, these have been proposed as part of this reserved matters application as discussed earlier in this report. No self-build plots were proposed or agreed under any of the sub-phases in Phase 1. Therefore, a total of 8 dwellings have been proposed within Phase 2 to meet the policy requirement.

9.9 Impact upon Neighbouring Amenity

9.9.1 In assessing the impact on neighbouring amenity, the Council’s Local Plan (2019) and Design Guide (2023) sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments of 2 storeys or more in height, the recommended separation distances are as follows:

No of Storeys	Type of Separation	Min. distance (metres)
Between existing and new 2 storey or a mix of 1 and 2 storey dwellings	Back to Back	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

9.9.2 The proposed layout incorporates compliant separation distances between all the new build properties in this Phase.

9.10 Impact upon the Amenity of Future Residents

9.10.1 Internal Space Standards

9.10.1.1 The adopted Local Plan outlines prescribed space standards for new dwellings, as set out in the Department for Communities and Local Government (now the Department of Levelling Up, Housing and Communities) document 'Technical housing standards - nationally described space standards' 2015. These are as shown below for one to four bedroom dwellings.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 / 37	N/a	N/a	1.0
	2p	50	58	N/a	1.5
2b	3p	61	70	N/a	2.0
	4p	70	79	N/a	
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

9.10.1.2 The minimum internal sizes of the proposed different apartment block and dwelling type units have been annotated on their respective proposed floor plans. These plans have also been assessed to ensure they do meet the respective standards. Each unit, depending on its layout, bedroom numbers, etc as a minimum meets the above required standards.

9.10.1.3 Room size standards for bedrooms are also considered in the technical standards, determining how many persons the unit can accommodate and in terms of acceptable living environments. These standards state that a double bedroom should be 11.5 square metres minimum with a minimum width of 2.75m and that where a second (or more) bedroom(s) is proposed it should have a minimum of 7.5 square metres and width of 2.15m. A second double should be at least 2.55m wide with the same 11.5 square metres minimum floor space. The bedroom sizes of the proposed units meet the minimum standards.

9.10.2 External Amenity Space

9.10.2.1 The Stevenage Design Guide SPD (2023) recommends that where possible external amenity space should be provided for residential properties. For houses this is a minimum area of 50 square metres and typically 10m in depth. For flats this is an external amenity space of 10 square metres per flat. The only exception to this is where flats are developed in very central locations, where public open space is easily accessible and higher densities are required. The Design Guide specifically states that private open space should be located conveniently for use by residents and in a position that is not overlooked by neighbouring buildings; normally to the rear of the building, and in the case of flats the private space will usually form part of the garden or communal amenity space, and not an area of landscaping.

9.10.2.2 In respect of the dwellinghouses proposed, each unit has an enclosed garden of a minimum of 50 square metres and a depth of 10m although on occasion the plot is not completely uniform in shape due to parking arrangements etc. In respect of the apartment blocks proposed (five in total), each block has a private external amenity area with at least the minimum requirement based on the number of flats proposed per block.

9.10.3 Separation Distance, Privacy and Outlook

9.10.3.1 As mentioned above the Council's adopted Design Guide and Appendix C of the adopted Local Plan set out the acceptable separation distances between new and existing residential developments, in terms of privacy and outlook.

9.10.3.2 Based on the table shown in paragraph 9.9.1 you can determine the distances required between the proposed plots specifically. Based on the plans submitted in support of the application the back-to-back and back to side relationships all meet as a minimum these separation distances. Therefore, adequate levels of privacy and outlook are proposed for future residents. This could change should future residents wish to alter and/or enlarge their property by undertaking works deemed permitted development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). In particular for two storey dwellings, should works be undertaken to create a loft conversion then a third storey/second floor is introduced, and these would be unlikely to meet the separation distances because of the additional floor being created.

9.10.3.3 Consequently it is considered reasonable and necessary to impose a condition on any approval removing these permitted development rights to ensure satisfactory separation distances are maintained for the proposed dwellings, as well as ensuring the high-quality design of the development is not compromised by large box dormers which can be allowed for loft conversions under Class B of Part 1 of the GPDO.

9.10.4 HO11 Category 2 Housing

9.10.4.1 Policy HO11 of the Local Plan requires 50% of all dwellings provided to be Category 2 compliant in respect of wheelchair accessibility and adaptability (M4(2)). The requirements of Category 2 include –

- 1) Reasonable provision must be made for people to –
 - a) gain access to: and
 - b) use, the dwelling and its facilities.
- 2) The provision made must be sufficient to –
 - a) meet the needs of occupants with differing needs, including some older or disabled people; and
 - b) to allow adaptation of the dwelling to meet the changing needs of occupants over time.

9.10.4.2 Document M then goes on to discuss the different areas in which dwellings should meet Category 2. This includes –

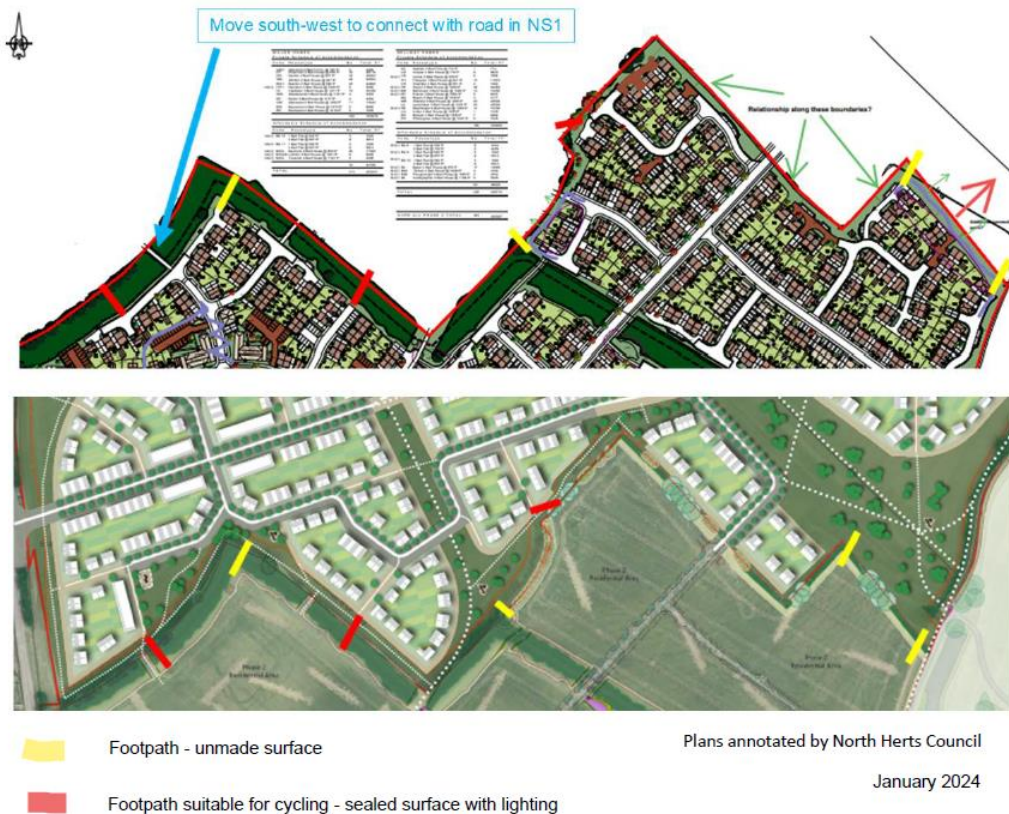
- Step-free approach route;
- Additional stepped route;
- Private parking space (private dwelling);
- Communal parking space (flatted development);
- Communal entrances and circulation;
- Private entrances and circulation;
- Doorways;
- Habitable room sizes and layout;
- Sanitary facilities;
- Utilities and controls.

9.10.4.3 The information and plans submitted in support of the application show that 45% of the dwellings in Phase 2 would be HO11 compliant both internally and externally, and that a further 35% are internally compliant with these standards (totalling 80%). In comparison to the percentages agreed through Phase 1, Phase 2 proposes a 20% increase in provision of M4(2) dwellings on site. This is considered acceptable.

9.11 **Highway Implications**

9.11.1 In respect of the main highways proposals for the site, these have been considered in the infrastructure RM reference 22/00808/RMM and include the spine road, NS1 connection and Country Park connection. The current application looks at the secondary and tertiary spur roads and cul-de-sacs proposed along with the visitor laybys, parking provision, and foot/cycle way connections to main infrastructure links.

