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PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 2 April 2024

Time: 6.30pm,

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact: Lisa Jerome 01438 242203

Chris.liasi@stevenage.gov.uk

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

AGENDA

PART 1

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

2. **MINUTES - 5 MARCH 2024**

To approve as a correct record the Minutes of the previous meeting of the Planning & Development Committee held on 5 March 2024.

Pages 5 – 16

3. **24/00060/FPM - 1-17, 19-35, 37-53, 55-71, 85-101, 103-119 AND 121-137 PENN ROAD, STEVENAGE, HERTS, SG1 1HY**

To consider the retrofit of 7no. apartment blocks comprising the installation of external wall insulation in render and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell facade, replacement windows and doors; upgrade of external ventilation and replacement balconies.

Pages 17 – 26

4. **24/00076/FPM - 2-16, 18-32, 34-48 AND 50-64 WALDEN END, STEVENAGE, HERTS, SG1 1TZ**

To consider the retrofit of 4no. apartment blocks. Works include: the installation of external wall insulation in render finish and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell facade, new windows and doors. Upgrade of ventilation and top up of loft insulation.

Pages 27 – 36

5. 24/00137/FP - FAIRLANDS VALLEY SAILING CENTRE, SIX HILLS WAY, STEVENAGE, SG2 0BL

To consider the placement of 7x 20ft shipping containers and 1x 40ft shipping container.

Pages 37 – 54

6. 23/00502/FPM - 58-90 QUEENSWAY AND FORUM CHAMBERS, STEVENAGE, SG1 1EE

To consider the change of use of ground floor retail unit (80 Queensway), first and second floor office units (58-80 Queensway) and Forum Chambers (all Use Class E) to residential use (Use Class C3) and all associated ancillary infrastructure, and the upward extension of two additional storeys and associated external alterations and works to create a total of 71 residential units.

Pages 55 – 84

7. 23/00477/OP - LAND BETWEEN 146 & 225 HOPTON ROAD, STEVENAGE

Outline planning permission with all matters reserved for the erection of 1no. detached three-bedroom dwelling with associated car parking.

Pages 85 – 114

8. 23/00824/CLEU - 40A VINTERS AVENUE, STEVENAGE

To consider a Certificate of Lawfulness for existing use as 4no. self-contained studio flats.

Pages 115 – 132

9. 24/00089/S106 - STEVENAGE TOWN CENTRE (SG1)

To consider the modification of the S106 agreement; paragraph 3.1 of Schedule 5 (Traffic Management and Parking) and paragraph 1.1 and 1.2 of Schedule 9 (Highways Works) attached to planning permission reference number 19/00743/FPM.

Pages 133 – 140

10. 22/00764/S106 - MOXHAM HOUSE, GILES CRESCENT, STEVENAGE, SG1 4GU

To consider a deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.

Pages 141 – 146

11. 23/00774/ENF - ASDA STORES, MONKSWOOD WAY, STEVENAGE

To consider a breach of servicing condition.

Pages 147 – 152

12. INFORMATION REPORT - DELEGATED DECISIONS

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

Pages 153 – 166

13. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on appeals and called-in applications.

Pages 167 – 168

14. URGENT PART I BUSINESS

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

15. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

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

16. PLANNING REVIEW ON THE LEGAL STATUS OF HOUSES IN MULTIPLE OCCUPATION (HMO) IN STEVENAGE.

To receive an update on enforcement investigation of HMO's in Stevenage.

Pages 169 - 172

17. URGENT PART II BUSINESS

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

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 5 March 2024

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

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

Start / End Time: Start Time: 6.30pm
End Time: 8.00pm

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

Apologies for absence were submitted on behalf of Councillor Ellie Plater. Councillor Conor McGrath was substituting for Councillor Plater.

There were no declarations of interest.

2 **MINUTES - 8 FEBRUARY 2024**

It was **RESOLVED** that the Minutes of the meeting of the Planning and Development Committee held on 8 February 2024 be approved as a correct record and signed by the Chair.

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

The Committee considered a report on planning application 23/00890/RMM seeking permission for the approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 442 no. residential units comprising Phase 2 of the land to the North of Stevenage development, pursuant to Outline permission 17/00862/OPM.

The Principal Planning Officer gave an update to the Committee. In regard to Local Plan Policy HO11, which related to accessible and adaptable housing requirements, there was an error in paragraph 9.10.4.3 of the report where the total percentage of accessible and adaptable housing being provided should read 47%.

She advised that since the report was published there had been discussions with the agents that had resulted in the need for minor alterations to some of the conditions to allow for discharge through sub-phase and sub-parcels of the area. A further condition was being imposed relating to the custom, self-build plots, that would allow for further details to come forward should there be a take-up of the self-build

allowance. The wording of conditions was to be agreed by the Assistant Director (Planning & Regulatory), in consultation with the Chair & Vice-Chair of the Committee.

The application being considered was the final instalment of reserved matters in respect of the site. There had been several reserved matters applications considered including the infrastructure which included the main highway network, all foot and cycleway provision, landscaping provision within the main non-residential areas of the site, Phase 1A-C of 243 residential units, Phase 1D of 115 residential units, and the Country Park application.

Photos of the site plan and location were presented which included the spine road which formed part of the infrastructure plan along with bus connection through into the North Herts Council's NS1 site. Footpath and cycleway connections to NS1 were under negotiation with North Herts Council who had asked for additional connectivity. This had been agreed, in part, with the developers and would be a non-material amendment to the infrastructure reserved matters.

The Principal Planning Officer advised that Phase 2 was most directly accessed from the northern vehicular access off North Road. The spine road approved under the Infrastructure RM provided a tree-lined avenue throughout the development. Phase 2 had 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.

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

The 'Custom-build Strategy' submitted detailed that the plots would be marketed for up to two years. However, if they were not taken up by the public within this two-year window they would revert to conventional build plots and would be built out by the developers in accordance with the plans submitted.

A Member asked a question in relation to the proximity of the North Herts Council NS1 development, connections between the two developments and the potential of congestion. In response, the Principal Planning Officer advised that there would be a single access road that would connect through to NS1 that would also serve as a bus route. There were numerous footpaths and cycleways highlighted on a plan of the development and discussion had been had with North Herts Council regarding increasing the quantity of connections. In terms of the roadway and the footpaths, these had been designed in conjunction with Herts Highways to take account of the potential for additional traffic from the NS1 development.

A Member asked how many letters were sent to individual residents for the consultation. The Principal Planning Officer responded that all of the third party representatives from the original outline permission were written to for each of the

reserved matter applications.

Some Members asked questions in relation to the proposed school. The Assistant Director (Planning & Regulatory) advised that the outline permission secured the land and the contributions towards the school and that it would be for the County Council as Education Authority to design it and, if they used their powers to do so, the Borough Council would be consulted and would bring the proposal before the Committee. The Council would be unable to restrict the admissions for Stevenage residents, but the North Herts NS1 development had its own allocation for a school site within it. The trigger point for the school build was agreed between the developer and County Council and the Principal Planning Officer recalled that the trigger point was approximately once 400 dwellings had been completed.

A Member asked a question in relation to the Lead Local Flood Authority (LLFA) report and the risk of flooding to Basin 4, pathways, and gardens. The Principal Planning Officer responded that further information had been provided to the LLFA that cover the points raised in their report, but no response had been received. In light of this, the decision notice, if granted, would not be issued until full sign off from the LLFA had been received. The Assistant Director (Planning & Regulatory) added that for the outline permission, extensive flood modelling and remediation work had been agreed, but the LLFA wanted more detail and that detail was provided in compliance with what had already been submitted.

A Member asked a question relating to the total number of parking spaces and the ratio of parking spaces for affordable housing and flats. The Principal Planning Officer responded that across Phase 2, and the development as a whole, there was a slight over provision of parking spaces. The Council's standard required 1 space for 1 bedroom dwellings, 1.5 spaces for 2 bedroom dwellings, 2 spaces for 3 bedroom flats and 2.5 spaces for 4+ bedroom houses. Where the figures included a decimal place, the provision should be rounded up to the nearest whole number. The Assistant Director (Planning & Regulatory) confirmed the total parking provision for Phase 2 was 1,602 spaces.

It was **RESOLVED** that application 23/00890/RMM be granted planning permission, subject to the conditions set out below, and that authority be given to the Assistant Director (Planning and Regulation), in consultation with the Chair of the Planning and Development Committee, to amend or add to those conditions 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 and Development Committee has resolved to approve.

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;
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P1708.CO.P2.101; P1708.CO.P2.102; P1708.CU.P2.101; P1708.CU.P2.102;
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P1708.FR.P2.102; P1708.FR.P2.103; P1708.FR.P2.104; P1708.FR.P2.105;
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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;
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P1708.KP.P2.102; P1708.LA.P2.101; P1708.LA.P2.102; P1708.LA.P2.103;
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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;
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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;

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

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> 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

4 **INFORMATION REPORT - DELEGATED DECISIONS**

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

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

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

6 **URGENT PART I BUSINESS**

Planning application 21/00256/FPM - Land to the West of Stevenage

The Chair announced that he had accepted as an urgent item of business an information update that had been circulated to Members of the Committee in respect of the Land to the West of Stevenage planning application, which had been approved by the Committee in December 2021, subject to the completion of a Section 106 Agreement.

For the benefit of newer Members and as a reminder to longer-standing Members of the Committee, the Development Manager reprised the presentation he had given to the December 2021 meeting. He advised that the development would comprise 1,500 new homes in two phases (390 units in Phase 1 (Detailed) and 1,110 units in Phases 2 – 4 (Outline)), as well as a Neighbourhood Centre, Primary School, Cricket pavilion/pitch, employment units and a Multi-Use Games Area (MUGA), together with a variety of green and open spaces throughout the site. He described the access and egress arrangements for the site and explained that a new bus route through the development would be funded by the developer.

The Development Manager advised that, since 2021, there had been significant changes in the National Planning Policy Framework and the Housing Delivery Test. Application 21/00256/FPM, together with the associated Section 106 Agreement, had been tested against these changes, and legal advice had been sought.

The Development Manager reported that it had been concluded that the application was still acceptable when measured against current policies and therefore did not need to be re-determined by the Committee. In view of the scale of the application, the Chair and Vice-Chair had agreed that the matter be placed before the Committee for information.

A Member asked a question relating to the location of the development in relation to the Franklin Park development. The Assistant Director (Planning & Regulatory) advised that there was protected space for a potential road that would separate the two developments in addition to a green space.

Some Members asked questions regarding the proposed landscaping and acoustic barrier. The Assistant Director (Planning & Regulatory) responded that the current proposal was for a landscaped mound, as shown in the presentation. The Development Manager added that there was a proposed fence running along the top of the mound which would act as an acoustic barrier for the upper levels of dwellings and flat blocks that otherwise would be subject to noise from the A1(M). The fence was unlikely to be visible from the properties once the vegetation had grown out due to heavy landscaping of the mound.

A Member asked a question relating to the status of the application. The Assistant Director (Planning & Regulatory) advised that permission had not yet been issued as the Section 106 agreement had not yet been signed. The resolution of the Committee in December 2021 was to grant permission subject to the signing of a Section 106 agreement. Once the permission was issued following the signing of the Section 106 agreement, the condition requiring the development to be commenced within three years would take effect.

A Member asked a question regarding affordable housing. The Development Manager advised that the developed site as a whole, would deliver a policy compliant provision of 30%. Further details were not available as this would be delivered across different phases, each of which would come through to the Committee for decision. It would be at that time that a decision would be made as to whether the level of affordable housing was compliant with Council policy.

A Member asked a question in relation to Dye's Lane Gypsy & Traveller site and the Council's consideration of a further Gypsy & Traveller site. The Development Manager responded that the Dyes Lane site was managed by the County Council and that there was a provision in the Local Plan for a Gypsy & Traveller site further north in the Borough that was unaffected by this development.

A Member asked a question relating to biodiversity net gain. The Development Manager responded that the development was unable to achieve the required 10% biodiversity net gain. This was, in part, because the development encompassed a former landfill site which had a mosaic habitat. The Development Manager recalled that the site included approximately 141 habitat units. The Section 106 agreement would secure a contribution of approximately £2M towards biodiversity net gain. The Assistant Director (Planning & Regulatory) advised that the Section 106 contribution would be received in stages and would be directed to biodiversity net gain across the Borough, including supporting the delivery of the Council's Biodiversity Action Plan.

A Member asked a question relating to the potential of further developments in the area and subsequent access points. The Development Manager advised that the Council's Local Plan safeguarded an area of land to allow access to a North Herts Council development were it to come forward. Any future developments would be

subject to a detailed transport assessment to demonstrate that the development did not cause harm to the highway network and to provide suitable mitigation.

A Member asked a question relating to an existing underpass. The Development Manager responded that Herts County Council would provide enhanced lighting to this underpass under their Section 38 powers. The underpass would still be maintained by Highways England.

It was **RESOLVED** that the update on application 21/00256/FPM be noted, and that the approach outlined by the Development Manager be supported.

7 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

8 **URGENT PART II BUSINESS**

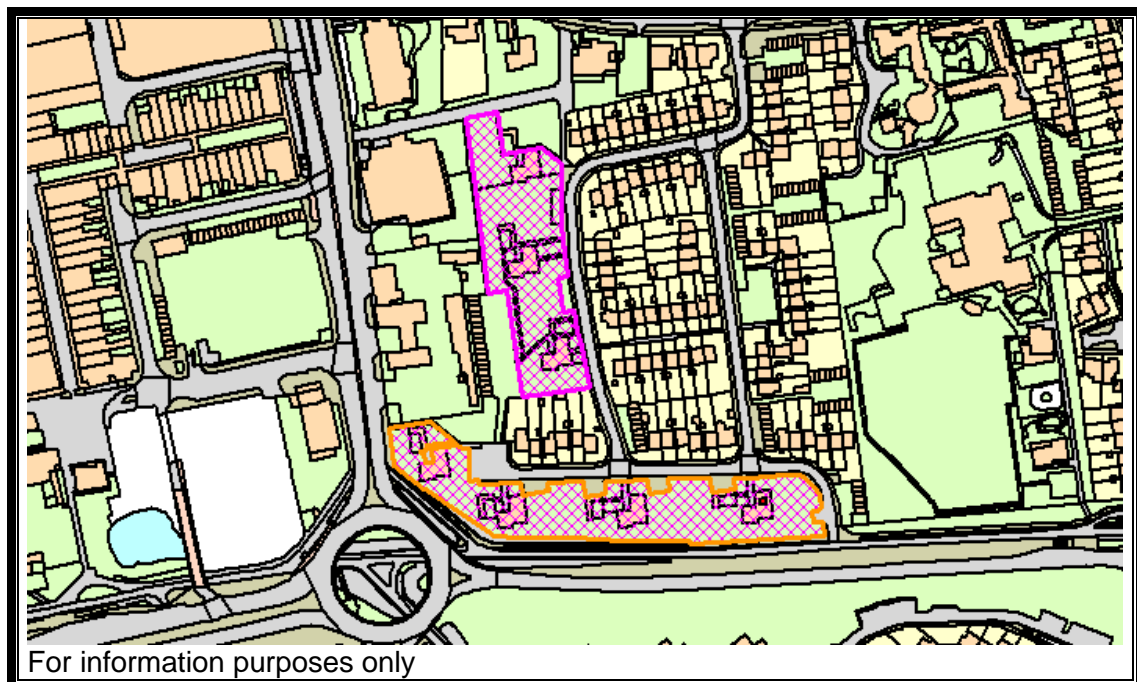
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	2 April 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00060/FPM
Location :	1-17, 19-35, 37-53, 55-71, 85-101, 103-119 And 121-137 Penn Road, Stevenage.
Proposal :	Installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.
Drawing Nos.:	7059-CTS-00-000-L-A-4403 P02; 7059-CTS-20-000-D-A-4404 P02; 7059-CTS-20-000-D-A-4405 P02; 7059-CTS-20-000-D-A-4406 P02; 7059-CTS-20-000-D-A-4407 P02;
Applicant :	Stevenage Borough Council
Date Valid:	1 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

1.1. The application site comprises 7 buildings on the western and southern side of Penn Road. Residential dwellings of Penn Road and Fox Road lie to the east and north, the fire station and Holiday Inn hotel to the west, and the main highways of St George’s Way and Six Hills Way to the west and south.

- 1.2. Each building is three storeys, L-Shaped with a dual pitched tiled roof and contain 9no. flats each. The buildings are constructed with white painted render, red-multi bricks with blue panels and horizontal cladding highlights. Windows and doors are modern white uPVC framing. The balconies have green panels. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking is communal along Penn Road and shared with other residential dwellings.

2. RELEVANT PLANNING HISORY

- 2.1 None relevant.

3. THE CURRENT APPLICATION

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

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters to neighbouring properties, the following comments were received:
- 4.2 117 Penn Road: No objection in principle but would like guarantees that the installation of the external cladding is fire safe and pest control has been considered due to occurrences of rodents getting into the roof spaces via existing guttering.

5. CONSULTATIONS

5.1. Herts County Council as Lead Local Flood Authority

- 5.1.1 We understand that there will be no increase in hardstanding as a result of these proposals, as there are no proposed alternations to layout, scale, landscaping and access. Following a review of the submitted information, we have no comment at this time as we understand there is no effect on flood risk and drainage matters regarding this application.

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

- 6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12).

6.3 Planning Practice Guidance

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

6.4 National Design Guide

- 6.4.1 The National Design Guide 2019 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

6.5 Adopted Local Plan (2019)

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

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

6.6 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2023.

6.7 Community Infrastructure Levy

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

7. APPRAISAL

- 7.1.1 The only issue in the assessment of the application is the impact on the character and appearance of the area. There are no changes to the number of units within the building and no enlargement of the buildings or number and locations of fenestrations so there will be no change to the car parking provision nor any changes to existing impacts on neighbouring properties.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Impact on the Character and Appearance of the Area

- 7.2.1 In terms of design, paragraph 131 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.2.2 Paragraph 139 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.2.3 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

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

7.2.5 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.2.6 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

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

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

- 7.2.8 Paragraph 40 of the National Design Guide states that well-designed places are:
- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
 - Integrated into their surroundings so they relate well to them;
 - Influenced by and influence their context positively; and
 - Responsive to local history, culture and heritage.
- 7.2.9 The Council recently adopted an updated Design Guide SPD (Jan 2023). An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:
- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
 - Increasing densities – encourage high densities in accessible locations;
 - Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
 - Legibility – provide landmark developments at nodal points;
 - Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.
- 7.2.10 The buildings are located on the western and southern sides of Penn Road and are highly prominent from a number of different public vantage points both to the front and the rear. There is a modest amount of soft landscaping in the form of shrubs and trees around the buildings.
- 7.2.11 The buildings are constructed with white painted render and re-multi brick with concrete roof tiles. Windows and doors are modern white uPVC framing. Blue panels and horizontal cladding are featured on the buildings whilst the balconies have green panelling.
- 7.2.12 Neighbouring properties within Penn Road and Fox Road are uniform; they are two storey constructed with either buff or red brick with concrete interlocking roof tiles.
- 7.2.13 The proposed replacement materials, whilst not like-for-like, would have an acceptable modern finish. The development would therefore refurbish the buildings without having any significant impact on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Other Matters

Fire Safety

- 7.3.1 Following comments from a local resident regarding fire safety, the applicant has provided specifications on the panels to be used and reports from Warringtonfire Testing and Certification Ltd. These fire safety reports cover all materials to be used in the proposed refurbishment and the reports confirm that all materials comply with the relevant British Standards and are therefore considered to pass all fire safety tests and meet Building Regulations standards.

Climate Change

- 7.3.2 Paragraph 164 of the NPPF (2023) states that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
- 7.3.3 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand;
 - using passive environmental systems, e.g., natural ventilation;
 - daylighting and passive solar gains;
 - using high levels of insulation and air tightness in the fabric of the building;
 - specifying energy efficient services, controls and appliances;
 - implementing water recycling and the provision of water butts;
 - using renewable energy;
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.3.4 The proposal will significantly improve the energy efficiency of the flats. The proposal will be PAS2035 compliant which specifies the requirements needing to be met when retrofitting buildings for improved energy efficiency and will ensure that the energy demand within the two buildings is significantly reduced.
- 7.3.5 The proposal will exceed Department for Energy Security and Net Zero Social Housing Decarbonisation Fund standards with a minimum EPC rating of C and an energy consumption of 90KWh/M2 per annum. This will contribute to the achievement of the Council's carbon emissions targets. It will also improve the lives of occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.

Equality, Diversity and Human Rights

- 7.3.6 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.3.7 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.3.8 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.3.9 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender

reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.3.10 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.

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

8. CONCLUSIONS

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

9. RECOMMENDATIONS

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

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

7059-CTS-00-000-L-A-4403 P02; 7059-CTS-20-000-D-A-4404 P02; 7059-CTS-20-000-D-A-4405 P02; 7059-CTS-20-000-D-A-4406 P02; 7059-CTS-20-000-D-A-4407 P02;

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

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

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

3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

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

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

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

INFORMATIVE

1 **Public Information on Planning Applications**

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

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

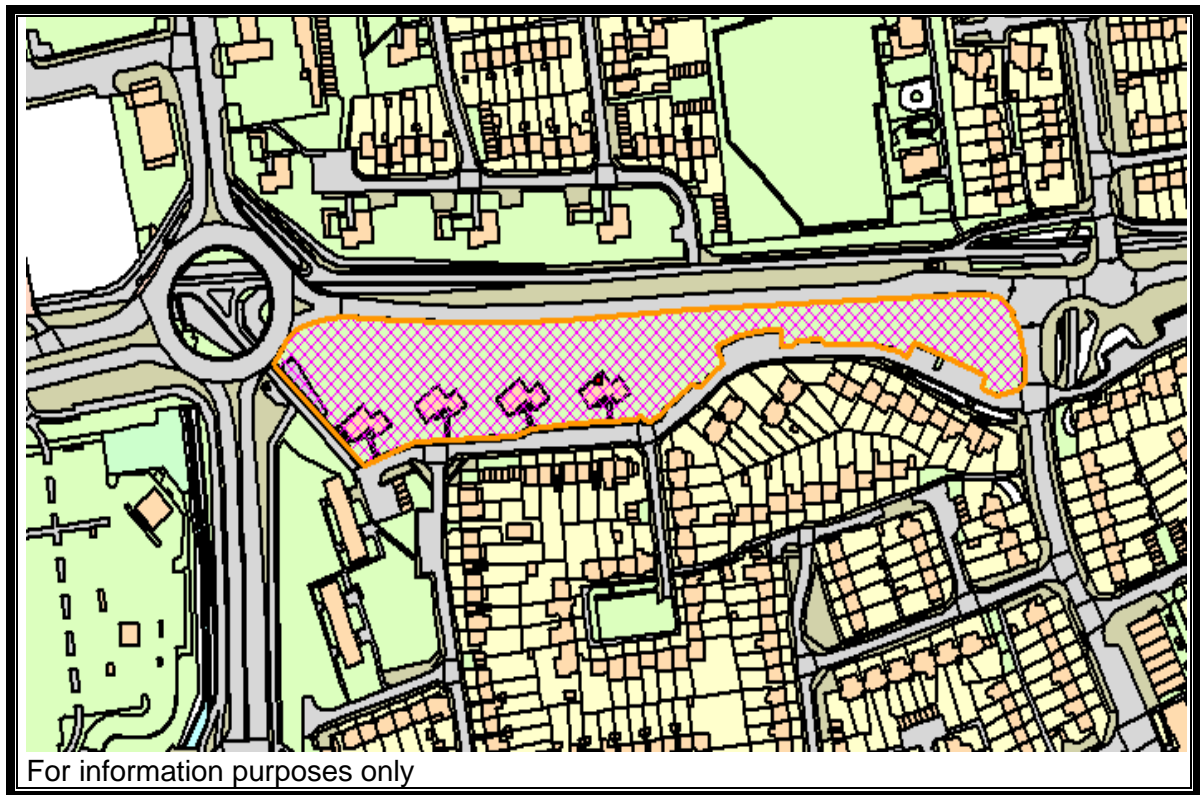
<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>.

10. BACKGROUND DOCUMENTS

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

Meeting:	Planning and Development Committee	Agenda Item:
Date:	2 April 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00076/FPM
Location :	2-16, 18-32, 34-48 & 50-64 Walden End, Stevenage.
Proposal :	Installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.
Drawing Nos.:	7059-CTS-00-000-L-A-4101; 7059-CTS-00-000-L-A-4103; 7059-CTS-00-000-L-A-4104; 7059-CTS-00-000-L-A-4102; 7059-CTS-00-000-L-A-4403-P01; 7059-CTS-20-000-D-A-4404-P01; 7059-CTS-20-000-D-A-4405-P01; 7059-CTS-20-000-D-A-4406-P01; 7059-CTS-20-000-D-A-4407-P01;
Applicant :	Stevenage Borough Council
Date Valid:	6 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

1.1. The application site comprises 4 buildings on the northern side of Walden End. Residential dwellings lie to the south, and the main highway of Six Hills Way is to the north.

- 1.2. Each building is three storeys with a dual pitched tiled roof and contain 8no. flats each. The buildings are constructed with white painted render and red-multi bricks. Windows and doors are modern white uPVC framing. The balconies have lightly obscured panels. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking is a combination of on-street parking and laybys, and shared with other residential dwellings.

2. RELEVANT PLANNING HISORY

- 2.1 None relevant.

3. THE CURRENT APPLICATION

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

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters to neighbouring properties, the following comments were received:
- 4.2 60 Walden End – Your letter was dated 7th February but didn't arrive until 23rd February. Are you blaming Royal Mail? Have seen instances of this corporate criminality from British Gas last month.

5. CONSULTATIONS

5.1. Herts County Council as Lead Local Flood Authority

- 5.1.1 We understand there will be no increase in hardstanding as a result of these proposals and there are no proposed alterations to layout, scale, landscaping and access. Accordingly, we have no flood risk or drainage concerns and recommend the application is approved.

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

- 6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12).

6.3 Planning Practice Guidance

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

6.4 National Design Guide

- 6.4.1 The National Design Guide 2019 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

6.5 Adopted Local Plan (2019)

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

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

6.6 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2023.

6.7 Community Infrastructure Levy

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

7. APPRAISAL

- 7.1.1 The only issue in the assessment of the application is the impact on the character and appearance of the area. There are no changes to the number of units within the building and no enlargement of the buildings or number and locations of fenestrations so there will be no change to the car parking provision nor any changes to existing impacts on neighbouring properties.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Impact on the Character and Appearance of the Area

- 7.2.1 In terms of design, paragraph 131 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.2.2 Paragraph 139 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.2.3 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

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

7.2.5 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.2.6 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

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

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

- 7.2.8 Paragraph 40 of the National Design Guide states that well-designed places are:
- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
 - Integrated into their surroundings so they relate well to them;
 - Influenced by and influence their context positively; and
 - Responsive to local history, culture and heritage.
- 7.2.9 The Council recently adopted an updated Design Guide SPD (Jan 2023). An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:
- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
 - Increasing densities – encourage high densities in accessible locations;
 - Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
 - Legibility – provide landmark developments at nodal points;
 - Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.
- 7.2.10 The buildings are located on the northern side of Walden End, to the south of Six Hills Way and are visible from Monkswood Way, the northern end of Lyndale and the junction of Rockingham Way/Six Hills Way and The Spur. There is a modest amount of soft landscaping in the form of shrubs and trees around the buildings.
- 7.2.11 The buildings are constructed with white painted render and re-multi brick with concrete roof tiles. Windows and doors are modern white uPVC framing whilst the balconies have lightly obscured panels panelling.
- 7.2.12 Neighbouring properties within Walden End are uniform; they are two storey constructed with red brick and white or cream render with concrete interlocking roof tiles.
- 7.2.13 The proposed replacement materials, whilst not like-for-like, would have an acceptable modern finish. The development would therefore refurbish the buildings without having any significant impact on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Other Matters

Fire Safety

- 7.3.1 The materials to be used in the construction of the proposed development will be the same materials as detailed under planning permission reference number 24/00060/FPM for the flats in Penn Road which is also being heard at this same committee meeting. In this regard, whilst details have not been submitted against this application, the Council is satisfied that the materials will be the same for both refurbishment projects and as such the fire safety certifications submitted under 24/00060/FPM will also apply to this application and that the materials are considered fire safe and comply with the relevant British Standards and Building Regulations.