- 9.11.2 The highway network proposed includes all small spur road and private driveway systems funnelling off the main primary road network (which consists of the main spine road, NS1 connection road, secondary road leading to the Country Park, and numerous tertiary roads off these).
- 9.11.3 The initial roads into the parcels off the main spine road, NS1 connection and Country Park road would have designated footpaths on each side of the road, up to each 't' junction after which distance, they become shared surfaces of approximately 6m in width. This width accommodates the normal 2m footways on each side and a narrower highway width. Manual for Streets states that 'in traditional street layouts, footways and carriageways are separated by a kerb. In a street with a shared surface, this demarcation is absent, and pedestrians and vehicles share the same surface. Shared surface schemes work best in relatively calm traffic environments. The key aims are to:
- encourage low vehicle speeds;
 - create an environment in which pedestrians can walk, or stop and chat, without feeling intimidated by motor traffic;
 - make it easier for people to move around; and
 - promote social interaction.'
- 9.11.4 Where the shared surfaces or designated footpaths meet a green space, appropriate connections are made to allow residents to connect to wider elements of the site and in particular the NS1 site to the north. Connectivity is also important on to the spine road to provide access to the central green corridor and further on, the local centre, primary school and existing developments off North Road. There are also connections into the Country Park.
- 9.11.5 In respect of the connections through to NS1, NHDC have made comment on the application and have advised of further connections they deem important for pedestrians and cyclists between the two developments. This has been backed up by comments received by NHDC from Active Travel England (ATE). The requested connections are shown in the diagram below, taken from NHDC formal comments on the application. Officers have assessed the suggestions made and these have been discussed with the applicants. It is considered feasible to create additional connections in the north eastern area of the site as the boundary is not significantly landscaped and provides reasonable allowance for penetration between both sites.



- 9.11.6 Notwithstanding the ability to provide further connections in the north eastern area without implicating existing landscaping features, there are two proposed NHDC connections which are not considered necessary given their proximity to connections already proposed as part of this application, or agreed connections (at the Country Park). The most easterly footpath request is located immediately adjacent the Country Park connections. It is not considered necessary to have a footpath connection off this small private driveway area as it doesn't immediately serve a footpath connection within NS1 and because the footpath connection into the Country Park provides the same connection just on the other side of a landscaping barrier.
- 9.11.7 The next footpath connection proposed by NHDC, to the north east of the above mentioned connection would again extend off a small private driveway near proposed parking spaces. The applicants are willing to propose a connection along this boundary but slightly to the south.
- 9.11.8 Looking then at the last two connections proposed by NHDC, a cycleway link and footpath shown centrally along the boundary, these are proposed immediately above and below an existing cycleway connection. Subsequently, a further cycleway only a short distance to the north is not considered necessary and will be taken forward as a footpath connection. Given the comments ATE have provided NHDC about ensuring perimeter footpaths are appropriately finished in materials to allow use by all, the brown footpath shown running close to this area of the boundary would provide an acceptable link to the proposed cycleway submitted as part of this application, with an additional footpath connection to the north in response to NHDCs comments.
- 9.11.9 The more southerly footpath request by NHDC would extend from a private driveway area, close to properties garage and rear garden access. Officers do not feel this is best placed in terms of privacy and safety for the future occupier of this property. Given the footpath would lead to a small green space and not a main connection link, its provision is not essential. The number of nearby foot/cycleway connections in close proximity is considered sufficient at this time. There is the possibility of further negotiation with NHDC in the future when their sites

plans are further along. It is important to note and understand that at this time only an outline application with a masterplan has been submitted and is being assessed by officers at NHDC.

- 9.11.10 Connections between the sites on the western side of the northern boundary are more difficult because of the mature tree belt already identified. The infrastructure RMA already approved two connections through to NS1. The proposed plans show four gaps formed in the tree belt, three directly into NS1 and the fourth linking the parcels on each side of the tree belt on the eastern side of Phase 2. NHDC have identified three further points along the tree belt for connections into NS1 based on the Masterplan submitted as part of the outline application submitted to NHDC for their site.
- 9.11.11 One of these seeks to move the cycle link identified to the west, to link up with a road within NS1 further south west. This is where the infrastructure connection has been approved by the Council. However, this was approved prior to any layout of Phase 2 being known. Following pre-application advice for this Phase of the development, the plans were amended to provide the cycle link at the end of the first secondary road extending off the spine road on this western end of the site. Re-instating the cycle link in this position would create an access point in the tree belt that exits within the proposed site in a cul-de-sac. This is not desirable as it offers little legibility for users when entering the cul-de-sac. Consequently, this change will not be taken forward. However, some of the trees at the NHDC suggested connection have already been removed on site, and it is therefore considered acceptable to seek a footpath in this location to provide a further connection in this location.
- 9.11.12 Just to the east of this area the tree line runs south east in a diagonal line. There are two connections proposed within this section of the tree belt. NHDC have requested two further connections, one at the end of the two other roads in this area. The yellow footpath proposed in the corner of the tree belt would extend off a parking area for the end most dwelling and would not appear to lead to a prominent or significant footway connection in NS1.
- 9.11.13 Further to the south east, the second additional connection proposed by officers at NHDC would see another cycleway connection through to a road connection in NS1. The proposed two connections that form part of this application would both provide cycle connections. The most easterly connection in this area was identified because of an existing break in the tree belt, and the second connection placed two roads along to provide a good separation between the two. Officers do consider the provision of two further connections along this stretch of the tree belt as being excessive. Concerns are also raised on ecology grounds given the amount of trees that would have to be removed to provide the foot/cycleways requested.
- 9.11.14 At this time the full extent of tree removal is not known as a further survey would need to be undertaken, but given the gap already taken out on the western side, there would be at least 2-4m gaps to allow sufficient provision of hardstand areas and gaps between the trees and root areas. Given the significant positive impact the tree belt has along this northern boundary of the site and within the general landscape, officer's have concerns over further removal at this time.
- 9.11.15 It is understood that a good network of connections between HO3 and NS1 is integral to the legibility and future effectiveness of these two neighbouring sites. The applicants have taken on board various proposals and advice from officers in integrating their site with NHDC and this has had only positive impacts on the proposed development. However, it is now a balance of ensuring this legibility and integrity of the development itself whilst protecting the sites landscaping characteristics and ecology.
- 9.11.16 At the time of writing this report officers are not convinced that the loss of trees and combined ecological impact to create two further connections in this tree belt, within close proximity of themselves and the proposed connections, are sufficient to seek the applicants agreement to amend the plans. Given the changes to the connections will have to be agreed as part of

the infrastructure RMA (through a non-material minor amendment), it is possible further negotiations can be reached once further survey work on the tree belt can be completed. Furthermore, the local highways authority has not requested further connections into NS1 and are content with the proposals being brought forward under this application.

- 9.11.17 Officers would recommend that if members were minded to support further connections between HO3 and NS1 that any additional connections above and beyond those proposed under this application be delegated to the Assistant Director for Planning and Regulatory in consultation with the Planning and Development Committee Chair and Vice-chair.
- 9.11.18 Looking again at the provision of shared surfaces in the tertiary roads, the end points of the cul-de-sacs and roads proposed do split off to create small private driveways serving up to six dwellings. There is also provision within the roads and shared surfaces for visitor layby parking. This is set off the main road/shared surface area to prevent parking in these areas. Each property would have parking provision in the form of tandem or double bay parking, a single garage and driveway space, allocated space(s) to the front of the dwelling or allocated space within a parking court (typically for the apartment blocks).
- 9.11.19 The application has been supported by various swept path tracking plans to adequately show the manoeuvrability of a fire tender, refuse vehicle and delivery vehicle within the estate roads to the satisfaction of the local highway authority.

9.12 Parking Provision

- 9.12.1 Manual for Streets recognises that a design-led approach should be taken regarding the provision of car parking spaces, which should take into account the expected levels of car ownership. Where insufficient car parking is provided, this can lead to poor parking behaviours which can negatively affect the quality of development in terms of its visual appearance and cars parking on the roads and footways can lead to problems for pedestrians and emergency service access.
- 9.12.2 As the parking authority, the Council’s supplementary planning document ‘Parking Standards and Sustainable Transport’ was adopted in 2020 and provides the Council’s stance on parking levels within the borough whilst also putting forward strategies to reduce private car use with a modal shift to more sustainable modes of transport.
- 9.12.3 **Car**
 - 9.12.3.1 The car parking provision for the site is a 100% provision as the site does not fall within a residential zone allowing for reductions in numbers based on sustainability.

The current standards require –

Description	Car parking requirement	
a) General needs		
i) 1 bedroom	1 space per house	1 space per flat
ii) 2 bedrooms	1.5 spaces per house	1.5 spaces per flat
iii) 3 bedrooms	2 spaces per house	1.5 spaces per flat
iv) 4+ bedrooms	2.5 spaces per house	2 spaces per flat

- 9.12.3.2 Where the stated figures include a decimal place, provision should be rounded up to the nearest whole number. This calculation would usually happen at the end of the sum. Where

a property has a garage to be considered part of the parking provision, the garage should measure a minimum of 3m by 6m internally to allow for parking of a large vehicle and storage. It is noted that in the local highway authority response to this application they mention standards adopted at a neighbouring authority for a garage size of 3m by 7m. However, these are not SBC's adopted standards and thus have no bearing on the garage sizes proposed as part of this application.

9.12.3.3 The total provision for Phase 2 is 1062 spaces, with a breakdown shown in the table below (taken from the Design and Access Statement).

Type of Car Parking	No of Spaces
Allocated parking space	172
Allocated driveway parking space	633
Allocated garage or car barn parking space (6 x 3m)	156
Unallocated parking space	101
TOTAL SPACES	1062
E.V.C.P to be 32amp wall or pedestal mounted type 2 charger with gun holster	100%

9.12.3.4 The 1062 space total proposed for Phase 2 is inclusive of all properties and visitor parking requirements. Where necessary this has included rounding up of provision numbers based on the table at 9.12.3.1. The provision of visitor parking is based on 0.25 spaces per dwelling. Where parking is allocated, these spaces are in addition to the total residential figure, and where parking is unallocated, visitor spaces can be forfeited.

9.12.3.5 Based on the Council's adopted standards the proposal does provide an overprovision of total spaces required. Like the overprovision for Phase 1. The approach taken by the developers throughout the site is to ensure the larger properties and two bedroom houses / two and three bedroom flats (those with a decimal amount) are sufficiently served in terms of parking 2. For example, most 4 bedroom dwellings would have 3 parking spaces, where the requirement in the adopted SPD is 2.5 spaces.

9.12.3.7 Furthermore, because of the overprovision, more spaces would be available off-street for visitors and therefore 'visitor' spaces on-street would be fewer than the total visitor numbers based on the standards. In this case, this approach is considered acceptable and the additional provision for such a large development would help prevent displacement and bad parking behaviours to the betterment of the development.

9.12.4 Electric Vehicle Charging Points

9.12.4.1 In line with the Council's aspirations for a modal shift, the SPD requires 20% of all parking provision to have active electric vehicle charging points (EVCP), with the remaining 80% having passive infrastructure in place to allow easy set up for future installation of EVCP's.

9.12.4.2 It is noted from the Design and Access Statement that a 100% provision of EVCP is being provided in this Phase of the site for all allocated spaces of dwellinghouses, including garages, driveways, front or courtyard parking. Further details of the proposed 13 amp wall mounted or pedestal points can be sought through the imposition of a condition. However, the proposed provision far exceeds the Council's current 20% requirement and is therefore acceptable.

9.12.5 Disabled Parking

9.12.5.1 The adopted parking standards SPD does require a minimum 5% of the parking provision, for communal parking, to be made available as disabled parking. Therefore, provision should be made for the apartment blocks. In these areas parking spaces are not expressly shown as being disabled, but over 5% provision is made within each apartment block parking area for spaces that are HO11 compliant and are therefore accessible spaces meeting the requirements of a disabled space with additional door swing space. This is deemed acceptable to meet the SPD requirement.

9.12.6 Cycle

9.12.6.1 Taken from the Council's Paring Standards and Sustainable Transport SPD, the below table shows the current cycle parking provision requirements for C3 residential use. The 4th column shows the long-term provision, and the fifth column shows short-term provision (i.e. for visitors). Long-term provision should be secure and covered by way of a garage, shed or designated cycle store. The latter two typically in the rear garden of the dwellinghouses.

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

9.12.6.2 For the proposed dwellinghouses specifically, where these would be served by a garage, said garage would be a minimum 3m by 6m in accordance with the SPD, and this would provide ample space for car parking and storage/cycle parking. For all other dwellinghouses provision is made through a lockable shed in the rear garden, with rear garden access readily available without the need to pass through a garage or through the house itself.

9.12.6.3 For the apartment blocks and commercial uses, cycle storage is proposed in cycle stores, either attached to or forming part of the building footprint, or within a detached outbuilding. These are of a size and design sufficient to meet the cycle parking standards above.

9.13 Development and Flood Risk

9.13.1 The application site is located in Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 100 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development) (Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy.

9.13.2 The drainage solution as proposed at outline application stage was for the western side of the site to discharge directly to the existing sewer infrastructure by using a pumped connection. The outline application also proposed a series of drainage basins within the developed area of the site and a basin and a series of boreholes within part of the proposed Country Park. This was agreed with Anglian Water and has also been agreed by the Lead Local Flood Authority (LLFA) subject to the imposition of several conditions to deal with the delivery of the drainage and future maintenance.

- 9.13.3 These proposals are as submitted and have been and are being assessed through the infrastructure reserved matters application, as well as discharge of condition applications for those conditions imposed on the outline permission.
- 9.13.4 In respect of this application, the drainage details cover the residential areas in terms of surface water run-off and how this meets and merges with the overarching site drainage. Areas of permeable hardstand are proposed for all the apartment block parking areas, as well as multiple shared driveway areas.
- 9.13.5 The engineering drawings submitted for the residential parcels highlight the high and low points within the road network to show where the run-off will head. Where possible these would lead to SuDS features such as swales. However due to the ground levels on the western part of the site this wouldn't be possible. The engineering drawings show the flow paths heading west and then south down each respective secondary road, and where necessary running along the spine road before connecting to basin 3 by the local centre and then from there to the pumping station approved under Phase 1.
- 9.13.6 In respect of the eastern half of this Phase, from the NS1 connection eastwards the engineering drawings show flow paths heading to the spine road and then south-eastwards towards the central green corridor where the flows are diverted west into basins 1 and 2 within this corridor.
- 9.13.6 The proposals have been assessed by the Lead Local Flood Authority. They raise four areas in which further information will be required to clarify details. However, the LLFA's comments make clear that most of these details can be submitted and approved through the discharge of conditions imposed on the outline permission relating to drainage details. The applicant's drainage consultants have provided comments to the LLFA in response to their consultation and officers are awaiting final comments from the LLFA in this regard. However, officers are content that the LLFA's response is not an objection and thus the application should not be held up on drainage matters.

9.14 Trees, Landscaping and Biodiversity

- 9.14.1 Paragraph 180 of the NPPF (2023) states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- 9.14.2 Policy SP12: Green Infrastructure and the Natural Environment seeks to protect and enhance green infrastructure and the natural environment in Stevenage. The policy requires new development to include multi-functional green space as an integral part of its design, and would permit the creation of other new open spaces.
- 9.14.3 Paragraph 136 of the NPPF states that 'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and

community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.'

- 9.14.4 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. Furthermore, criteria n) of Policy HO3 states that the scheme for the development of the North of Stevenage allocated site shall incorporate a network of green infrastructure, with an emphasis on high quality landscaping within and around the development to reduce the impact of the development on the surrounding greenfield / Green Belt land.
- 9.14.5 Different to the infrastructure and Phase 1 applications, the proposed development includes some level of new green spaces, but these are not to the scale of those already approved in the southern and central parts of the site. This is because the northern half of the site does not have PROW (Public Rights of Way) crossing the site which need protection, and it also is not constrained by overhead power lines. The green spaces proposed and created as part of Phase 2 would include grassed barriers between the tree belt to the north and the built form, including formal and informal connections to the footpath currently running through the tree belt, but also through to NS1 and other cul-de-sac areas within the built form layout.
- 9.14.6 Across the whole site the development includes a substantial tree planting schedule, and general landscape design approach developed to respond to the defined character areas and to compliment the architectural style of each area.
- 9.14.7 The soft landscaping plan submitted to support the application shows tree planting within the street scenes, as well as in and around the shared amenity spaces of the apartment blocks. However, a landscaping schedule detailing the species, size and number of the proposed trees, shrubs, etc has not been submitted as part of the application. Therefore, further to comments by the Council's Green Spaces Officer and Arboricultural and Conservation Manager, further details will be required for approval through imposition of a condition. This is considered reasonable. Officers note that across the whole site (Country Park, Phases 1 and 2) the tree planting proposed is significant and would exceed the Council's usual requirement of 3:1 ratio.
- 9.14.8 It is important to raise here that the biodiversity net gain (BNG) requirement for the site has been provided site wide and has not been calculated per phase. This is because the majority of the net gain is being provided in the Country Park, with other elements across the central green corridor and larger green links. The total BNG calculation for North Stevenage is a 58% increase.
- 9.14.9 The outline planning permission required the submission and approval of a Construction Environmental Management Plan (Biodiversity) and a Method Statement for Ecology as part of the discharge of conditions. This has been submitted and approved in consultation with Herts and Middlesex Wildlife Trust. As part of this process and in accordance with comments provided by Herts and Middlesex Wildlife Trust the development would make provision for swift and bat boxes across all three phases. Details for Phases 1A-D have been approved as necessary. Therefore, imposition of a similar condition to cover Phase 2 is considered reasonable and necessary to secure this.

9.15 Other Matters

Sustainable construction and climate change

- 9.15.1 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.

9.15.2 Further to this the recently adopted Stevenage Design Guide SPD (2023) states that ‘energy efficiency should be considered at the earliest stages of design and building should reduce energy demands required to heat, cool, light and run buildings.’ The SPD provides further information on the use of particular materials and construction techniques and on maximising resilience by using techniques which utilise wind, sunlight and daylight, ground and air source heat pumps and water consumption.

9.15.3 The outline application was supported by a Sustainability Statement which included information on building performance and indicated that buildings would be designed to achieve low carbon energy emissions through use of passive solar design in order to minimise heat loss in winter and overheating in summer by using natural light and ventilation as much as possible. This could be managed through appropriate glazing. The statement also covered high performance building fabric and systems such as hybrid heating and cooling, high efficiency LED lighting, and intelligent lighting.

9.15.4 The application has been supported by a Sustainability Briefing Note, expanding on the measures Phase 2 will take forward to meet, and where possible exceed the new requirements of Building Regulations 2022 standards Part O and Part L. As a minimum these would represent a 30% saving in comparison with 2013 standards, as committed to in the outline planning application.