Climate Change

- 7.3.2 Paragraph 164 of the NPPF (2023) states that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
- 7.3.3 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand;
 - using passive environmental systems, e.g., natural ventilation;
 - daylighting and passive solar gains;
 - using high levels of insulation and air tightness in the fabric of the building;
 - specifying energy efficient services, controls and appliances;
 - implementing water recycling and the provision of water butts;
 - using renewable energy;
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.3.4 The proposal will significantly improve the energy efficiency of the flats. The proposal will be PAS2035 compliant which specifies the requirements needing to be met when retrofitting buildings for improved energy efficiency and will ensure that the energy demand within the two buildings is significantly reduced.
- 7.3.5 The proposal will exceed Department for Energy Security and Net Zero Social Housing Decarbonisation Fund standards with a minimum EPC rating of C and an energy consumption of 90KWh/M2 per annum. This will contribute to the achievement of the Council's carbon emissions targets. It will also improve the lives of occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.

Equality, Diversity and Human Rights

- 7.3.6 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.3.7 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.3.8 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.3.9 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations

between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.3.10 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.

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

8. CONCLUSIONS

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

9. RECOMMENDATIONS

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

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

7059-CTS-00-000-L-A-4101; 7059-CTS-00-000-L-A-4103; 7059-CTS-00-000-L-A-4104; 7059-CTS-00-000-L-A-4102; 7059-CTS-00-000-L-A-4403-P01; 7059-CTS-20-000-D-A-4404-P01; 7059-CTS-20-000-D-A-4405-P01; 7059-CTS-20-000-D-A-4406-P01; 7059-CTS-20-000-D-A-4407-P01;

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

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

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

3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.

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

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

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

INFORMATIVE

1 **Public Information on Planning Applications**

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

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

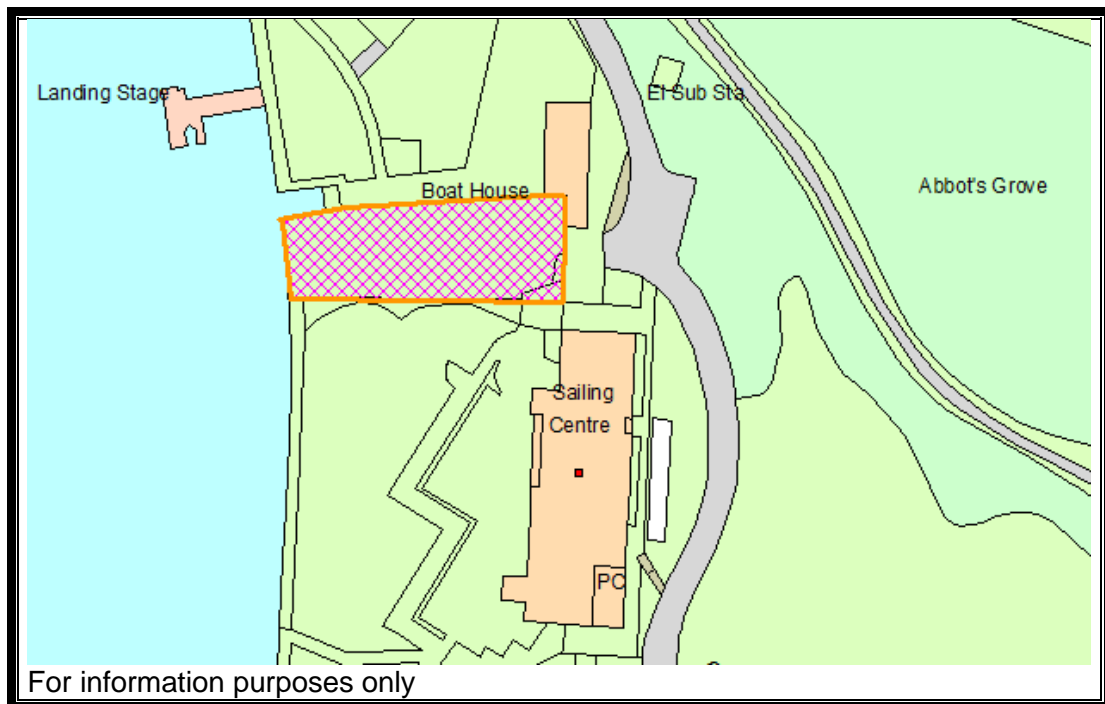
<https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>.

10. BACKGROUND DOCUMENTS

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

Meeting:	Planning and Development Committee	Agenda Item:
Date:	2 April 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00137/FP
Location :	Fairlands Valley Sailing Centre, Six Hills Way, Stevenage, Herts
Proposal :	Placement of 7no. 20ft shipping containers and 1no. 40ft shipping container
Drawing Nos.:	Site Layout; Site Location Plan; Elevations; Side Elevations;
Applicant :	Aqua Parcs
Date Valid:	23 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site is a parcel of land located within the existing sailing centre compound in Fairlands Valley Park. The area is laid to concrete and currently used for the storage of boats owned by a variety of organisations and people, including Stevenage Borough Council. To the south of the site is the Fairlands Valley Lakes café and outdoor seating area; to the west is the large sailing and fishing lake; to the north is the wooden high ropes recreational facility; to the east is access roads, car parking and footpaths.

2. RELEVANT PLANNING HISORY

2.1 11/00007/FP. Construction of a wooden high ropes recreational facility. Permitted 09.02.2011.

3. THE CURRENT APPLICATION

3.1 This application seeks planning permission for the erection of 8no. containers which will serve as storage and changing facilities for Aqua Parcs to facilitate their inflatable aqua park on the sailing/fishing lake. It should be noted that this application does not include the inflatable aqua park on the lake itself as this element does not require planning permission as it is not a permanent structure. The report which follows therefore only considers the impacts and acceptability of the containers themselves and not the use to which they will be associated with.

3.2 Seven of the containers would measure 2.4m wide, 6m deep, and 2.4m high with flat roofs and would be used for storage, first aid, staff room, wet suit storage, reception and a wooden decked area.

3.3 One of the containers would measure 12m wide, 8.4m deep, 2.7m high to the eaves and 4m high to the ridge with a dual pitched roof and would be used as changing facilities.

3.4 The containers would be prefabricated metal shipping containers with glazed windows. The northern elevation of two containers at the eastern end and the eastern elevation of the main changing area container would contain external metal lockers. The elevations would contain foliage to soften the appearance.

3.5 The hours of operation of the facility would be 10am to 6pm Mondays to Fridays and 9am to 8pm weekends and Public/Bank Holidays.

3.6 This application is being referred to the Planning and Development Committee for its decision as the Council is the landowner and there have been more than 5 objections.

4. PUBLIC REPRESENTATIONS

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

- 395, 677 Lonsdale Road
- Fairview Road, unknown house number
- 56 Foxfield
- 62 Bude Crescent.
- 44 Furlong Way

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

- Impact on wildlife and biodiversity in and around the site/lake;
- Fairlands is one of the jewels of the Town and should be protected from large scale commercial developments;
- Site is an area of outstanding beauty and geological conservation area;
- Will upset the peace and tranquillity of the Park;
- Containers will be a blot on the landscape;

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

5. CONSULTATIONS

5.1. SBC Parks and Amenities

- 5.1.1 No major concerns regarding the containers being sited on the existing hardstand in the sailing centre compound. However, a few things to consider are the use of artificial grass should be avoided due to the risk of micro-plastics entering the lake; maintenance access to the hedgerow and trees to the rear of the building; what materials are proposed for the screening/foilage on the building? Is any additional lighting proposed?

5.2 SBC Street Scene Manager

- 5.2.1 A minimum distance of 2m is required for maintenance of the hedgerow.

5.3 Herts County Council as Highways Authority

- 5.3.1 No comments received at the time of writing this report. Any comments received will be shared at the Committee Meeting.

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

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

6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

- 6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.
- 6.2.3 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.

6.3 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.

6.4 Adopted Local Plan (2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP8: Good design;
Policy SP12: Green infrastructure and the natural environment;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy FP1: Climate change;
FP4/7 Flood Storage Reservoir;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH1: Principal Open Spaces;
Policy NH2: Wildlife Sites;
Policy NH4: Green Links;
Policy NH5: Trees and woodland;
Policy NH6: General Protection for Open Space;

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy

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

7. APPRAISAL

7.1 The main issues for consideration are the acceptability of the proposal in land use policy terms, design and impact on the character and visual amenity of the Principal Open Space, amenity of neighbouring properties, highways, access and parking provision.

7.2 Land Use Policy Considerations

7.2.1 The site is located within Fairlands Valley Park which is of town-wide significance and has a special character due to being located within a valley with largely open space and woodland boundaries. Fairlands Valley Park is the largest area of open space in Stevenage. Retaining this area as undeveloped land was part of the original masterplan for the New Town. It provides a facility used by residents from all across the Borough (and beyond). It performs a regional role in providing recreational pursuits but is just as likely to have people using it from neighbouring streets to meet every day needs. Applications for development which have an adverse impact upon the Town's Principal Open Spaces will be refused and developments will be expected to make reasonable contributions towards the maintenance of Principal Open Spaces. Policy NH1 (Principal Open Spaces) states:

Planning permission will be granted where proposals:

- a) Would not result in the loss of any part of a Principal Open Space;
- b) Would not have an adverse impact upon any Principal Open Space within, or adjacent to, the application site; and
- c) Reasonably provide, or reasonably contribute towards the maintenance or improvement of, Principal Open Spaces and allotments.

Planning permission will be granted for small scale leisure and recreation developments within a Principal Open Space where they support its continued use and maintenance. New or replacement facilities that meet the general definitions of Principal Open Spaces will be afforded the same protections as the sites identified in this policy.

7.2.2 Whilst Fairlands Valley has been predominantly left in its natural form there have been a number of developments to provide recreational facilities throughout the Park. These include the sailing centre, a children's aqua park, and the high ropes recreational facility. There are also a number of manmade lakes including one that is used for sailing and other water activities.

7.2.3 The application under consideration proposes the construction of 8no. containers to facilitate the use of a small area of the sailing lake as a temporary inflatable aqua park and it is considered that this is an acceptable form of development within the Fairlands Valley Park taking into consideration the other recreational facilities that are provided. The containers will be a similar, or smaller, height than surrounding buildings and structures, and will be located adjacent to an existing developed area within an already enclosed area and would therefore be generally self-contained and not encroach on any open aspect of the Park. Furthermore, there are trees located to the east of the site which rise up a slope away from the site and therefore the development will be viewed with these trees as a backdrop. As such, it is considered that the proposed development will not have a detrimental impact upon the visual amenities of Fairlands Valley Park in accordance with Policy NH1 of the adopted Local Plan and is therefore an acceptable use within this Principal Open Space.

7.2.4 The aqua park will be a charged for activity. Additionally, it is likely that users of the activity will go on to use other facilities, such as the café adjacent to the site and therefore a secondary income will be generated. As such, the income generated for the Council will enable the long-term management and upkeep of Fairlands Valley Lakes and Park and associated woodlands, in accordance with Policy NH1.

7.2.5 The main sailing/fishing lake is already a focus for sports and recreation activities, whilst the smaller lakes to the north are reserved for wildlife. The proposed development would improve public access to the water for recreational purposes. It would also present an opportunity to enhance the area through increasing available facilities for the public to augment the leisure uses already available. Policy NH1 states that planning permission will be granted for small scale leisure and recreation developments within a Principal Open Space where they support its continued use and maintenance and it is considered that the proposed development would meet this criteria. The proposal will contribute to the overall active, vibrant and attractive principal open space which will fulfil the needs of residents and visitors of the Town by providing an additional activity with high quality facilities which would accord with the requirements of the NPPF (2023) to provide healthy communities.

7.3 Design and Visual Impact

7.3.1 In terms of design, paragraph 131 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.

7.3.2 Paragraph 139 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.3.3 Paragraph 136 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.

7.3.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

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

7.3.6 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places.

These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.3.7 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

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

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

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

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

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

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;

- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

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

- a) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”

7.3.12 There is no definition of ‘public benefits’ in the NPPF or associated Planning Practice Guidance. The guidance states that they “*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 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.

7.3.13 The proposed containers would be joined together to make a large structure on the southern boundary of the site. the containers would be prefabricated metal with some external foliage to soften their appearance. They would be smaller in height than most of the surrounding buildings and would not be entirely out of keeping in its surroundings of storage buildings serving the water uses of the sailing/fishing lake. When viewed from the western side of the lake, they would be seen against the backdrop of the Abbots Grove woodland to the east of the site and when viewed from the north and south, would be seen against the backdrop of the high ropes recreational facility and sailing centre and café buildings. Consequently, it is not considered the proposed development would cause harm to the visual amenities of the site itself or the wider visual landscape of the Park.

7.4 Impact on Residential Amenities

7.4.1 There are no residential dwellings within the vicinity of the site that would be impacted by the proposed development. However, there are residential dwellings to the east and south-east in Aylward Drive, although these are at least 110m away and separated from the site by woodland. As such, it is not considered that the amenities of these residential dwellings would be harmed as a result of the proposed development.

7.4.2 In terms of neighbouring buildings, these are all commercial in nature and related to the use of Fairlands Valley Park's sailing centre and café. It is not considered that the proposed development would impact on the amenities of employees or customers.

7.5 Impact on the Environment

7.5.1 The application site is an area of hardstand adjacent to the manmade sailing lake that has previously been in use as an open storage area for boats. Prior to the original development in the 1970's, the site was part of open fields. Therefore, there would be very low risk of contamination.

Groundwater

7.5.2 The application site is not located within a Source Protection Zone and the proposed development would not require the digging out of substantial foundations as the containers are designed to be secured on to the existing hardstand.

Air Quality

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

7.5.4 Given the containers are prefabricated and delivered to site to be connected together, it is not considered that there would be harmful impacts arising from their construction/placement.

7.5.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO₂ emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required.

Noise Pollution

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

7.5.7 With regards to noise which could arise during the operational phase of development, if any complaints arose, these would be dealt with by the Borough Council's Environmental Health department. However, it is not considered that the use of the site would give rise to noise over and above that which already arises from other uses within the park.

7.5.8 Should planning permission be granted then a condition can be imposed on the decision notice to restrict the operating hours to daytimes and early evenings in order to protect the amenities of neighbouring properties and the park's wildlife.

Light Pollution

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

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

7.5.10 The containers would not have need for external lighting as they are only proposed to be in operation during daytime and early evening hours in summertime when natural daylight and sunlight are at their height.