9.15.5 Specific measures proposed for the Phase 2 parcels of the North Stevenage development include the following:

- The layout uses passive solar design techniques which maximise solar gain across the development site;
- Increased thermally efficient building design including insulated roofs, increased thermally efficient windows to all homes and Thermally Broken Lintels to all homes, plus larger cavities to some plots;
- Renewable energy strategy to include the use of external Air Source Heat Pumps (ASHPs) with cylinders (no fossil fuels) and photovoltaic panels (distributed across the site as appropriate e.g. based on suitable roof orientation). Some plots may also have batteries to allow storage of photovoltaic energy generated;
- Double, and in some cases triple, glazing for all units across the development;
- Increased radiator sizes for all dwellings;
- Where required to prevent overheating, additional passive ventilation to certain rooms;
- Active Electric Vehicle charging points as demonstrated on the submitted plans and additional passive provision for shared parking courts to allow for further Electric Vehicle chargers to be installed in the future;
- In-built measures to reduce water consumption to no more than 110 litres per person per day including external water use (e.g. through water efficient sanitary ware), along with Wastewater Heat Recovery to some plots;
- All external lighting will be low or sustainable (e.g. solar bollards) energy and will have daylight and/or PIR sensors to avoid wastage; and
- Energy efficient appliances (typically ‘A’ rated or higher) on all plots where they are installed by the developer and underfloor heating to some plots.

- 9.15.6 The above energy and sustainability measures will ensure the development meets, or exceeds Buildings Regulations, as well as being in accordance with Policies SP11 and SP2 of the adopted Local Plan and the Stevenage Design Guide.

Impact on Archaeological Remains

- 9.15.7 The NPPF paragraph 200 states that "*In determining applications...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".
- 9.15.8 Paragraph 201 notes that "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal*".
- 9.15.9 The impact of the proposed development of the HO3 allocated site of North of Stevenage was assessed as part of the outline application process and the decision notice issued included the imposition of conditions relating to archaeology in accordance with comments received by the Hertfordshire County Council Archaeological Team at the time. These conditions have been discharged with agreement of HCC Archaeology and the necessary works are being carried out on site in accordance with the details agreed.

Air Quality

- 9.15.10 Similarly to the above, the impact of the proposed development of the site on air quality was assessed as part of the outline application, through the Air Quality Assessment and cumulative impact assessment in respect of the effects of both construction and operation of the proposed development on the application site and surrounding area. The impact was deemed minimal by the Council's Environmental Health Team and thus no further study of this is deemed necessary for the consideration of the infrastructure for the site.

Bin Storage and Collection Points

- 9.15.11 The proposed development has been supported by a refuse layout plan showing the bin drag distances for houses, as well as bin collection points and storage areas. In respect of the proposed apartment blocks, an acceptable level of bin storage provision is proposed in integral or separate storage areas, located such that kerbside collection is possible.

Equality, Diversity and Human Rights

- 9.15.12 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.
- 9.15.13 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.
- 9.15.14 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.

- 9.15.15 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.
- 9.15.16 In terms of inclusive access, the proposed buildings would include level access with 45% being HO11 and M4(2) compliant both internally and externally making them accessible and/or adaptable, with a further 35% being compliant internally. Furthermore, route connections between the residential parcels and the wider infrastructure would incorporate level access and crossings where applicable. The development makes provision for disabled parking, and sufficient width footpaths at the apartment blocks.

Third Party Comments

- 9.15.17 Further to the two objections made on this application these have been considered as part of the assessment of this application. With reference to the comment on housing numbers in this part of the borough, the principle of providing 800 homes on this site has been established through the Local Plan allocation and approval of the outline permission. The current application makes up the shortfall of dwellings from the 358 agreed under Phase 1 and the 800 agreed across the whole site. Therefore, this objection is not sustained.
- 9.15.18 The further comments made about consideration for horse riders and other non-car users such as pedestrians and cyclists have been considered as part of this application. It is of note here that Phase 2 is not intersected by PROW like Phase 1 is. The nearest existing PROW is sited along the eastern boundary with the Country Park and then along the north eastern boundary within the NS1 site. The upgrades approved for the PROW within the site all take account of use by horse riders in the design of their finish.
- 9.15.19 Phase 2 does not have any existing routes within it which are useable by horse riders and thus the proposed layout does not specifically make allowances for horse riders in this residential dominant area of the site. Officers are satisfied that the provision across the site as a whole, taking account of the PROW are sufficient to ensure inclusivity of different types of users.

10. PLANNING BALANCE AND CONCLUSIONS

- 10.1 In summary, the proposals for Phases 2 are considered to be acceptable on balance. The scheme has been subject to some minor amendments to take account of officers and consultee comments and the changes are considered to positively impact the proposed provision of the remaining 442 dwellings at the Land North of Stevenage site HO3.
- 10.2 The scheme proposes to extend the highway network proposed under the infrastructure RM with the further spur roads, shared surfaces and private driveways. Foot and cycle way connections are also shown to provide key connectivity links with NS1 to the north of the site, as well as to the spine road and Country Park where further connections to the south of the site and east and west of the site can be made.
- 10.3 Due regard has been given to Section 66 of the Listed Building Act 1990 in terms of considering whether to grant planning permission for development which affects the setting of the conservation area and listed buildings, where special regard, with respect to this application, is given to the desirability of preserving the settings which they possess. As set out in section 9.7 of this report, it has been demonstrated that the development would cause, at the lower end of the scale, less than substantial harm to the setting of the conservation

area and to a lesser degree the settings of the listed buildings. Consequently, regard must be given to paragraph 207 of the NPPF which stipulates 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. These public benefits are considered in section 9.7 of the report and in further detail below as part of the Planning Balance exercise.

- 10.4 Taking the above harm into consideration, the proposal does have a number of planning benefits which weigh in the scheme's favour. The proposals would see allocated housing on site come forward in a well-designed and contextual manner. This is especially important at this time as the Council is now under the presumption in favour of sustainable development under paragraph 11(d) of the NPPF, and there is therefore a requirement on the Council to increase the delivery of housing. In this regard, the report has demonstrated that the harm outlined is significantly outweighed by the benefits. The proposals would also provide good connections to proposed neighbouring development in the adjoining authority North Herts.
- 10.5 The proposed level of useable and accessible green open space would be enhanced by the proposed landscaping scheme for the residential parcels and the addition of swift and bat boxes across the Phase.
- 10.6 Therefore, it is concluded that the benefits the development would bring as a whole would be substantial. The proposals are considered to meet the requirements of the relevant local plan policies, especially HO3, but more broadly in terms of design and quality also.
- 10.7 Further to the above, it has been demonstrated that whilst the development would cause, at the lower end of the scale, less than substantial harm to the setting of the St Nicholas and Rectory Lane Conservation Area and nearby listed buildings, the substantial benefits the development would bring would outweigh the harm that is caused.
- 10.8 Turning to design, the proposed character areas and house/apartment block types have followed the necessary ten characteristic approach as set out in the National Design Guide, as well as in the recently adopted Stevenage Design Guide (2023). The plans largely follow the approved parameter plans approved as part of the outline application, as well as the approved plans for Phase 1 in terms of design and character areas. The streets created would be suitably landscaped and where appropriate would share surfaces between pedestrians and motor vehicles.
- 10.9 In terms of the amenity of future residents, the proposals meet all the required standards as set out in national and local policy in respect of living space standards and external amenity space. The separation distances to maintain privacy and outlook are also acceptable in meeting national standards. With regards to the impact of the development on the amenity of existing residents, by virtue of the location of Phase 2 to the north of the site, there are no immediate existing properties affected by the proposals.
- 10.10 The proposal would provide an acceptable level of car parking albeit slightly over the required provision, and this would include residential, visitor spaces, disabled spaces, EVCP and cycle storage of a satisfactory provision.
- 10.11 In summary, the proposed residential development of Phase 2 of this large, allocated site (HO3) is reflective of the masterplan, is considered to be of high-quality design and layout and would make positive contributions to link with the wider infrastructure proposals. The character areas and different design elements would bring distinctive character to the development whilst providing legibility between these areas. The identified less than substantial harm to the setting of the conservation area and nearby listed buildings is outweighed by the benefits as detailed above. Furthermore, the proposals would provide a good sense of place and level of amenity for future residents, also benefiting future residents of the neighbouring NHDC allocated site NS1 to the north. Parking, landscaping, and drainage provisions would all meet

the requirements of policy and consultees. Therefore, there are sufficient material considerations, subject to conditions that planning permission should be granted.