7.6 Trees, Landscaping and Wildlife

7.6.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. Section 15 of the NPPF (2023) requires developments to preserve and enhance the natural environment. Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. The site is not in a Conservation Area and no trees are protected by Tree Preservation Orders (TPOs).

7.6.2 There are 3no. Silver Birch trees and a hedgerow on a small, grassed area to the south of the site, along the boundary with the café's outdoor seating area. The application makes no plans to remove these trees or hedgerow and will only be sited on the existing concrete hardstand area and not the boundary grass areas.

7.6.3 A number of comments have been received from local residents concerned that the use of the lake as an aqua park will have a detrimental impact on the wildlife. The containers which form the basis of this application will be erected on existing hardstanding within an existing boat yard. Accordingly, there will be no loss of wildlife as a result of the erection of the containers. Further, as discussed in section 7.2 above, the aqua park is considered to be an acceptable use within Fairlands Valley Park and with limited hours for a short period of the year only, it is therefore not considered that there would be detrimental harm to the local wildlife.

7.6.4 The Council's Green Spaces Development Officer has assessed the application and whilst they have no objection to the development, they have raised some concerns over the use of artificial grass and foliage and maintenance access to the hedgerow and trees to the rear of the building. With regards to the use of artificial grass, as this would be highly trafficked, there is potential risk for it to degrade and as a result a risk could arise of micro-plastics entering the lake to the detriment of wildlife. The building foliage is less of a risk but should it come loose from the building, it could end up in the water and degrade causing the same risk for micro-plastics. As such, it is considered reasonable to impose a condition that prevents the use of any artificial/plastic floor and building coverings in order to protect the water environment.

7.6.5 With regard to the hedgerow, the Council's Street Scene Manager has confirmed that they require at least 2m around the hedgerow for maintenance. Accordingly, it is considered reasonable to impose a condition that requires the buildings placement ensures a minimum clear distance of 2m from the hedgerow and that this area must be kept clear of obstructions at all times.

Wildlife Sites

7.6.6 Policy NH2 (Wildlife Sites) covers two areas of woodland near to the application site. Abbotts Grove (NH2/1) is approximately 25m to the east, whilst Wiltshire's Spring (NH2/37) is approximately 370m to the south. This policy states that permission will only be granted where proposals would not result in a substantive loss or deterioration of the wildlife site and where proposals reasonably contribute towards the maintenance or enhancement of wildlife sites in the vicinity of the application site.

7.6.7 The proposal is for shipping containers to be erected on existing hardstand within the existing boat yard area of the sailing/fishing lake. The containers are sufficiently separated from the wildlife sites that their construction will not lead to a loss of, or deterioration of said sites. Additionally, the containers will enable the company Aqua Parcs to operate an inflatable aqua park on the main lake. It must be noted that the inflatable park itself does not require planning

permission as it is not classed as development under Section 55 of the Town and Country Planning Act 1990 (as amended) and this application relates solely to the erection of the containers on the existing hardstand. The use of the lake for public activities will generate an income stream for the Council that will enable the long-term management and upkeep of Fairlands Valley Lakes and Park and associated woodlands. The proposal is therefore considered policy compliant in this regard.

Green Links

- 7.6.8 Policy NH4 (Green Links) covers Fairlands Valley Park (NH4/3) and states that permission will be granted where proposals would not create a substantive physical or visual break in a Green Link; would not otherwise have a material adverse effect on the recreational, structural, amenity or wildlife value of the Green Link; will reasonably provide extensions of, or connections to, Green Links; and will contribute to the maintenance, improvement or extensions of Green Links.
- 7.6.9 This green link runs from the Roebuck northwards through Fairlands Valley to Hampson Park then southwards to the site of the former Pin Green School. From Fairlands there is an extension that runs southeast through Peartree Park to Shephall Park. This is the largest green link in the town and incorporates the whole of Fairlands Valley Park.
- 7.6.10 The proposed development will have a similar height to the neighbouring café building and would be smaller in height than the wooden high ropes recreational facility. The majority of the proposed development would be around 2.4m in height which is similar to the boundary security fencing in the area. Being in the existing boat yard area, the proposed development would be contained within an existing area of development and will not introduce new buildings into an open, undeveloped area of the Green Link.
- 7.6.11 The application site is considered to be small in terms of size when compared with the Green Link as a whole and is separated from it by the existing high level security fencing around the sailing centre compound. Furthermore, it is already used for the storage of boats and the high ropes recreational facility. Given its size and separation, it is considered that the application site plays little or no part in the role of this Green Link. Therefore, it is considered that the development will not have any more of an effect on the form and function of the Green Link than the existing sailing centre compound and high ropes recreational facility. The use of the lake for public activities will generate an income stream for the Council that will enable the long-term management and upkeep of Fairlands Valley Lakes and Park and associated woodlands. The proposal is therefore considered policy compliant in this regard.

7.7 Biodiversity Net Gain

- 7.7.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a Biodiversity Net Gain (BNG), a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by The Government to demonstrate a net gain in biodiversity:
- i. Permitted development;
 - ii. Householder development, including extensions;
 - iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
 - iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
 - v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building.

- 7.7.2 In this regard, the site is considered to be exempt from providing a 10% net gain under (iv) a brownfield site with marginal viability and on-site constraints. The site contains very little landscaping, consisting of mostly boundary hedgerow and 3no. trees on the southern boundary.
- 7.7.3 The site provides access to the sailing/fishing lake by boat and access to the high rope recreational facility. There is no scope to increase the soft landscaping as it would interfere with the safe operation of the boat access. However, Fairlands Valley Lakes contains substantial amounts of natural landscaping and a number of woodland sites around its perimeter which offer outstanding wildlife and biodiversity opportunities.
- 7.7.4 Notwithstanding this, the new mandatory BNG requirements for small sites will come in to force from April 2024 and it is expected that sites like the application site would likely be exempt as a 'small site' in any case.

7.8 Car Parking Provision

- 7.8.1 The application site is served by an existing vehicular access road which runs from Six Hills Way, through Fairlands Valley Park on the eastern side, terminating at a small car park area to the east of the application site. The small car park area to the east contains 7 spaces, including 1 disabled space. There is a further small area of car parking to the south of the café which contains around 20 spaces and the main car park just off Six Hills Way further south. Additionally, there are two other main car parks, one off Shephall View to the west of the main lake, and one off Fairlands Way to the north of the Park adjacent to the former Digswell Art Studio.
- 7.8.2 There is likely to be more than sufficient capacity within the car parks serving Fairlands Valley Park to meet the parking needs that the proposal is likely to generate. There is also sufficient space for coaches and minibuses to use the main car park off Six Hills Way. Given the aqua park, and therefore the containers, are temporary summertime use, and not year-round use, it is considered that the development will not have a detrimental impact upon car parking.
- 7.8.3 Fairlands Valley Park is easily accessible on foot or by bicycle utilising the Town's cycle network which runs along Fairlands Way and Six Hills Way and the many public footpaths around, and throughout the Park. The application site is therefore highly accessible by both foot and bicycle with level access throughout the Park and the application site. The changing facilities and locker storage will ensure users can easily change their clothes so that they are not leaving the site in wet clothing.

7.9 Other Matters

Waste and Recycling

- 7.9.1 The Design Guide (2023) states that provision should be made within new developments for the storage and collection of waste from a site. Whilst no details have been provided on the submitted plans, the use of the containers would be within an existing commercial area of Fairlands Valley Park which is owned and maintained by the Council. Waste and Recycling would be via existing arrangements for the sailing centre and high ropes recreational facility.

Climate Change

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

- daylighting and passive solar gains;
- using high levels of insulation and air tightness in the fabric of the building;
- specifying energy efficient services, controls and appliances;
- implementing water recycling and the provision of water butts;
- using renewable energy;
- using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
- using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.

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

Community Infrastructure Levy

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

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

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

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

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

Equality, Diversity and Human Rights

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

- 7.9.9 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.9.10 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.9.11 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.12 The application site, and Fairlands Valley Park as a whole, has been designed to be level access throughout for disabled users and other forms of wheeled articles such as pushchairs and bicycles.
- 7.9.13 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

7.10 Other Matters Raised in Representations

- 7.10.1 The site is not designated as an Area of Outstanding Natural Beauty (AONB) and nor is it located within a Geological Conservation Area or any other national designation and as such, an assessment against local and national policies in this regard are not required. The application has been assessed against the relevant local plan policies which apply to Fairlands Valley Lakes as an Area of Principal Open Space and a Green Link.
- 7.10.2 All of the objections received make reference to the impact on wildlife and biodiversity within Fairlands Valley Park as a result of the inflatable aqua park on the main sailing lake. It must be noted that this application relates only to the erection of the prefabricated containers on the existing hardstand inside the boundary of the sailing centre. The inflatable aqua park on the lake is a temporary structure and therefore does not need planning permission. As such, no assessment of the impact of this aspect can be made under this planning application.

8. CONCLUSIONS

- 8.1. In conclusion, it is considered that the proposed development will not have a detrimental impact upon the visual amenity of the Fairlands Valley Park and provides an additional recreational facility. It does not affect the form and function of the Principal Open Space and Green Link and there is sufficient parking and access to serve the proposed development.

9. RECOMMENDATIONS

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Layout; Site Location Plan; Elevations; Side Elevations;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 10:00am and 18:00pm Mondays to Fridays and 09:00am to 20:00pm on Saturdays, Sundays, and Public or Bank Holidays.
REASON:- To protect the amenity of Fairlands Valley Park and neighbouring properties.
- 5 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 6 The containers hereby approved shall be sited a minimum of 2m from the hedgerow and trees to the rear and this area shall be kept clear at all times to facilitate maintenance access to the hedgerow and trees.
REASON:- To allow for maintenance of the hedgerow and trees.
- 7 There shall be no artificial grass, or other similar artificial/plastic surface laid on the ground around the building and no artificial foliage screening placed on or around the containers hereby approved.
REASON:- To protect the surrounding water environment from micro-plastics.

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

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

INFORMATIVE

- 1 **Public Information on Planning Applications**
Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you.

The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

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

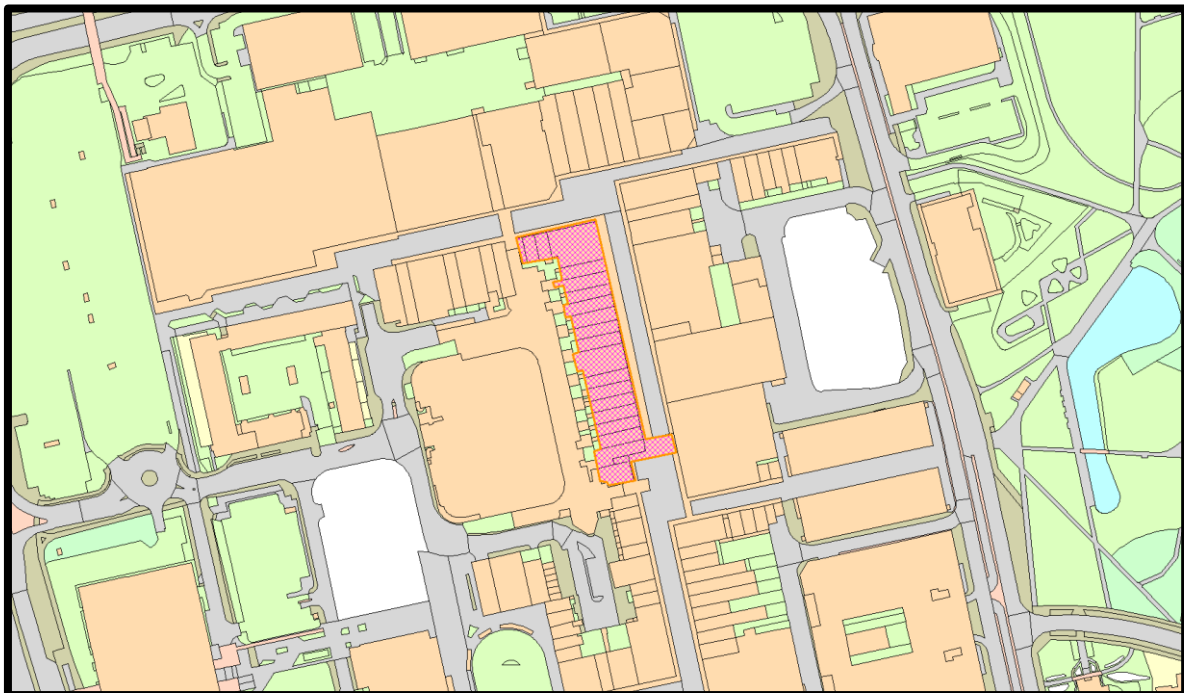
10. BACKGROUND DOCUMENTS

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

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Meeting: Planning and Development Agenda Item:
Committee
Date: 2 April 2024
Author: Thomas Frankland-Wells
Lead Officer: Zayd Al-Jawad
Contact Officer: Thomas Frankland-Wells

Application No:	23/00502/FPM
Location:	58-90 Queensway and Forum Chambers, Town Centre, Stevenage, Herts, SG1 1EE
Proposal:	Change of use of ground floor retail unit (80 Queensway), first and second floor office units (58-80 Queensway) and Forum Chambers (all Use Class E) to residential use (Use Class C3) and all associated ancillary infrastructure, and the upward extension of two additional storeys and associated external alterations and works to create a total of 71 residential units.
Drawing Nos.:	1294.11.001; 1294.11.002; 1294.11.010; 1294.11.011; 1294.11.012; 1294.11.013; 1294.11.100 Rev B; 1294.11.101 Rev B; 1294.11.102 Rev A; 1294.11.103 Rev A; 1294.11.104 Rev A; 1294.11.105 Rev A; 1294.11.200; 1294.11.201 Rev A; 1294.11.202; 1294.11.300 Rev A;
Applicant:	ABC Commercial Stevenage 1 Ltd
Date Valid:	27 June 2023
Recommendation:	GRANT PLANNING PERMISSION



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The site comprises a three storey row of shops and offices on the western side of Queensway, running from Queensway Chambers to the western turn onto The Forum. The ground floor is mostly made up of shops, whilst the upper floors comprise incidental storage space for the shop units and separate offices. Access is pedestrian only and can be taken from various points on Queensway and the Forum at ground floor level, as well as from the rear service yard at first floor level.
- 1.2 The site is located within the town centre shopping area and the ground floor is a primary retail frontage. It is also located within Flood Zone 1 and The Town Centre Residential Parking Accessibility Zone. The Town Square Conservation Area lies immediately adjacent to the site to the south.

2 RELEVANT PLANNING HISTORY

- 2.1 The relevant planning history is set out below.

Reference	Description	Decision & Date
23/00578/CPA	Prior approval for proposed change of use of first and second floor from Class E (Commercial/Business/Services) to Class C3 Residential for 23 units.	Prior Approval Granted 20/09/2023
21/01353/FPM	60A-80 Queensway Stevenage - Conversion of building comprising Use Class E (Retail) to 30 no. residential units (Use Class C3) comprising 27 no. 1 bedroom and 3 no. 2 bedroom flats with associated external alterations, including additional building access from Queensway and external alterations to existing building.	Withdrawn
20/00512/CPA	Forum Chambers – Change of use from B1(a) Offices to C3 Residential to include 12 flats	Prior Approval Granted 17/11/2021
20/00737/FP	66-98 Queensway and 20-22 The Forum – Removal of existing canopy and erection of replacement canopy	Permission Granted 27/01/2021
19/00644/FP	58 Queensway - Continued use of the first floor as Use Class D2 (Leisure) with ancillary Use Class A1 (Retail)	Permission Granted 11/12/2019
17/00074/FP	90 Queensway – Single Storey Rear Extension	Permission Granted 24/03/2017
17/00311/FP	58 Queensway - Temporary Change of Use from Class B1 (Training Centre) to Mixed B1/D1 Use (Training Centre/Hearcare Audiologist) for a period of 18 months.	Permission Granted 22/06/2017
13/00331/FP	92-94 Queensway – Retention of a new shop front to Unit 94.	Permission Granted 17/09/2013
12/00473/FP	86 Queensway - Change of use to Class A3 (Restaurants and Cafes)	Permission Granted 22/11/2013
12/00584/FP	64 Queensway – Alterations to shop front, installation of internal roller shutters and replacement hoarding.	Permission Granted 30/01/2013
12/00026/FP	20 The Forum - Installation of a new shop front and replacement AC condenser on rear elevation	Permission Granted 24/02/2012
10/00519/FP	78-80 Queensway - Change of use from Class A1 shop to Class A2 bank.	Permission Refused 12/01/2011
05/00343/FP	64 Queensway – New shop front and extension	Permission Granted 02/09/2005

03/00159/FP	60B Queensway – Replacement Shopfront	Permission Granted 27/05/2003
00/00545/FP	82 Queensway – New Shopfront	Withdrawn

3 THE CURRENT APPLICATION

- 3.1 The application seeks full planning permission for the change of use of the first and second floors of the building to provide 42 flats and the erection of a two storey upward extension to provide a further 29 flats, making a total of 71 residential units. The ground floor of 80 Queensway would also be converted to provide a new access.
- 3.2 The application also proposes refurbishment of the elevations of the building, including the replacement of the existing canopy to match the development opposite. Private balconies and a communal garden would be provided for future occupants, and the building would be topped by a green roof.
- 3.3 The application is put forward as car-free i.e., no dedicated off-street car parking is proposed. In addition to the new access at 80 Queensway, the existing accesses on Queensway and The Forum would be retained.
- 3.4 The application comes before the Planning and Development Committee because it is for major development.

4 PUBLIC REPRESENTATIONS

- 4.1 The application was publicised by way of a site notice, a press advert, and letters to neighbouring occupiers. Two representations were received, both of which requested the provision of integrated swift bricks within the development and raised no other material issues.

5 CONSULTATIONS

- 5.1 The outcome of third party consultations is summarised below.
- 5.2 Thames Water
- 5.2.1 No objection.
- 5.3 HCC Growth and Infrastructure
- 5.3.1 No objection, subject to a cash contribution towards primary education (Further details of this contribution are set out in detail in section 7 of this report).
- 5.4 HCC Highways
- 5.4.1 Objection on the grounds of lack of electric vehicle charging, lack of disabled parking, and the provision of two-tier cycle racks. A cash contribution of £484,646 is also requested towards sustainable transport improvements.
- 5.5 HCC Waste and Minerals
- 5.5.1 No objection, subject to a condition to secure a site waste management plan.
- 5.6 HCC SuDS (Lead Local Flood Authority)

5.6.1 No objection, subject to conditions to secure various details relating to flood risk and drainage.

5.7 BEAMS (SBC Heritage Consultant)

5.7.1 The development would result in a low level of less than substantial harm to the Town Square Conservation Area, which should be balanced against the public benefits of the proposal.

5.8 SBC Environmental Health

5.8.1 No objection, subject to conditions to secure additional noise mitigation.

6 RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 National Planning Policy Framework

6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which

should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

- 6.2.3 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 79 of the NPPF. This will be in addition to the preparation of an Action Plan. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.
- 6.2.4 Turning to 5-year housing land supply, the Council published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations and it also has to produce an Action Plan in order to boost housing delivery.
- 6.2.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.
- 6.3 Planning Practice Guidance
- 6.3.1 The Planning Practice Guidance ("PPG"), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.
- 6.4 National Design Guide
- 6.4.1 The National Design Guide 2021 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.
- 6.5 Stevenage Borough Local Plan

6.5.1 The Local Plan policies most relevant in considering whether to take enforcement action are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP3 A strong, competitive economy
- SP4 A vital town centre
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP7 High Quality Homes
- SP8 Good Design
- SP9 Healthy communities
- SP11 Climate Change, Flooding and Pollution
- SP12 Green Infrastructure and the Natural Environment
- SP13 The Historic Environment
- EC7 Employment development on unallocated sites
- TC1 Town Centre
- TC8 Town Centre Shopping Areas
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- HO5 Windfall Sites
- HO7 Affordable Housing Targets
- HO8 Affordable Housing Tenure, Mix and Design
- HO9 Housing Types and Sizes
- HO11 Accessible and adaptable housing
- HC8 Sports facilities in new developments
- GD1 High Quality Design
- FP1 Climate Change
- FP2 Flood Risk in Flood Zone 1
- FP7 Pollution
- FP8 Pollution Sensitive Uses
- NH10 Conservation Areas

6.6 Supplementary Planning Documents

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

- Parking Provision and Sustainable Transport SPD 2020
- The impact of Development on Biodiversity SPD 2020
- Developer Contributions SPD 2021
- Design Guide SPD 2023

6.7 Community Infrastructure Levy

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would be liable for CIL at a rate of £40/m².

7 APPRAISAL

7.1 The main issues in the assessment of the application are:

- The principle of the development

- Housing mix and tenure
- Standard of accommodation
- Accessibility
- Character and appearance
- Heritage
- Impact on neighbouring amenities
- Parking
- Servicing
- Highway safety
- Climate Change
- Flood risk and drainage
- Contamination
- Ecology and biodiversity
- Developer contributions

7.2 Principle of Development

- 7.2.1 The application proposes the provision of housing. Policy SP7 of the Local Plan states the Council's intention to deliver 7,600 dwellings over the Local Plan period, including on appropriate unallocated sites. The proposal qualifies as windfall development because the site is not allocated for any specific purpose in the Local Plan.
- 7.2.2 Policy HO5 sets out various criteria which windfall development proposals should meet in order to be considered acceptable. The first of these is that the site should be previously developed land or a small, underutilised urban site. The application site falls within the definition of previously developed land as set out in the NPPF. The proposal therefore accords with criterion (a).
- 7.2.3 The second criterion is that the site should benefit from good access to local facilities. In this case, the site benefits from very good access to local facilities because it is located in the heart of the town centre. The proposal therefore accords with criterion (b).
- 7.2.4 The third criterion is that the development should not have an adverse impact on the environment or surrounding properties. This is largely a matter of detail rather than of the principle of land use, although it is noted that there are existing residential uses in the surrounding area. Criterion (c) will be given further consideration later on in this report.
- 7.2.5 The fourth criterion is that the development should not prejudice the delivery of housing on allocated sites. In this case, the nearest allocated sites are the various opportunity areas on the periphery of the town centre but these are separated from the site by other land and buildings. In any event, there is nothing to indicate that the introduction of additional residential development in the vicinity would constrain the delivery of these sites. The proposal is therefore considered to accord with criterion (d).
- 7.2.6 The fifth and final criterion is that the development should not overburden existing infrastructure. In this regard, it should be noted that the development would be liable for CIL, the purpose of which is to mitigate infrastructure impacts. There would be an additional impact on primary education but this would be mitigated by a cash contribution, which the applicant has committed to paying in full. In the absence of any other apparent impacts on infrastructure, the proposal is considered to accord with criterion (e) and with Policy HO5 more generally insofar as it relates to land use.
- 7.2.7 The application also proposes the change of use of various parts of the existing building. The most heavily protected part of the building that would change use is the ground floor of 80 Queensway, which forms part of a primary frontage.

- 7.2.8 Policy TC8 of the Local Plan broadly reserves the primary frontages for retail purposes, with some exceptions for restaurants and cafes in specific locations. In other locations, permission should only be granted for a change of use for purposes other than retail where the overall benefits to the vitality and viability of the town centre would equal or outweigh those provided by a retail or professional services use. This should be determined having regard to whether an active frontage would be retained, the amount of footfall generated, and whether the unit in question has remained vacant or been unsuccessfully marketed over the preceding six months.
- 7.2.9 In this case, an active frontage would be retained because the shopfront would remain in place as existing but rather than providing views into a retail unit, it would expose a large lobby and stairs leading up to the upper floor retail units. Footfall is difficult to compare because the unit has now been vacant for in excess of three years and it would generally either be directly measured or estimated based on sales data. However, it can be said that the introduction of 71 new residential units with a maximum occupancy of 141 people would generate commensurate footfall.
- 7.2.10 The applicant has provided a comprehensive marketing report which shows that the unit (currently forming a double unit with 78 Queensway) has been marketed continuously since September 2020 with pauses only for the first and second COVID lockdowns. These efforts resulted in four viewings but only one offer which sought unreasonable terms and did not progress. Most enquirers eventually found alternative space within the town and fed back that the associated storage space on the upper floors was surplus to requirements.
- 7.2.11 In light of the retention of an active frontage, the footfall the proposed development would generate, the considerable period of time that the unit has been vacant, and the efforts to market the property well beyond the six months required by Policy TC8, it is considered that the proposed change of use of 80 Queensway would be of greater benefit to the vitality and viability of the town centre than a retail or professional services use in the same location. It follows that the proposal accords with Policy TC8.
- 7.2.12 The incidental retail storage space at first and second floor levels from 66 to 80 Queensway would also change use. There are no Local Plan policies which protect retail uses above ground floor level but similar considerations are applicable in terms of what would be in the best interests of the vitality and viability of the town centre. In this regard, it is noted that 70, 72 and 76 Queensway have been vacant and unsuccessfully marketed for in excess of one year, whilst 66, 68 and 74 are occupied at ground floor level only. Accordingly, it is considered that the change of use of the first floor of these units would also be of overall benefit to the vitality and viability of the town centre.
- 7.2.13 Finally, it is necessary to consider the change of use of the offices at Queensway Chambers and Forum Chambers. Policy EC7 of the Local Plan seeks to protect against the loss of employment land, including offices, on unallocated sites across the Borough. Permission should only be granted for the loss of such land where it can be demonstrated that there is sufficient alternative employment land available elsewhere, that the proposal would provide overriding benefits against other Local Plan objectives, or that the land in question has remained vacant or been unsuccessfully marketed over a considerable period of time.
- 7.2.14 Queensway Chambers is divided into northern and southern units at first and second floor level. The southern unit on the first floor was until recently occupied by a games retailer (at 25% of the market rate with no service charge) but they have now moved to new premises on Market Place. The northern unit at first floor has been vacant since December 2018 and the second floor has been entirely vacant since November 2019. The marketing report confirms that efforts to secure interest from potential occupiers has

been unsuccessful due to the age and poor condition of the premises, low visibility, and poor access.

7.2.15 Forum Chambers has been entirely vacant since 2020. Marketing details have not been submitted for this part of the site but the period of vacancy alone is sufficient to ensure compliance with Policy EC7. Consequently, it is considered that the proposal as whole accords with the policy.

7.2.16 It should also be noted that both Forum Chambers and Queensway Chambers (with the exception of first floor south) benefit from prior approval for a change of use to flats, totalling 35 units in total. This does not affect the assessment against Local Plan policy but is nevertheless a highly material consideration in the overall consideration of the application and will be considered further in the conclusion of this report.

7.2.17 Having regard to the above, the proposal is considered to accord with relevant Local Plan policies in land use terms. Accordingly, the development is considered to be acceptable in principle.

7.3 Housing Mix and Tenure

7.3.1 Policy HO7 requires 25% of dwellings delivered by major development proposals on previously developed land to be offered as affordable housing. Lower levels of affordable housing should only be accepted where this would make the development unviable or it would significantly and demonstrably compromise other Local Plan objectives.

7.3.2 Where affordable housing is secured by Policy HO7, Policy HO8 requires 70% of those units to be offered for affordable rent. An appropriate range of dwelling types and sizes should also be provided, whilst ensuring that they are physically indistinguishable from other tenures e.g. dwellings sold on the open market. Affordable housing must be secured in perpetuity through a S106 agreement. In some cases, affordable housing provision may be secured off-site – e.g. via a cash contribution – but only where it would result in the delivery of affordable housing within a similar timeframe as on-site provision and it would be demonstrably preferable for planning or management reasons to secure off-site provision.

7.3.3 The Written Ministerial Statement on Affordable Homes Update 24 May 2021 is also a material consideration with respect to affordable housing. This requires that 25% of affordable housing be secured as First Homes, which are actually sold on the open market but at a discount rate and reserved for first time buyers.

7.3.4 As with land use considerations, the presence of the extant prior approvals on the site is also a highly material consideration. Development carried out under the prior approval regime is exempt from affordable housing contributions, regardless of scale. It would therefore be unreasonable to seek such contributions for the parts of the site subject to the prior approvals. As such, the proposal is treated as providing 36 units for the purposes of calculating affordable housing requirements.

7.3.5 Policy HO9 requires residential development to provide an appropriate mix of housing types and sizes. This should be determined having regard to the most up-to-date evidence of need, the site's location, existing imbalances in the housing stock, recent permissions and completions, and sites in the Council's five-year housing land supply.