11. RECOMMENDATIONS

11.1 That planning permission be GRANTED subject to the following :-

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: P1708.P2.GAR.104; P1708.P2.GAR.105; P1708.P2.GAR.106; P1708.P2.GAR.107; P1708.P2.GAR.108; P1708.P2.SS.101-A; P1708.P2.SS.102-A; P1708.P2.SS.103-A; P1708.SRL.0008-A; P1708.SUB.201; P1708.B2.P2.103; P1708.B2.P2.104; P1708.B2.P2.105; P1708.B2.P2.106; P1708.B2.P2.107; P1708.B3A.P2.101; P1708.B3A.P2.102; P1708.B3A.P2.103; P1708.B3A.P2.104; P1708.B3B.P2.101; P1708.B3B.P2.102; P1708.B4.P2.101; P1708.B4.P2.102; P1708.B4.P2.103; P1708.BLK10.201; P1708.BLK10.202; P1708.BLK10.203; P1708.BLK10.204; P1708.BLK10.205; P1708.BLK10.206; P1708.BLK10.207; P1708.BLK10.208; P1708.BLK11.201; P1708.BLK11.202; P1708.BLK11.203; P1708.BLK11.204; P1708.BLK11.205; P1708.BLK11.206; P1708.BLK11.207; P1708.BLK11.208; P1708.BLK12.201; P1708.BLK12.202; P1708.BLK12.203; P1708.BLK12.204; P1708.BLK12.205; P1708.BLK12.206; P1708.BLK12.207; P1708.BLK12.208; P1708.BLK8.201; P1708.BLK8.202; P1708.BLK8.203; P1708.BLK8.204; P1708.BLK8.205; P1708.BM.P2.101; P1708.BM.P2.102; P1708.BM.P2.103; P1708.BN1.P2.104; P1708.BN.P2.101A; P1708.BN.P2.102A; P1708.BN1.P2.101; P1708.BN1.P2.102; P1708.BN1.P2.103; P1708.BN1.P2.106; P1708.BN1.P2.108; P1708.BN1.P2.109; P1708.BN1.P2.110; P1708.BO.P2.103; P1708.BO.P2.104; P1708.BO.P2.105; P1708.BR.P2.101; P1708.BR.P2.102; P1708.BW.P2.102; P1708.CL.P2.101; P1708.CL.P2.102; P1708.CL.P2.103; P1708.CL.P2.104; P1708.CL.P2.105; P1708.CL.P2.106; P1708.CL.P2.107; P1708.CH.P2.101; P1708.CH.P2.102; P1708.CN.P2.101; P1708.CN.P2.102; P1708.CN.P2.103; P1708.CN.P2.104; P1708.CN.P2.105; P1708.CO.P2.101; P1708.CO.P2.102; P1708.CU.P2.101; P1708.CU.P2.102; P1708.DN.P2.101; P1708.DN.P2.102; P1708.DN.P2.103; P1708.FR.P2.101; P1708.FR.P2.102; P1708.FR.P2.103; P1708.FR.P2.104; P1708.FR.P2.105; P1708.FR.P2.106; P1708.FR.P2.107; P1708.GN.P2.101; P1708.GN.P2.102; P1708.GN1.P2.101; P1708.GN1.P2.102; P1708.GN1.P2.103A; P1708.GN1.P2.104A; P1708.GW.P2.101; P1708.GW.P2.102; P1708.GW.P2.103; P1708.GW.P2.104; P1708.HP.P2.101; P1708.HP.P2.102; P1708.HP.P2.103; P1708.HP.P2.104; P1708.HT1.P2.101A; P1708.HT1.P2.102; P1708.KP.P2.101; P1708.KP.P2.102; P1708.LA.P2.101; P1708.LA.P2.102; P1708.LA.P2.103; P1708.LA.P2.104; P1708.LA.P2.105; P1708.M2.P2.101; P1708.M2.P2.102; P1708.M2A.P2.101; P1708.M2A.P2.102; P1708.M2A.P2.103; P1708.M2A.P2.104; P1708.M3.P2.101; P1708.M3A.P2.101; P1708.M3B.P2.101; P1708.M4.P2.101; P1708.M4.P2.102; P1708.MA.P2.101; BM1-OC-RMA-2-DR-C-6031-02; BM1-NPA-P2-ZZ-DR-Y-3203-A-C02; BM1-NPA-V1-ZZ-M2-L-5008-S4-C03; BM1-OC-RMA-2-DR-C-6030-02; BM1-OC-RMA-2-DR-C-6302-02; BM1-OC-RMA-XX-DR-C-2026-R07; P1708.022-M; P1708.23-M; P1708.24-I; P1708.25-K; P1708.26-K; P1708.27-K; P1708.200-Q; P1708.201-N; P1708.202-Q; P1708.BN1.P2 - REV A; P1708.BN1.P2.107 - REV A; P1708.BO.P2.101 - REV A; P1708.BO.P2.102 - REV A; P1708.BO2.P2.101; P1708.BO2.P2.102; P1708.BR.P2.103 - REV A; P1708.BR.P2.104 - REV A; P1708.BR.P2.105; P1708.BR.P2.106; P1708.BW.P2.101 - REV A;

P1708.BW.P2.103 - REV A; P1708.BW.P2.104; P1708.BW.P2.105; P1708.GW.P2.105 - REV A; P1708.GW.P2.106 - REV A; P1708.P2.SS.107-D; P1708.P2.SS.108-C; P1708.P2.SS.109-C; P1708.MA.P2.102; P1708.MA.P2.103; P1708.MA.P2.104; P1708.PH.P2.101; P1708.PH.P2.102; P1708.PH.P2.103; P1708.PH.P2.104; P1708.PH.P2.105; P1708.RE.P2.101; P1708.RE.P2.102; P1708.RE.P2.103; P1708.RE.P2.104; P1708.RT.P2.101; P1708.RT.P2.102; P1708.RT.P2.103; P1708.RT.P2.104; P1708.RT.P2.105; P1708.RT.P2.106; P1708.RT.P2.107; P1708.RT.P2.108; P1708.SA.P2.101; P1708.SA.P2.102; P1708.TH.P2.101; P1708.TH.P2.102; P1708.TH.P2.103; P1708.TH.P2.104; P1708.WB.P2.101A; P1708.WB.P2.102A; P1708.WN.P2.101; P1708.WN.P2.102; P1708.WW.P2.101; P1708.WW.P2.102; P1708.WW.P2.103; P1708.WW.P2.104; P1708.BLK8.206; P1708.BLK8.207; P1708.BLK8.208; P1708.BLK9.201; P1708.BLK9.202; P1708.BLK9.203; P1708.BLK9.204; P1708.BLK9.205; P1708.BLK9.206; P1708.BLK9.207; P1708.BLK9.208; P1708.BM.P2.105; P1708.HT1.P2.101; P1708.M4A.P2.101; P1708.M4A.P2.102; P1708.P2.GAR.102; P1708.P2.SS.104-A; P1708.P2.SS.105-A; P1708.P2.SS.106-A; P1708.WN.P2.104 - REV A; P1708.P2.SS.110-A; P1708.WN.P2.103 - REV A; P1708.WN.P2.105; P1708.WN.P2.106; BM1-NPA-V1-OS-DR-L-7521-A-C01; P1708.SRL.0008-A; BM1-NPA-V1-OS-DR-L-7520-A-C01; BM1-NPA-V1-OS-M2-L-7410-A-C01; BM1-NPA-V1-ZZ-D-L-5008-A-C01; BM1-NPA-V1-ZZ-SP-L-5050-C01; BM1-OC-RMA-2-DR-C-6000-03; BM1-OC-RMA-2-DR-C-6001-03; BM1-OC-RMA-2-DR-C-6002-03; BM1-OC-RMA-2-DR-C-6003-03; BM1-OC-RMA-2-DR-C-6004-03; BM1-OC-RMA-2-DR-C-6005-03; BM1-OC-RMA-2-DR-C-6006-03; BM1-OC-RMA-2-DR-C-6007-03; BM1-OC-RMA-2-DR-C-6008-03; BM1-OC-RMA-2-DR-C-6009-03; BM1-OC-RMA-2-DR-C-6010-03; BM1-OC-RMA-2-DR-C-6011-03; BM1-OC-RMA-2-DR-C-6012-03; BM1-OC-RMA-2-DR-C-6013-03; BM1-OC-RMA-2-DR-C-6014-03; BM1-OC-RMA-2-DR-C-6015-03; BM1-OC-RMA-2-DR-C-6016-03; BM1-OC-RMA-2-DR-C-6017-03; BM1-OC-RMA-2-DR-C-6018; BM1-OC-RMA-2-DR-C-6019; BM1-OC-RMA-2-DR-C-6020; BM1-OC-RMA-2-DR-C-6021; BM1-OC-RMA-2-DR-C-6022; BM1-OC-RMA-2-DR-C-6023; BM1-OC-RMA-2-DR-C-6024-01; BM1-OC-RMA-2-DR-C-6025-01; BM1-OC-RMA-2-DR-C-6026-01; BM1-OC-RMA-2-DR-C-6027-01; BM1-OC-RMA-2-DR-C-6028-01; BM1-OC-RMA-2-DR-C-6029-01; BM1-OC-RMA-2-DR-C-6033; BM1-OC-RMA-2-DR-C-6034; BM1-OC-RMA-2-DR-C-6035; P1708.BC.205; P1708.BIN.201; P1708.BIN.202; P1708.BIN.203; P1708.P2.CP.101; P1708.P2.CYC.101; P1708.P2.GAR.101; P1708.P2.GAR.103;

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

- 2 No development above slab level hereby permitted shall be carried out until full details of the soft and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with those details, unless otherwise approved in writing by the Local Planning Authority.