7.3.6 A schedule of the proposed accommodation is shown in the table below.

Bedrooms	Occupants	Number Proposed
1 bedroom	1 person	24 units
1 bedroom	2 people	31 units

2 bedrooms	3 people	11 units
2 bedrooms	4 people	3 units
3 bedrooms	4 people	1 unit
3 bedrooms	6 people	1 unit

7.3.7 The proposed development would therefore provide a mix of one-, two- and three-bedroom dwellings. However, the majority would be either one-bedroom or smaller two-bedroom units.

7.3.8 It is well known that the Borough's existing housing stock is weighted heavily towards three-bedroom houses and the latest Strategic Housing Market Assessment identifies a need for additional one- and two-bedroom houses and flats. Recent permissions and completions and the Council's housing land supply show a broad mix of dwelling sizes, ranging from smaller flats within schemes such as SG1 to larger houses within schemes such as Land North of Stevenage. The site is also physically constrained and smaller units tend to be preferable within the town centre due to the difficulties in providing the private outdoor amenity space favoured by families. Having regard to these considerations, the overall mix of dwelling sizes is considered to be in accordance with Policy HO9.

7.3.9 In terms of affordable housing, full on-site provision (i.e. in the absence of any viability testing) would comprise the following:

Tenure	Number	Mix
First Homes	2 units	1x 1-bed + 1x 2-bed
Affordable Rent	5 units	2x 1-bed + 2x 2-bed + 1x 3-bed
Intermediate	2 units	2x 1-bed

7.3.10 However, following consultation with the Council's Housing Development team, it was agreed that the development would be extremely unattractive to registered housing providers due to management issues arising from its layout. Typically, registered providers will seek to take on units in groups centred around single floors or stair cores to make it easy to distinguish where management and other legal responsibilities for common areas are separated. In this case, the limited number of affordable units and access points would make this impossible to achieve in practice.

7.3.11 The above reasoning does not apply to the First Homes. This is because First Homes, despite being considered as a type of affordable housing, are sold on the open market and are not managed by a registered provider.

7.3.12 Given the above, it is considered that a cash contribution would be preferable to on-site provision for affordable housing, with the exception of the First Homes. A cash contribution equivalent to full on-site provision of affordable rent and intermediate tenures was calculated to be £446,223.

7.3.13 The proposed development was then viability tested i.e. the applicant submitted an open-book viability assessment for consideration. The Council commissioned an independent review of this assessment, which was carried out by Aspinall Verdi.

7.3.14 The applicant's assessment showed that the full affordable housing contribution of £446,223, in addition to other financial contributions which are set out later in this report, would result in a financial deficit of approximately -£1.8M. Aspinall Verdi's review resulted in improvement to -£406,017 but this is nonetheless a significant deficit.

7.3.15 In the absence of any affordable housing contribution, Aspinall Verdi calculate that the scheme would generate a marginal surplus of £68,599. It is therefore considered, contrary to the applicant's initial assessment, that there is at least some scope for the

developer to contribute towards affordable housing. Aspinall Verdi suggested two options for this, either the delivery of one on-site First Home plus a cash contribution of £36,000 or a larger cash contribution of £76,000 with no on-site delivery whatsoever.

- 7.3.16 Subsequent analysis then showed that these options were actually not financially equivalent and the provision of just one on-site First Home would leave just a little over £1,000 for other tenures. This was considered inappropriate given that affordable rent and intermediate tenures should make up the vast majority of the affordable housing offer according to Local Plan policy.
- 7.3.17 Aspinall Verdi's second suggested option of an entirely cash contribution of £76,000 was therefore considered to be the most appropriate. However, it is considered that it would not be realistically possible for the Council to retain 25% of that contribution for First Homes, owing to the size of the sum (£19,000), which is much less than the cost of providing a single First Home on another site, as well as the limited number of schemes coming forward within the Borough which the sum might be put towards.
- 7.3.18 Overall, the proposal is therefore contrary to the Government's policy on First Homes and this carries weight against the proposal. However, it is compliant with the Council's own affordable housing policies, Policies HO7 and HO8, subject to the cash contribution being secured by a S106 agreement.
- 7.3.19 Aspinall Verdi's review also identified that the viability of the scheme is highly sensitive to changes in build costs and sales values. Consequently, it is recommended that the S106 agreement include a review mechanism, in accordance with the Council's Developer Contributions SPD, which would be triggered if the build is not completed within a set period following the grant of permission. This would ensure that any uplift in viability is put towards additional affordable housing.

7.4 Standard of Accommodation

- 7.4.1 Policy GD1 of the Local Plan requires development proposals to provide for the amenities of occupants. It also requires residential developments to accord with the Government's nationally described space standard.
- 7.4.2 All of the proposed flats would accord with the space standard in terms of gross internal area (GIA) and the majority would actually slightly exceed it. All of the flats would also meet the standard in terms of built-in storage space and bedroom sizes.
- 7.4.3 The proposed floor-to-ceiling heights of 2.5m to 2.7m would greatly exceed the 2.3m required by the standard. This would serve to make the flats feel even more spacious and would also make them less susceptible to overheating.
- 7.4.4 50 of the proposed flats – i.e. 70% - would be dual aspect, providing opportunities for passive ventilation and cooling. Whilst some of these would not have operable windows on their secondary aspect in order to mitigate noise, plenum chambers (a part of a building that can interrupt noise transmission whilst facilitating air circulation) would be installed in these units to maintain passive airflow. The remaining single aspect units would benefit from a good outlook to either the front or the rear of the building.
- 7.4.5 The submitted daylight and sunlight assessment shows that 150 of the 156 proposed habitable rooms – i.e. 96% - would meet BRE standards for daylight, most by a significant margin. Those that fall short of the standards only do so because they are combined kitchen, living and dining rooms, where the highest kitchen standard (200 Lux) applies to the entire space. When these same units are assessed against the standard for living rooms (150 Lux), all comfortably pass.

- 7.4.6 It would be possible to design the scheme in such a way to be fully compliant with the standards but this would involve dividing up what are currently shown as open plan living spaces. For this reason, BRE recommend that local authorities use discretion in applying the standards to multifunctional rooms and in this case, it is considered that dividing the rooms would result in a lower standard of overall accommodation.
- 7.4.7 Of the 62 main living spaces within the proposed development, 53 – i.e. 85% - would meet BRE standards for direct sunlight. Those that fail to meet the standard all have main windows overlooking Queensway and The Forum orientated within 90° of due north. It would be possible to design the scheme in such a way that all units would meet the standards but this would involve positioning the main windows to the rear of the building, where they would look out over the service yard. On balance, it is considered that looking out over the more active public streets would provide a better overall standard of accommodation.
- 7.4.8 The surrounding noise environment acts as a significant constraint on the proposed development. The proposed flats are a noise-sensitive use and they would be located above retained retail units, which take deliveries to the rear of the building and often make use of noisy plant. It would be unacceptable for the proposed development to result in restrictions being placed on these existing businesses due to noise complaints from future residents, not just because it would violate the agent of change principle as set out in the NPPF but also because the town centre is the Borough's most important retail destination and the retail units in question form a primary frontage.
- 7.4.9 Following extensive discussions with the applicant, the Council's Environmental Health officers, and the Council's noise consultant, it has been determined that the majority of the development can be designed in such a way as to provide an acceptable noise environment for future occupants, whilst still allowing for any operable windows to be opened and providing passive ventilation. This would involve replacing some operable windows with fixed lights and plenum chambers, in addition to providing external glazed screens on the rear elevation. Whilst unusual, these measures are not considered to pose any particularly significant engineering challenges or be especially costly. It is therefore recommended that they be secured by condition.
- 7.4.10 However, at the time of writing, there remain some unresolved issues relating to the precise wording of the conditions and the extent of plant noise to the east of the site. Officers are continuing to consult with Environmental Health officers, the Council's noise consultant and the applicant, and will provide an update on these matters in due course.
- 7.4.11 According to the Design Guide SPD, all new dwellings should be provided with private outdoor amenity space, with the exception of flats in central locations where there is good access to alternative public outdoor space and an absence of private outdoor space is necessary to achieve higher densities. This could well apply to the current proposal, which is for flats located in the heart of the town centre, where there are a number of public open spaces within easy reach.
- 7.4.12 The application nevertheless proposes a significant amount of private outdoor space. In an ideal scenario, a communal garden would be provided with an area equal to 10m² per proposed unit, which in this case would be 710m². The scheme actually proposes a total of 712m² of outdoor space, although this is split between a communal garden of 422m² and private balconies (for a minority of units) totalling 290m². The overall level of provision is therefore above the Design Guide's recommendations and is considered to represent a very good standard in light of the physical constraints of the site and its central location.
- 7.4.13 Taking all of the above into account, it is considered that the proposed development would offer a very good standard of accommodation. Whilst some of the proposed flats

would fail to meet BRE guidelines in terms of daylight or sunlight, these represent a very small minority and would by no means be dark to the extent that living conditions would be intolerable. In all other respects, the flats would meet and often significantly exceed relevant standards, especially in terms of ceiling heights, and a majority would also be dual aspect. Occupants would also benefit from generous outdoor amenity space, which is remarkable considering the location of the site. In these respects, the proposal is considered to accord with Policy GD1 of the Local Plan.

7.5 Accessibility

7.5.1 Policy HO11 of the Local Plan requires 50% of dwellings within new major residential developments to meet Building Regulations optional standard M4(2) for accessible and adaptable dwellings. In this case, the proposal has been designed such that 100% of the dwellings would meet this standard. It would therefore be highly accessible and in this respect, the proposal exceeds the requirements of Policy HO11.

7.6 Character and Appearance

7.6.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design, which includes form of built development, elevational treatment and materials, along with how the development would integrate with surrounding urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.6.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

- the context for places and buildings;
- hard and soft landscape;
- technical infrastructure – transport, utilities, services such as drainage; and
- social infrastructure – social, commercial, leisure uses and activities.

7.6.3 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

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

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;
- Movement – accessible and easy to move around;

- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

- 7.6.5 The Council’s Design Guide SPD (2023) sets out that a high-quality environment is essential for providing a good quality of life. A well-designed and managed space not only provides a visually attractive environment but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.
- 7.6.6 The existing building on the site was constructed by 1959 as part of the first phase of the construction of the New Town. The elevations facing Queensway and The Forum are finished with light grey textured concrete panels, dark grey smooth concrete panels, and steel-framed single glazed windows. The rear elevations facing the service deck are finished with plum coloured stretcher bond bricks and continuous bands of steel-framed windows.
- 7.6.7 The building is now dated and in relatively poor condition. It has also been altered since its original construction, most notably by the replacement of the original canopy with a more modern, glazed arch design. It nonetheless makes a positive contribution to the character and distinctiveness of the area as an important example of original New Town architecture.
- 7.6.8 Surrounding development is generally of a similar age and style along Queensway, whilst The Forum displays greater variety. Directly opposite the site, 85 to 103 Queensway has already been refurbished and extended upwards and is consequently in much better condition than the application site. The Forum shopping centre, which is now set for redevelopment, has a distinctly more modern appearance, whilst the Ibis building, also on The Forum, rises to seven storeys in height.
- 7.6.9 The design and access statement accompanying the application demonstrates an excellent understanding of this context and New Town design principles. This is reflected in the proposed design, which consists of both a two storey upward extension and the refurbishment of the existing facades on both Queensway and The Forum.
- 7.6.10 The refurbishment would involve the cleaning and repair of the existing textured concrete panels, and like-for-like replacement of the existing smooth panels, which are now considered to be worn beyond repair. The existing arched canopy would also be replaced by a new cantilevered design, and all of the existing windows would be replaced by double glazed, aluminium framed windows of the same size and proportions.
- 7.6.11 These changes would bring the application building into conformity with the building opposite at 85 to 103 Queensway, which has already undergone similar refurbishment. It should be noted that the aluminium edge of the proposed canopy is a departure from the original 1959 design, which had a timber edge. However, it is considered that achieving consistency along this stretch of Queensway would be of greater benefit than reverting to the original design.
- 7.6.12 The proposal would also introduce balconies to the Queensway façade. These are not present on the building opposite and so would introduce a degree of inconsistency. However, they are a part of the original design concept for the town centre and can still be seen on the properties at the southern end of Queensway. The balconies would also provide greater visual interest, as well as a degree of activity above ground floor level.

For these reasons, it is considered that the balconies would make a positive contribution to the character and appearance of the area overall.

- 7.6.13 The additional storeys would extend from the part of the building which bridges Queensway all the way to the northeastern edge of the building on The Forum. The new third floor would follow the existing building line and would integrate with the floors below due to matching finishes, while the new top floor above would be set back and finished entirely with dark grey metal panels.
- 7.6.14 As with the refurbishments, the building opposite has already been extended upwards, albeit by only a single storey. This is set back from the floors below but only marginally so, and it is finished in dark grey metal panels.
- 7.6.15 The proposed upward extension would therefore mimic the building opposite but would be a single storey higher. The additional height is considered to be appropriate for the application site because the height of buildings generally rises to the west. The proposal would therefore soften the transition in height to these buildings, particularly the Ibis building, which is currently approximately twice the height of Forum Chambers.
- 7.6.16 Despite the additional height, only glimpsed views of the building would be possible in views from Danestrete, as it would mostly be obscured by the Westgate car park. Similarly, it would not appear prominently in views from the parts of Queensway south of Queensway Chambers and would not be visible at all from the town square and former bus station.
- 7.6.17 Overall, it is considered that the proposed development would result in a very significant visual improvement to the building's Queensway and Forum facades. The refurbishment and replacement of the existing finishes, as well as the replacement of the existing canopy would result in a pleasing sense of consistency with the development opposite, albeit the new balconies and new top floor would temper this somewhat. The additional floors, whilst rising above development to the east of Queensway, would soften the transition to the development to the west, which is taller still, and would not appear especially prominently in views from around the town centre.
- 7.6.18 Therefore, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan, which require developments to be of a high quality and sympathetic to their surroundings.

7.7 Heritage

- 7.7.1 The application site is located in close proximity to the Town Square Conservation Area, the boundary of which is located at the junction of Queensway and Park Place. The proposed upper floors would be visible from within the conservation area and would therefore form part of its setting. There are also three listed structures within the conservation area but their relationship to the site is such that they would not be affected.
- 7.7.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities, in the exercise of their functions, to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- 7.7.3 Conservation areas are designated heritage assets. The NPPF requires that great weight is given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be), when considering the impact of a proposed development on their significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.7.4 The significance of the Town Square Conservation Area is as the centre of the UK's first New Town and first fully pedestrianised town centre. It has a unique and distinctive architectural built form, strongly reminiscent of post war town planning and drawing on design themes from mid-20th century shopping areas in the Netherlands. There are also three statutory listed structures at the heart of the New Town Conservation Area, the clock tower, the bronze 'Joyride' sculpture by Franta Belsky and the more recently listed tile mural by Gyula Bajo (located on the northern elevation of the Primark store, formerly the co-operative building).
- 7.7.5 BEAMS Ltd, the Council's heritage consultant, was consulted on the application. They welcomed the introduction of the residential use to the upper storeys, as well as the replacement canopy and provision of green roofs. They also advised that the changes to the Queensway façade should be seen as sensitive to the area's New Town character, although the proposed balconies would somewhat disrupt the otherwise regular grid-like elevation.
- 7.7.6 Concerns were also raised regarding the proposed top floor because this would result in a difference in height between the buildings on either side of Queensway. However, this consistency was lost with the upward extension of the building opposite and the current proposal would only serve to change which side is taller.
- 7.7.7 Overall, it was advised that the proposal should be seen as resulting in less than substantial harm to the Town Square Conservation Area. This is on the basis that the southernmost stair core would be visible from within the conservation area and departs from the original design of the area due to its height. However, as this is the only identified harm, with the other elements of the proposal largely being screened by Queensway Chambers, the level of harm is considered to be at the lower end of less than substantial.
- 7.7.8 Where a proposal would result in less than substantial harm to a designated heritage asset, the NPPF requires that the harm be weighed against the public benefits of the proposal. This test is applied in the conclusion of this report.
- 7.8 Impact on Neighbouring Occupiers
- 7.8.1 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.8.2 Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.8.3 The majority of the land and buildings surrounding the site are in commercial use. However, 85 to 103 Queensway and 5 to 75 Queensway also contain elements of residential use.
- 7.8.4 The proposed development is located a sufficient distance away from these properties so as not to appear overbearing. The submitted daylight and sunlight assessment also shows that there would be no adverse impact whatsoever on these properties in terms of vertical sky component, daylight distribution, or annual probable sunlight hours.
- 7.8.5 It is recognised that the development will provide some views across Queensway into the residences now occupying the upper floors of 85 to 103 Queensway, at a distance of approximately 15m. However, these views would be no more invasive than those afforded by the existing building, if it were currently occupied.

- 7.8.6 In terms of the impact on neighbouring commercial uses, the most significant one is the potential for noise complaints, which has already been considered above. Loss of light may also be relevant but the daylight and sunlight report again demonstrates no adverse impact. The potential for overshadowing of Queensway and The Forum has also been considered but this would actually improve, albeit marginally, due to the replacement of the canopy.
- 7.8.7 Having regard to the above, and subject to the noise mitigation conditions recommended previously, it is considered that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers. In this respect, the proposal accords with Policies HO5, GD1 and FP7 of the Local Plan.
- 7.9 Parking
- 7.9.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.
- 7.9.2 As a starting point, car parking spaces should be provided at a rate of 1 per one-bedroom flat and 1.5 per two- and three-bedroom flat. For the current proposal, this results in a base requirement for 79 spaces.
- 7.9.3 However, a discount is then applied according to a site's accessibility. The application site is located within the Town Centre Residential Parking Accessibility Zone, whereby the reduction is between 75% and 100%. The final requirement is therefore between 0 (i.e. car free) and 20 spaces (rounded up from 19.75).
- 7.9.4 According to the SPD, the upper end of the range represents the maximum level of car parking provision. The lower end of the range should form the basis for negotiations regarding car parking, which must be carried out with regard to each site's characteristics.
- 7.9.5 The town centre is seen as the one place in the Borough where sustainable modes of transport may be entirely relied upon to serve new development, owing to its excellent public transport accessibility. Developers of car-free schemes may however be asked to contribute towards parking controls on surrounding streets to mitigate the potential impact of overspill car parking. They are also encouraged to contribute towards car-sharing schemes in order to discourage the use of private vehicles.
- 7.9.6 In this case, car-free development is considered to be appropriate given the site's very central location and excellent access to amenities and public transport. Officers are also mindful that surrounding land is entirely within other ownership and the building is separated from any public highways accessible to vehicular traffic. As such, an insistence on the provision of off-street car parking would preclude redevelopment of the site.
- 7.9.7 It is noted that HCC Highways have raised objections to the proposal on grounds of parking, specifically the absence of electric vehicle charging and disabled parking. HCC is neither the parking authority nor a statutory consultee in this case but their concerns are nonetheless taken into account.
- 7.9.8 In respect of electric vehicle charging, the SPD requires electric vehicle charging points to be provided as a percentage of the number of parking spaces provided. Consequently, where development is car-free, there is no requirement to provide electric vehicle charging points. As for disabled parking, the requirement is again expressed as a percentage but it is calculated before any discount for accessibility zones is applied.

However, these standards only apply where communal parking is provided. As a result, when no parking is provided at all, there is no requirement to provide disabled spaces.

- 7.9.9 Officers have however given consideration to the possibility of providing disabled parking despite there being no requirement to do so according to the standards. An assessment of nearby streets, notably Danestrete, Swingate and Westgate, found that they were already saturated with loading and parking bays, including a high proportion of disabled parking bays. It was therefore concluded that the area was already well served by disabled parking bays and there was no realistic possibility of providing any additional spaces.
- 7.9.10 Despite their objections, HCC did also state the following:
- The HA has reviewed the TN and acknowledges that given the site's location in the town centre, access to amenities, excellent accessibility and connectivity to public transport, nearby public car parks and extensive restrictive and controlled parking in place on highways surrounding the site, the proposal is not expected to have any significant impact on parking demand, congestion or highway safety on the local highway network.*
- 7.9.11 It is on the basis of this advice that a contribution towards parking controls on streets outside of the town centre is not considered to be necessary in this instance.
- 7.9.12 HCC Highways also recommended that each flat be provided with public transport vouchers. Officers accept this recommendation, considering it to be a reasonable and in this instance, more appropriate alternative to a contribution towards a car-sharing scheme.
- 7.9.13 Cycle parking should be provided at an effective rate of one space per bedroom. For the current proposal, this amounts to 89 spaces. Two short-stay spaces should also be provided for visitors. No discount is applied for accessibility.
- 7.9.14 The proposal was originally put forward with provision for 138 cycle parking spaces, which is well in excess of the standard. However, this was achieved through the use of two-tier cycle racks, which are not accessible for those who ride adapted bikes or other less traditional forms of bike, for example recumbents. They can also be especially noisy and therefore unsuitable for dense, flatted developments. The use of two-tier racks is not supported by the SPD and HCC objected to this aspect of the proposal.
- 7.9.15 The proposal was subsequently amended to provide cycle parking entirely with Sheffield stands. This change has resulted in reduced overall provision of 49 spaces, which is significantly below the standard. In this respect, the proposal is contrary to Policy IT5 of the Local Plan.
- 7.9.16 It must however be recognised that Queensway and The Forum are both pedestrianised and subject to a cycle prohibition order. Therefore, unlike sites on the edge of the town centre, which lie on the periphery or beyond the area of cycling restrictions, there is a clear reason to moderate the promotion of cycling through the provision of cycle parking facilities. This should be taken into account when attributing weight to the conflict with the Policy.
- 7.9.17 The proposed cycle parking would be spread across three cycle stores, one at ground floor level and two at first floor level. HCC Highways raised further objections to the scheme on the grounds that the access for the northernmost cycle store would be located adjacent to three car parking spaces within the rear service deck, arguing that inconsiderate car parking could block access. Whilst this is possible in theory, there is no evidence to suggest that inconsiderate parking is a particular issue in the area in

question, nor is there any evidence to suggest that this particular proposal would be any more sensitive to such activity than any other given development. To the contrary, inconsiderate parking can take place anywhere and is disruptive wherever it occurs, and it must be assumed that measures to prevent this taking place will be effective.

7.9.18 Having regard to all of the above, the proposal is considered to be contrary to Policy IT5 because of an overall lack of cycle parking provision. However, in all other respects, and subject to the provision of public transport vouchers, it is considered to be consistent with the policy.

7.10 Servicing

7.10.1 Policies SP5 and GD1 of the Local Plan require development proposals to make adequate provision for the storage and collection of waste. Policy IT5 requires suitable access for service vehicles.

7.10.2 In this case, two waste and recycling stores would be located securely within the building, providing a total capacity of 8800L for general waste, 10,080L for recycling, and 960L for food waste. This overall level of provision is acceptable.

7.10.3 Waste and recycling would be collected via the rear service deck, over which the applicant has a right of access, as it is for the existing offices and retail units. The waste stores are positioned within close proximity to the collection point and the proposal provides for level access between them.

7.10.4 HCC Highways raised the same objection to the proposed waste collection arrangements as they did to the access to the cycle store i.e. that inconsiderate parking could block access to the northernmost store. For the reasons given in the preceding section, this is considered to be an unreasonable line of objection.

7.10.5 Deliveries and other service trips would be made in the same way. Emergency vehicles would additionally be able to access the site via Queensway.

7.10.6 Having regard to the above, the proposals for waste storage and collection, deliveries and emergency access are considered to be acceptable. In these respects, the proposal accords with Policies SP5, IT5 and GD1 of the Local Plan.

7.11 Highway Safety

7.11.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.

7.11.2 The proposal would involve an alteration to the existing access to the site by way of the change of use of 80 Queensway to act as a lobby and stair core. However, this access would be for pedestrian use only and Queensway, for which the Council is the local highway authority, is also pedestrianised.

7.11.3 The Council's engineers, who were consulted extensively at the pre-application stage, have not raised any objections to the proposal. HCC Highways, who are the local highway authority for the wider road network surrounding the town centre, also raised no objections in terms of highway safety or congestion.

7.11.4 Having regard to the above, it is considered that the proposed development would have an acceptable impact on highway safety. In this respect, the proposal accords with Policy IT4 of the Local Plan.

7.12 Climate Change

- 7.12.1 Policies SP11 and FP1 of the Local Plan require development proposals to mitigate and adapt to the negative impacts of climate change. To this end, developers are encouraged to improve the energy performance of buildings and limit potable water consumption to no more than 110L per person per day.
- 7.12.2 The proposal would result in a significant improvement to the performance of the existing parts of the building and the proposed new storeys would have a highly efficient building fabric. Together with the provision of air source heat pumps for heating and hot water, the development would achieve a 72% reduction in carbon dioxide emissions versus the requirements of the Building Regulations. This represents a very high standard.
- 7.12.3 The proposal would also see the typical array of water efficient fixtures and fittings installed, resulting in water consumption of 103L per person per day. Again, this exceeds the required standard.
- 7.12.4 Together with the provision of spacious dwellings with tall ceilings, the majority of which would be dual aspect, it is considered that the proposed development would sufficiently mitigate and adapt to the negative impacts of climate change. In this respect, the proposal accords with Policies SP11 and FP1 of the Local Plan.
- 7.13 Flood Risk and Drainage
- 7.13.1 Policy FP2 of the Local Plan requires major development proposals to be accompanied by an appropriate flood risk assessment and to ensure that the risk of flooding is not increased. The NPPF sets out the circumstances in which a flood risk assessment is required to be submitted.
- 7.13.2 The site is located wholly within Flood Zone 1 (lowest risk). It is not located within a critical drainage area, nor identified in the Borough's strategic flood risk assessment as being at risk from flooding in the future, nor known to be currently at risk from flooding from any source. The site has an area of less than 1 hectare.
- 7.13.3 Accordingly, it was not necessary for the applicant to submit a site-specific flood risk assessment in this instance. One was nevertheless provided, along with a drainage strategy.
- 7.13.4 The assessment concludes that the site is at low risk of flooding from all sources. The potential for some surface water ponding is indicated to the north of the site on The Forum but for all events barring an exceedance event (1 in 1000 year storm), the depth of flooding on Queensway and The Forum is modelled to be less than 300mm, which is considered passable by pedestrians.
- 7.13.5 In any event, the only development proposed at ground floor level is the entrance lobbies and stair cores. Consequently, even during the most severe event, the proposed flats would not be flooded and accesses would remain available to the rear of the building at first floor level. The proposal is therefore considered to be highly resilient to flooding.
- 7.13.6 The proposed drainage strategy is to utilise the existing drainage system on the site. The lead local flood authority (LLFA) is therefore not a statutory consultee in this instance (they are only consulted on major development with surface water drainage in accordance with the Development Management Procedure Order 2015 (as amended)). They were nevertheless consulted and raised no objections, subject to a series of conditions being imposed, which are considered in detail below.
- 7.13.7 The first condition recommended by the LLFA is that the development be carried out in accordance with the submitted flood risk assessment and drainage strategy. The second

is that the existing drainage system be surveyed, with the results submitted to the Council along with a programme of any necessary maintenance and repair. Both of these conditions are considered to be reasonable and necessary to ensure that the drainage scheme operates effectively. Accordingly, officers recommend that these conditions be imposed.

- 7.13.8 The third condition recommended by the LLFA is that an assessment of any existing flooding be calculated, along with volumes and discharge rates from the proposed green roofs. This condition, as worded by the LLFA, is clearly defective because it wouldn't actually require the requested information to be submitted to and approved by the Council, nor would it require the development to then be carried out in accordance with the approved details.
- 7.13.9 Furthermore, an assessment of existing flood risk is set out in the submitted flood risk assessment and this is accepted by the LLFA. Any deficiencies in the existing drainage system would be remedied through the process of survey and repair as required by the second condition. Further assessment would therefore serve no practical purpose.
- 7.13.10 Consequently, it is recommended that the wording of the condition be amended to require details of the proposed green roofs only. These details should be submitted to and approved by the Council prior to the green roof being installed, and the installation should then proceed in accordance with the approved details.
- 7.13.11 The fourth condition recommended by the LLFA is that a construction phase surface water management plan be submitted to and approved in writing by the Council prior to the commencement of the development. The fifth is that a further survey and verification report be submitted upon completion to confirm that the drainage strategy has been implemented as approved.
- 7.13.12 Neither of these conditions are considered to be reasonable or necessary to make the development acceptable in planning terms. The site as existing is entirely covered by buildings and hardstanding and therefore, short of deliberate or reckless sabotage of the existing drainage system during the construction phase, it would be impossible for the development to increase surface water run-off above existing levels. Furthermore, the only proposed operational development is the extension above the existing building footprint, which again would not increase surface water run-off. In these circumstances, a separate surface water management plan for the construction phase is unnecessary.
- 7.13.13 A final survey and verification report would be highly unusual and no justification has been provided by the LLFA as to why this measure is required. The development is at low risk of flooding, is highly flood resilient, and the only proposed new drainage features are the green roofs. It appears to officers that requiring a final survey and verification report would pre-empt the planning enforcement regime, which to this point has operated effectively. Such a condition would therefore be unnecessary and unreasonable.
- 7.13.14 Given that some of the conditions recommended by the LLFA would not be imposed, and one would be altered, the LLFA must be treated as objecting to the proposal. However, they are not a statutory consultee and, in any event, they have accepted the findings of the submitted flood risk assessment, which are that the site is currently at low risk of flooding and the proposal would not increase the risk of flooding to the site itself or elsewhere. Accordingly, it is considered that the three drainage conditions recommended by officers would ensure that the proposed system operates effectively.
- 7.13.15 Having regard to the above, and subject to the recommended conditions, it is considered that the proposed development would have an acceptable impact on flood risk. In this respect, the proposal accords with Policy FP2 of the Local Plan.