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

- 3 All planting, seeding and turfing comprised in the landscaping details to be approved under condition 2 of this approval shall be carried out for each phase of the development hereby consented in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the completion of the approved development whichever is the sooner.

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

- 4 All hard surfacing comprised in the landscaping details to be approved under condition 2 of this approval shall be carried out for each phase of the development hereby consented prior to first occupation of the development hereby permitted or, the completion of the approved development, whichever is the sooner.

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

- 5 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 6 No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.
- 7 No development above slab level of any building in this phase, shall take place until details of the proposed swift and bat boxes, their construction and integration into the respective buildings/dwellings has been submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be installed/integrated on the building/dwelling elevations as identified on Drawing number BM1-NPA-P2-ZZ-DR-Y-3202-A-CO2 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt
REASON:- To ensure that the development contributes to improving the ecology and biodiversity of the area.
- 8 Prior to the first occupation of the dwellings and development hereby permitted, the approved refuse/recycle stores and bin collection points shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form unless otherwise approved in writing by the Local Planning Authority.
REASON:- To ensure that there is sufficient waste storage provision in accordance with the Council's standards is maintained for all dwellings and the development as a whole on site in perpetuity.
- 9 Prior to the first occupation of the apartment blocks hereby permitted the approved cycle parking stores shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form unless otherwise agreed in writing with the local planning authority.
REASON:- To ensure that adequate cycle parking provision for the apartment buildings is provided on site in accordance with the Council's standards.
- 10 No dwelling hereby approved shall be occupied until the respective cycle parking has been provided on site by way of garage or garden shed as shown on Drawing number: P1708.22.G.
REASON:- To ensure that adequate cycle parking provision is provided on site in accordance with the Council's standards.
- 11 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking or re-enactive that Order with or without modification) no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles, no loft conversions including dormer windows / roof extensions, or roof lights and openings shall be constructed on the dwellinghouse(s) hereby permitted unless permission is granted on an application made to the Local Planning Authority.
REASON:- To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the neighbouring properties from overlooking / loss of privacy and to ensure sufficient parking is available.
- 12 Before any above-ground work is commenced on any individual phase or sub-phase of the development hereby permitted, samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i. Facing and roof materials;
- ii. Juliette balcony and/or dormer window treatment;
- iii. Window material details;
- iv. External rainwater goods where permitted.

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON:- To ensure the development has an acceptable appearance.

- 13 The play areas approved for the development shall be provided within each respective phase in accordance with the Phasing plan P1708.PhaseP.02-A hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure each phase has adequate play space provision provided.

- 14 Prior to first occupation of the development details of any external lighting (excluding private residential curtilages) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved details.

REASON:- To ensure any lighting is of an acceptable appearance and has an acceptable luminance to prevent nuisance to occupiers of the development.

- 15 No dwelling hereby permitted shall be occupied until the parking spaces and/or garages shown on the approved plans have been constructed, hardsurfaced and made ready for use. The parking facilities shall be retained in that form and thereafter be used only for the parking and garaging of vehicles.

REASON:-To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways.

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.

INFORMATIVES

1 Hertfordshire Highways

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. 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.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. 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>

pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

AN3) 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.

AN4) 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.

AN5) Works within the highway (section 278): 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 County Council website at: <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.

AN6) 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>

AN7) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN9) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

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

12. 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 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 December 2023 and Planning Policy Guidance.



Meeting: Planning and Development
Committee

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

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

1. Application No : 22/00897/COND
Date Received : 08.10.22
Location : 103 Queensway Town Centre Stevenage Herts
Proposal : Discharge of condition 13 (maintenance plan) attached to planning permission reference number 18/00268/FPM
Date of Decision : 13.02.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

2. Application No : 23/00284/FPH
Date Received : 13.04.23
Location : 9 High Street Stevenage Herts SG1 3BG
Proposal : Erection full height railings to enclose existing rear garden.
Date of Decision : 05.02.24
Decision : **Planning Permission is GRANTED**

3. Application No : 23/00313/FP
Date Received : 21.04.23
Location : Land At Maxwell Road Stevenage Herts SG1 2EW
Proposal : Retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.
Date of Decision : 09.02.24
Decision : **Planning Permission is GRANTED**
4. Application No : 23/00373/FPH
Date Received : 15.05.23
Location : 36 Letchmore Road Stevenage Herts SG1 3PR
Proposal : Single storey front extension
Date of Decision : 21.02.24
Decision : **Planning Permission is GRANTED**
5. Application No : 23/00716/FPH
Date Received : 25.09.23
Location : 11 Goddard End Stevenage Herts SG2 7ER
Proposal : Single storey rear and side extension
Date of Decision : 01.02.24
Decision : **Planning Permission is GRANTED**
6. Application No : 23/00788/COND
Date Received : 25.10.23
Location : Land West Of North Road North Road Stevenage Herts
Proposal : Discharge of condition 5 (drainage management and maintenance) attached to planning permission reference number 22/00838/FPM
Date of Decision : 13.02.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

7. Application No : 23/00821/FPH
Date Received : 10.11.23
Location : 139 Minehead Way Stevenage Herts SG1 2JL
Proposal : Single storey front extension and raising the height of the existing garage roof and ancillary works.
Date of Decision : 30.01.24
Decision : **Planning Permission is GRANTED**
8. Application No : 23/00901/FPH
Date Received : 28.11.23
Location : 3 & 5 Raleigh Crescent Stevenage Herts SG2 0EQ
Proposal : Single storey front porches to No.3 and No.5 Raleigh Crescent
Date of Decision : 20.02.24
Decision : **Planning Permission is GRANTED**
9. Application No : 23/00914/FP
Date Received : 05.12.23
Location : Former Unit 3 Kenilworth Close 46 Hertford Road Stevenage Herts
Proposal : Change of use from class E (Shops) to Sui Generis (hot food takeaway).
Date of Decision : 16.02.24
Decision : **Planning Permission is GRANTED**

10. Application No : 23/00917/FPH
Date Received : 05.12.23
Location : 33 Chepstow Close Stevenage Herts SG1 5TT
Proposal : Part two-storey, part first floor side extension and a first floor front extension
Date of Decision : 29.01.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed development by virtue of its siting, scale, massing, and design would be an incongruous form of development which would be detrimental to the architectural form of the original terrace of dwellings, to the detriment of the character and appearance of the street scene, 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), Planning Practice Guidance (2014) and National Design Guidance (2019).
11. Application No : 23/00925/COND
Date Received : 12.12.23
Location : Land To The West Of Lytton Way Stevenage Herts
Proposal : Discharge of condition 9 (Energy Strategy) and Condition 11 (Secured by Design) attached to planning permission reference numbers 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692), 23/00239/FPM and 23/00655/FPM.
Date of Decision : 29.01.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

12. Application No : 23/00929/TPTPO
Date Received : 13.12.23
Location : 30 Daltry Road Stevenage Herts SG1 4AW
Proposal : Section and fell to ground level 1 No: Silver Birch Tree (T3) protected by TPO 71 due to being covered in Ivy
Date of Decision : 05.02.24
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.

13. Application No : 23/00935/FPH
Date Received : 15.12.23
Location : 294 Durham Road Stevenage Herts SG1 4JF
Proposal : Demolition of garage and erection of two storey side extension and single storey side and rear extension.
Date of Decision : 19.02.24
Decision : **Planning Permission is GRANTED**

14. Application No : 23/00942/FP
Date Received : 20.12.23
Location : ASDA Stores Ltd Monkswood Way Stevenage Herts
Proposal : Removal of condition 1 (Servicing) attached to planning permission reference 06/00177/FP (Allowed under appeal: APP/K1935/A/06/2031844).
Date of Decision : 14.02.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal, if permitted, would be likely to give rise to unacceptable levels of noise and disturbance to the detriment of the residential amenities of the occupiers of residential properties adjoining the site and at Six Hills House contrary to the National Planning Policy Framework (2023) and National Planning Practice Guidance and Policy FP7 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019).

In the absence of a delivery and servicing management plan which demonstrates how 24 hour servicing would be accommodated within the existing service yard without lorries manoeuvring and parking on the service road outside of the store, the proposal would be prejudicial to the safety and operation of the service road creating a highway safety risk for both vehicles and pedestrians. The development proposal is therefore contrary to the National Planning Policy Framework (2023) and National Planning Practice Guidance and Policies SP6 and IT5 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019).

15. Application No : 23/00955/CLPD
Date Received : 23.12.23
Location : 8 Poston Place Stevenage Herts SG2 0BS
Proposal : Lawful Development Certificate (Proposed) for erection of rear facing dormer
Date of Decision : 01.02.24
Decision : **Certificate of Lawfulness is APPROVED**

16. Application No : 23/00956/FPH
Date Received : 23.12.23
Location : 8 Poston Place Stevenage Herts SG2 0BS
Proposal : Erection of front facing dormer windows and side facing window to facilitate loft conversion
Date of Decision : 09.02.24
Decision : **Planning Permission is GRANTED**
17. Application No : 23/00957/FP
Date Received : 24.12.23
Location : Unit 29 Stevenage Enterprise Centre Orchard Road Stevenage
Proposal : Change of use to commercial kitchen and delivery centre (sui generis)
Date of Decision : 05.02.24
Decision : **Planning Permission is GRANTED**
18. Application No : 23/00958/FPH
Date Received : 26.12.23
Location : 17 Poston Place Stevenage Herts SG2 0BS
Proposal : Single storey rear extension
Date of Decision : 16.02.24
Decision : **Planning Permission is GRANTED**
19. Application No : 23/00959/FPH
Date Received : 27.12.23
Location : 7 Admiral Drive Stevenage Herts SG1 4FL
Proposal : First floor side extension (Amended Proposal)
Date of Decision : 08.02.24
Decision : **Planning Permission is GRANTED**

20. Application No : 23/00961/FPH
Date Received : 31.12.23
Location : 45 Cromwell Road Stevenage Herts SG2 9HU
Proposal : Demolition of existing single storey rear extension and outbuildings and erection of single storey rear extension and replacement of garage flat roof with pitched roof.
Date of Decision : 09.02.24
Decision : **Planning Permission is GRANTED**
21. Application No : 24/00006/FPH
Date Received : 04.01.24
Location : 24 Edison Road Stevenage Herts SG2 0DG
Proposal : Single storey rear extension and relocation of existing shed
Date of Decision : 14.02.24
Decision : **Planning Permission is GRANTED**
22. Application No : 24/00018/TPCA
Date Received : 15.01.24
Location : The Marquis Of Granby 4-6 North Road Stevenage Herts
Proposal : Raise and reduce crown by 2 metres on 1x Hornbeam
Date of Decision : 16.02.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
23. Application No : 24/00067/NMA
Date Received : 02.02.24
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Non material amendment to reserved matters approval 23/00261/FP to change of supplier/manufacturer of the modular building from Portakabin Ltd. to Wernick Refurbished Buildings Ltd
Date of Decision : 16.02.24
Decision : **Non Material Amendment AGREED**

24. Application No : 24/00071/NMA
Date Received : 05.02.24
Location : 44 Collenswood Road Stevenage Herts SG2 9ES
Proposal : Non material amendment to amend first floor window heights attached to planning permission reference 23/00717/FPH
Date of Decision : 08.02.24
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: Tuesday 5 March 2024

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow

Lead Officer – Zayd Al-Jawad

Contact Officer – Zayd Al-Jawad

1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

2.1 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.

2.2 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

21/01152/ENF and 21/01256/FPH – 68 Basils Road

3.1 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 and Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension under reference number 21/01256/FPH.

3.2 The Appeal was dismissed.

3.3 The Inspector revised the description of the planning application and subsequent enforcement notice from “Two storey rear extension” to “Part two storey, part single storey rear extension”. The Council agreed that this change was acceptable and more accurate.

3.4 The Inspector found that the requirements in section 5(ii) of the enforcement notice would duplicate that of section 5(i) and therefore he amended the enforcement notice to remove the duplication without prejudice to either party. For clarity, part (i) required the removal of the first floor of the structure whilst part (ii) required the removal of the first floor and retain the ground floor in accordance with submitted plans.

3.5 The Inspector disagreed with the Council in regard to harm to neighbouring properties at Nos. 70 and 70A Basils Road. He found there to be no material harm to No.70 and whilst he identified some harm to No.70A, he concluded that due to the unusual layout and siting of this property, the harm would be limited.

- 3.6 With regards to No.23 Victoria Close, directly to the rear of the site, the Inspector agreed with the Council that the back-to-back separation distance of 15m is substantially below the adopted Design Guide SPD (2023) requirements and would result in harm to their living conditions. He also upheld that a previous appeal decision at 10 Gorleston Close from 2021 (APP/K1935/D/20/3263519) which reached the same conclusion was material and supported his conclusion of harm. He went on to agree with the Council that the use of obscure glazing to a sole bedroom window is unacceptable and insertion of additional side elevation windows would create harm to other neighbouring properties so was also unacceptable.
- 3.7 He agreed with the Council that the single storey element of the extension results in no harm to neighbouring amenities.
- 3.8 He therefore concluded that the two-storey element of the extension was unacceptable and directed the Council to amend the enforcement notice to allow either the removal of the first-floor element and re-instate the first-floor rear elevation and rear roof slope of the property to its original condition, or remove all of the extension as a whole and re-instate the property to its original condition.
- 3.9 The Council amended the enforcement notice as directed and it was re-issued on 2nd February 2024.



Appeal Decision

Site visit made on 15 August 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/K1935/C/22/3296469

68 Basils Road, Stevenage, Herts SG1 3PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr A Dear against an enforcement notice issued by Stevenage Borough Council.
- The notice was issued on 9 March 2022.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a two storey rear extension on the land, in the approximate position marked with a cross on the attached plan.
- The requirements of the notice are:
 - (i) Remove the first floor of the two storey rear extension
 - (ii) The resulting single storey rear extension shall be of the same height, design and appearance as the single storey rear extension showing the Proposed Ground Floor on plan number "2 – Existing and Proposed Elevations" dated 20th August 2021 submitted with planning application 21/01256/FPH.
 - (iii) The first floor rear elevation and rear roof slope shall be re-instated to their original appearance prior to the erection of the two storey extension as shown on plan numbers "2 – Existing and Proposed Elevations" and "4 – Existing and Proposed Floor Plans" dated 20th August 2021 submitted with planning application 21/01256/FPH using materials of a similar appearance to those used in the construction of the original dwelling.
- The period for compliance with the requirements is: 24 weeks.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: Subject to a correction and variations the notice is upheld, the appeal is allowed in part, and the deemed planning application is allowed in part, in the terms set out in the Formal Decision below.

Preliminary Matters

1. In January 2023 the Stevenage Design Guidance Supplementary Planning Document (SPD) (2023) replaced the Stevenage Design Guide (2009). The appellant and the Council (the parties) have been provided an opportunity to comment on the new document, and I have taken those comments into account in my decision.
2. Although the reasons for issuing the notice refer to outlook and loss of privacy in relation to the living conditions of neighbouring occupiers, the Council's statement also refers to light levels in relation to 70A Basils Road. As the appellant has had the opportunity to comment on this matter, and has done so, neither party would be prejudiced were I to consider this matter. I have therefore done that as part of the main issue.

3. In December 2023 the National Planning Policy Framework (the Framework) was updated. No material changes were made to the matters raised by the parties, and it has therefore not been necessary to seek their views.

The Notice

4. It is incumbent on me to ensure the Notice meets the requirements of Section 173 of the Town & Country Planning Act 1990 (the Act), which relates to the content and effect of an enforcement notice.

The allegation:

5. The notice alleges the erection of a two-storey rear extension. However, at my site visit it was clear the development was a part two-storey, part single-storey extension carried out as a single development. Section 176(1)(a) of the Act empowers me to correct the notice, but only if no injustice would be caused to the appellant or the Council.
6. The revised description of the breach would more accurately reflect the development which was enforced against. The parties have both dealt with the appeal on the basis that it is a part two-storey, part single-storey extension. As a result, no injustice would arise and I shall correct the notice accordingly.

The requirements:

7. The relevant parts of Section 173(3) and (4) require an enforcement notice to specify the steps to be taken in order to remedy the breach, by restoring the land to its condition before the breach took place or, remedying any injury to amenity caused by the breach. In this case those requirements are described in Section 5 of the Notice.
8. The purpose of the notice is to remedy the injury to amenity caused by the breach of planning control, rather than remedy the breach in its entirety. In doing so, the Council requires the removal of the first floor, while facilitating the retention of the extension insofar as it relates to the ground floor only.
9. Requirement 5(i) requires removal of the first floor of the two-storey extension, and is the minimum step required to remedy the alleged injury to amenity.
10. Requirement 5(ii) then requires the resulting elements of the extension to be (made) of the same height, design and appearance as the "single storey rear extension" with reference to a drawing. It seeks to remove the first-floor element but retain the ground-floor element in accordance with the drawing. However, the drawing simply shows the development in its built form which comprises the breach. Thus, if complied with, the requirement would simply result in the first-floor element being removed and the ground-floor element being retained. That would effectively duplicate the first requirement. As a result, I can vary the notice to delete the requirement without injustice to the appellant or the Council.
11. In seeking to require the removal of only part of the development, the notice requires alterations likely to result in additional expense to the appellant. In these circumstances, the notice should also provide an option for its complete removal, and re-instatement of the dwelling to its condition before the development takes place. The inclusion of such an option in addition to the existing requirement would not cause injustice to the appellant or the Council,

as it would remedy the breach in its entirety, and facilitate choice for the appellant without interfering with the existing requirements.

THE APPEAL ON GROUND (A)

Background and Main Issue

12. Appeals on ground (a) are made on the basis that planning permission should be granted for the development alleged in the Notice. As corrected, the notice alleges the erection of a part two-storey, part single-storey extension at the rear of 68 Basils Road (No 68).
13. The main issue is the effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy of occupiers of 23 Victoria Close (No 23), outlook of occupiers of 70 Basils Road (No 70), and outlook and light levels for occupiers of 70a Basils Road (No 70A).

Reasons

14. No 68 is a two-storey terraced house on a residential estate. Due to the curvature of the road, No 70 runs diagonally adjacent to No 68's rear garden. No 70A accommodates the triangular parcel of land between No 70 and the side elevation of No 68. Beyond No 68's rear garden, No 23 is an L-shaped single storey dwelling on a small plot with its rear patio doors facing the extension.
15. Neither the Council nor the appellant have alleged harm arising from the single storey element of the development, and the Council acknowledge that a purely single storey extension could have been erected as 'permitted development'. I agree with that view, noting its limited effects on neighbouring properties.
16. The element of the development the Council considers to be harmful is its two-storey element, which extends around 3.5m in depth beyond the rear of No 68 and serves a bedroom with a window facing the rear garden and No 23 beyond.
17. Stevenage Borough Local Plan 2022-2031 (2019) (SBLP) Policy GD1 supports development which does not have an adverse impact on the amenity of neighbouring occupants and complies with its separation distances. Between dwellings those separation distances are 25m back-to-back, and 15m back-to-side. The text supporting them refers to overlooking of neighbouring houses and gardens, and outlook from neighbouring dwellings. The same distances are sought in the 2023 SPD.

Effects on No 23:

18. The two-storey element of the development brings the rear external wall and a bedroom window closer to No 23, resulting in a distance the parties state is just over 15m from No 23's main rear façade and patio windows. The Council also advises that No 23's rear projection is closer, but acknowledges there is no intervisibility with that part of the building.
19. The first-floor extension, and the window serving it, is significantly closer than the separation distances established in the SBLP and SPD. Most of No 23's glazed patio doors were visible from the first-floor bedroom window at the time of my visit, and much of No 23's garden was also visible.

20. Although there would have been a degree of overlooking before the development took place, the reduction in the separation distance between the properties is significant in the context of the existing shortfall in meeting the standard separation distance. The absence of an objection from the current occupier of No 23 is not necessarily a reflection of the absence of harm, and I consider the extent of overlooking to be significant and harmful.
21. I also note the Council refers to a 2021 appeal decision at Gorleston Close, Stevenage (reference: APP/K1935/D/20/3263519). Although I have only limited details of the circumstances of that appeal, that Inspector appeared to have reached similar conclusions in relation to a reduction in separation distances and privacy. This decision therefore supports my own conclusions.
22. I agree with the Council that to obscure glaze the sole bedroom window would not provide adequate living conditions for occupants, and that the insertion of side windows would result in loss of privacy to occupiers of other dwellings and/or result in inadequate outlook for the occupants of No 68. The harm I identify in respect of privacy could therefore not be suitably limited or prevented through the use of planning conditions.
23. In relation to outlook from No 23, although the first-floor element of the development is somewhat more prominent from the house and garden than it was prior to the development, it is not so prominent that it is harmful to living conditions.

Effects on No 70:

24. The rear of No 70 looks diagonally across its irregularly-shaped garden towards No 68's. The appellant's photographs suggest there has previously been significant vegetation along the boundary, limiting intervisibility between the properties and their gardens. By extending outwards at first floor level No 68 extends only marginally beyond the frontage of No 70, but is a more significant presence, due in part to the removal of some of the vegetation. The development therefore increases the mass of No 68 as seen from No 70's garden, but not to an unacceptable degree.
25. The appellant advises that the development reduces the extent of overlooking from the original bedroom window. But I have not seen that evidenced, and the photographs provided to me suggest the vegetation in place prior to the extension effectively limited intervisibility. Nevertheless, the Council have not alleged a harmful degree of overlooking of No 70, and I have seen no reason to disagree.
26. I have not seen specific guidance on the application of the back-to-side separation distance to irregular layouts. A strict interpretation with a projection directly to the rear of No 70 avoids the side of No 68 altogether, and I am not convinced the back to side separation distance applies to this development.
27. I have therefore not found material harm to the living conditions of occupiers of No 70, in terms of outlook.

Effects on No 70A:

28. No 70A is triangular in shape. At the rear it is separated from No 68 by private paths either side of the boundary fence. The Council advises that the narrow

space between the dwellings is around 2.5m wide, substantially less than the minimum back-to-side distance of 15m.

29. Being triangular in shape, and sharing a party wall with No 70, No 70A is heavily reliant on its front and rear windows. Outlook from No 70A's ground and first floor windows largely face No 68's gable end side wall, which the two-storey extension extends by a distance the Council advises is around 3.5m.
30. I have not seen any comments from owners or occupiers of No 70A, but the Council has provided plans which show its internal layout. The appellant also notes that the ground floor living room is a dual aspect room. The main window to the room is the front north-east facing window, but there will also be some light from the adjoining north-west facing kitchen, which has a window and rooflights. In addition, the rear window is already significantly obscured by its proximity to, and aspect towards, No 68's side wall.
31. In terms of outlook, given its location, and as the rear window already faces the side wall of No 68, I am not convinced there would be sky views from the living room if the upper storey of the extension were removed. In relation to light, the rear window of the living room is south facing, and although marginally set back from No 68's side elevation, the additional two storey brick wall is likely to have further limited daylight and sunlight into it to a degree.
32. Other windows at ground and first floors are WC and shower rooms and a small triangular space leading from, or part of, a landing; none of which are normally considered habitable rooms. A south facing window serving a second floor 'terrace room' living room would not be unduly affected by the development due to its elevation.
33. The majority of windows facing No 68's side wall therefore do not serve habitable rooms, or are secondary in nature. No 70A is not a typical dwelling, and even though the rear window may have contributed to light levels in the ground floor living area, I am not persuaded that room is dependent on it. North-facing or single aspect living rooms are not uncommon, but the ground floor living area also has the prospect of light from the front windows and door, the kitchen and the rear windows. There is also another living space in the form of the 2nd floor 'terrace room'.
34. Overall, the development therefore conflicts with the SBLP and SPD 15m minimum separation distance, and is likely to have reduced light levels to rear ground and first floor windows of No 70A. Nevertheless, considering the unusual nature and layout of No 70A, the effect on outlook and light levels for its occupiers is limited.

Conclusion:

35. Although I have not found harm to the living conditions of No 70 or 70A Basils Road, the two-storey element of the development is harmful to the living conditions of occupiers of 23 Victoria Close, with regard to outlook and privacy. The first-floor elements of the development therefore conflict with the relevant aspects of SBLP Policies GD1 and SP8, which relate to good design and apply separation distances between dwellings.
36. At the same time, the ground floor elements have no harmful effect in terms of outlook and privacy, even if they do not fully meet the separation distances. In relation to the ground floor, there is therefore limited conflict with SBLP Policies

GD1 and SP8, which should be weighed against the benefits of the development.

Other Matters

37. The development provides additional ground and first floor space for the occupiers, and the appellant advises its retention would enable the family to continue living in the property. They consider it enhances and makes efficient use of the property, which will benefit existing and future occupiers, and that its increase in value may also benefit the Council in increased Council Tax payments. The Framework provides general support for the social and economic aspects of sustainable development, efficient use of land, and in a positive approach to decision making. However, that support is not unqualified, and must be balanced with the need for good design and consideration of local design policies and standards.
38. Together these attract limited weight in favour of the development which outweighs the harm and conflict with development plan policies I identify in respect of the ground-floor element of the development, but not that arising from the first-floor.

Conclusion

39. I therefore conclude that the two-storey element of the development conflicts with the development plan and the approach in the Framework, and no other material considerations require a decision to be made other than in accordance with the development plan.
40. In relation to the ground-floor element, the limited conflict with development plan policy is outweighed by the benefits of the development.
41. For the reasons given above I conclude the appeal should succeed in part only, and I will grant planning permission for the ground-floor rear extension, but otherwise I will uphold the notice with a correction and variations and refuse to grant planning permission in respect of the other parts. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.

Decision

42. It is directed that the enforcement notice is corrected and varied by:
- In Section 3 of the notice, the deletion of the words "the erection of a two storey rear extension" and the substitution of the words "the erection of a part two-storey, part single-storey rear extension" in Section 3 of the notice.
 - deleting requirements (i)-(iii) in Section 5 of the notice, and their replacement with:
"Either
(i) Remove the first floor of the two-storey rear extension; and
(ii) Re-instate the first-floor rear elevation and rear roof slope to their original appearance prior to the erection of the two-storey extension as shown on plan numbers "2 – Existing and Proposed Elevations" and "4 – Existing and Proposed Floor Plans" dated 20th August 2021 submitted with planning application 21/01256/FPH using materials of a similar appearance to those used in the construction of the original dwelling;

or

(iii) Remove the part two-storey, part single-storey rear extension and reinstate the dwelling to its condition before the development took place.”

43. Subject to the correction and variations, the appeal is allowed insofar as it relates to the ground-floor rear extension and unconditional planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for ground-floor rear extension at 68 Basils Road, Stevenage, Herts SG1 3PZ.
44. The appeal is dismissed and the enforcement notice is upheld as corrected and varied insofar as it relates to the two-storey rear extension and planning permission is refused in respect of a two-storey rear extension at 68 Basils Road, Stevenage, Herts SG1 3PZ on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter White

INSPECTOR

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