7.14 Contamination

7.14.1 Policy FP5 of the Local Plan requires proposals for the redevelopment of brownfield sites to be accompanied by an appropriate preliminary risk assessment. The site is not known or suspected to be contaminated and its historic use is not one which is likely to have caused contamination.

7.14.2 The applicant has nevertheless submitted a preliminary risk assessment. As expected, this concludes that the site is not at risk from contamination and no further surveys are required. The Council's Environmental Health team were consulted on the proposals and raised no concerns in respect of contamination.

7.14.3 Having regard to the above, the proposal is considered to have an acceptable impact in terms of contamination. In this respect, the proposal accords with Policy FP5.

7.15 Ecology and Biodiversity

7.15.1 Policy SP12 of the Local Plan requires development proposals to have an acceptable impact on green infrastructure and the natural environment. Achieving biodiversity net gain is also required by the Council's Impact of Development on Biodiversity SPD (the application was received before BNG became mandatory by law) unless the site or proposal is exempt.

7.15.2 In this case, the site is taken up entirely by buildings and hardstanding, with no trees or vegetation whatsoever. It therefore provides no habitats and is exempt from having to demonstrate biodiversity net gain.

7.15.3 The proposed green roofs and landscaped communal gardens would however provide some biodiversity value. It is also recommended that swift bricks be secured by condition, as requested in the only public representations received on the application.

7.15.4 Having regard to the above, and subject to the recommended condition, it is considered that the proposed development would have an acceptable impact on ecology and biodiversity. In this respect, the proposal accords with Policy SP12 of the Local Plan.

7.16 Developer Contributions

7.16.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

7.16.2 The development would be liable for CIL at a rate of £40/m².

- 7.16.3 It would also give rise to additional demand for primary education services. A new primary school is planned within the town centre to meet this demand, as well as demand from other developments within the area. The proposed school cannot be funded entirely through CIL and it is therefore necessary for the development to make a bespoke contribution.
- 7.16.4 The necessary contribution has been calculated by HCC to be £126,646. The applicant has agreed to pay this contribution in full and it would be secured by S106 agreement.
- 7.16.5 HCC Highways separately requested a cash contribution of £484,646 for sustainable transport. No explanation was provided of what this contribution would be spent on, why it is necessary to make the development acceptable in planning terms, or why a bespoke contribution is required in addition to CIL. Officers contacted HCC to request this information but received no response. Accordingly, the requested cash contribution is considered to be unjustified, fails to meet Regulation 122 of the CIL Regulations and is not sought.
- 7.16.6 HCC Highways also requested a full travel plan and an associated monitoring fee. However, this is contrary to their own Travel Plan Guidance 2020, which states that residential developments of between 50 and 80 units will be required to provide a less detailed travel plan statement. This type of travel plan requires less involvement from HCC and does not attract a monitoring fee. Accordingly, a monitoring fee is not sought and it is recommended that a travel plan statement be secured by condition.
- 7.16.7 The recommendation that each flat be provided with travel plan vouchers is accepted and it is recommended that this be secured by S106 agreement. Each flat should be provided with £50 worth of vouchers, in accordance with the Travel Plan Guidance.
- 7.16.8 Affordable housing provision for the proposal would take the form of a cash contribution of £76,000 to be spent on the Council's affordable housing projects and secured by S106 agreement. This figure is the output of a viability assessment (as set out in section 7.3 of this report) and must therefore be reviewed in the event that market conditions or build costs change significantly by the time the development is constructed. It is recommended that the details of the review mechanism be delegated to officers.
- 7.16.9 Finally, an employment and skills plan is required in accordance with the Council's Developer Contributions SPD. The aim of the plan is to ensure that residents of the Borough benefit from the work and training opportunities provided by the construction phase of the development. It sets clear targets for the filling of roles with local residents and imposes financial penalties where reasonable efforts are not made to achieve these. It is recommended that the employment and skills plan be secured by S106.
- 7.16.10 Monitoring fees will also be required for both the Council and HCC to cover the cost of administering the above obligations.

8 CONCLUSIONS

- 8.1 The application proposes the provision of housing and the Council's housing delivery is at 57% of identified need according to the latest HDT results. Accordingly, the "tilted balance" as set out at paragraph 11(d) of the NPPF is engaged, which means that the Local Plan policies most relevant in determining the application are to be treated as out of date and planning permission should be granted unless:
- i. the application of policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing the development; or

- ii. the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

- 8.2 The proposed development would provide a net increase of 71 dwellings on the site, which would make a significant contribution towards meeting the Council's housing targets. The dwellings would be provided at the expense of existing retail and office space but the various changes of use involved are considered to accord with the Council's land use policies. The NPPF directs that great weight should be given to the benefits of using suitable sites within existing settlements for homes. Accordingly, the benefits of housing provision in this case are afforded great weight.
- 8.3 The standard of accommodation provided by the proposed development would be very good, exceeding the Council's requirements in many respects such as overall size, floor-to-ceiling heights, and adaptability to occupants with reduced mobility. The level of outdoor amenity space proposed is also considered to be excellent in view of the site's central location and physical constraints. These benefits carry significant weight in favour of the proposal.
- 8.4 In general terms, the visual impact of the proposed additional storeys is neither here nor there. However, the refurbishment of the existing lower storey facades on Queensway and The Forum, including the replacement of the existing canopy, would result in a considerable visual improvement. This again carries significant weight in favour of granting permission.
- 8.5 The refurbishment of the existing parts of the building would result in an improvement in its energy performance. The introduction of green roofs would also contribute to urban greening, biodiversity, and surface water drainage and treatment. Owing to the degree of improvement, these benefits are afforded moderate weight.
- 8.6 The proposal would also confer the typical array of benefits associated with development in terms of employment and other economic activity. Given the scale of the development, these benefits are also attributed moderate weight.
- 8.7 Balanced against these public benefits are the adverse impacts of granting permission. Firstly, a low level of less than substantial harm to the Town Square Conservation Area has been identified. Should the public benefits be found not to outweigh the harm, the NPPF directs that permission should be refused. It would also disengage the tilted balance.
- 8.8 In view of the low level of harm identified, officers consider it to be very clearly outweighed by the significant public benefits of the proposal, as set out above. It follows that the proposal is consistent with Local Plan heritage policies SP13 and NH10. It also follows that the tilted balance remains engaged.
- 8.9 The proposal is also contrary to the Government's policy on First Homes, which requires that 25% of affordable housing be provided as First Homes. Given the significant challenges in providing First Homes either on-site or off-site via a cash contribution to the Council, the affordable housing contribution would instead be spent wholly on the Council's own affordable housing schemes. Having regard to the extent of the shortfall in First Homes, which is less than a single unit or £19,000 in cash terms, the harm arising from the policy conflict is afforded limited weight.
- 8.10 Finally, the proposal is contrary to the Council's cycle parking policy because the overall level of provision would be 40 spaces short of the required 89 spaces. However, given that the site is located in the heart of the pedestrianised part of the town centre, it is

considered that a lower level of cycle parking provision would be of some benefit. Accordingly, the shortfall in cycle parking carries only limited weight against the proposal.

- 8.11 In all other respects, including impact on neighbouring amenities, car parking, servicing, highway safety, flood risk, and impacts on infrastructure, the proposal is considered to be acceptable and in accordance with relevant Local Plan policies. These are neutral matters.
- 8.12 When considered in their entirety, the benefits of the proposal would clearly outweigh the limited adverse impacts relating to First Homes and cycle parking. Accordingly, the proposal is considered to accord with the development plan when read as a whole.
- 8.13 The NPPF is a material consideration, especially so in light of the application of the tilted balance. However, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. To the contrary, the adverse impacts would be clearly outweighed by the benefits, as set out above.
- 8.14 The presence of extant prior approvals for the site is also highly material. Prior approval has been granted for the change of use of Forum Chambers and 62 to 80 Queensway, which together would provide 35 flats. The Government has also recently amended the General Permitted Development Order with the effect that the vacancy and overall size limitations have been removed. It is therefore highly likely that the remainder of the existing building could be converted under this regime.
- 8.15 Should any of these prior approval schemes be implemented, they would not involve the upward extension of the building. However, they would also not provide a refurbishment of the existing facades or outdoor amenity space, nor would they necessitate contributions towards primary education, affordable housing, or local employment and skills. The current proposal is therefore considered to be a considerable improvement upon these alternatives and this only serves to reinforce the view that a decision should be made in accordance with the development plan and NPPF.
- 8.16 Having regard to all of the above, it is recommended that planning permission be granted.

9 HUMAN RIGHTS AND EQUALITIES

- 9.1.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 9.1.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking (this has been established as a key requirement in planning decision making by case law through the relevant courts). Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty ("PSED"). As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment ("EqIA") produced by officers.
- 9.1.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the

Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 9.1.4 In this case, the proposed development would not provide any disabled parking. However, the site is already well served by disabled spaces and there are very limited opportunities, if any, to provide additional spaces. It is also noted that all of the proposed flats would meet optional standard M4(2) accessible and adaptable dwellings.
- 9.1.5 In the absence of any other apparent ways in which the development might impact persons with protected characteristics, it is considered that a decision to grant planning permission would be in accordance with the PSED.

10 RECOMMENDATION

- 10.1 That planning permission be granted, subject to the completion of a S106 agreement to secure the obligations listed below and subject to the planning conditions listed below. It is further recommended that delegated powers be given to the Assistant Director of Planning and Regulation to negotiate the precise wording of the S106 agreement and, in consultation with the Chair of the Planning and Development Committee, to add to or amend the conditions prior to the decision notice being issued, where such additions or amendments would be legally sound and reflect advice received by statutory consultees and/or the Council's appointed consultants.

Obligations

- O1. A cash contribution of £126,646 towards the provision of a new primary school within the town centre.
- O2. A cash contribution of £76,000 towards the provision of affordable housing within the Borough.
- O3. The provision of £50 worth of public transport vouchers for every flat within the development.
- O4. The provision of an employment and skills plan to secure work and apprenticeships for residents of the Borough.
- O5. Monitoring fees as required to cover the cost of administering the above obligations.

Conditions

General Conditions

- C1. The development to which this permission relates shall be carried out in accordance with the following plans:

1294.11.001
1294.11.002
1294.11.010
1294.11.011
1294.11.012
1294.11.013
1294.11.100 Rev B
1294.11.101 Rev B
1294.11.102 Rev A
1294.11.103 Rev A
1294.11.104 Rev A

1294.11.105 Rev A
1294.11.200
1294.11.201 Rev A
1294.11.202
1294.11.300 v A

- C2. The development to which this permission relates shall be begun before the expiration of three years from the date of this permission.

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

- C3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. For the avoidance of doubt, no such activity shall take place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers.

- C4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

- C5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.

REASON: To prevent unacceptable risks to human health as a result of contamination

- C6. The development to which this permission relates shall be carried out in accordance with *Flood Risk Assessment and Drainage Strategy* revision 4, prepared by Delta Simons and dated 26 January 2023 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that flood risk is not increased.

- C7. The development to which this permission relates shall be carried out in accordance with *Energy and Water Statement* revision B, prepared by Create Consulting Engineers Ltd and dated February 2023 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development mitigates and adapts to the negative effects of climate change.

Prior to Commencement

C8. Prior to the commencement of the development to which this permission relates (including site clearance and demolition) until a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
- l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

This condition must be a pre-commencement condition in order to be effective.

C9. Prior to the commencement of the development to which this permission relates (excluding site clearance and demolition), a report containing a survey of the existing surface water drainage network, any faults identified in said system, and a timeline of any necessary maintenance or replacement, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved report.

REASON: To ensure that flood risk is not increased.

This condition must be a pre-commencement condition in order to be effective.

Prior to Work above Slab Level

C10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

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

C11. No development shall take place above slab level until details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such thereafter.

REASON:- To ensure adequate provision of parking facilities within in the development and to promote sustainable modes of transport.

C12. No development shall take place above slab level until details of swift bricks to be provided within the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON:- To ensure that the development enhances the natural environment.

Prior to Occupation

C13. Prior to the installation of the green roofs, detailed design drawings and calculations of storage volumes and discharge rates shall be submitted to and approved in writing by the local planning authority. The green roofs shall then be installed in accordance with the approved details.

REASON: To ensure that flood risk is not increased.

C14. Prior to the beneficial occupation of the development to which this permission relates, the refuse stores as shown on the approved plans shall be provided in full. The stores shall be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

REASON:- To ensure the proper disposal of waste for the lifetime of the development

C15. Prior to the beneficial occupation of the development to which this permission relates, a travel plan statement shall be submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

REASON: To ensure that sustainable travel options associated with the development are promoted and maximised.

C16. Prior to the beneficial occupation of the development to which this permission relates, noise mitigation measures shall be installed in accordance with a scheme submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained in full unless otherwise agreed in writing by the local planning authority.

REASON: To protect occupiers of the development from the impacts of noise from nearby commercial premises.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.

4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); Design Guide SPD (2023).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with other interested parties referred to in this report.

Meeting: Planning and Development Committee
Date: 2 April 2024
Author: Thomas Frankland-Wells
Lead Officer: Zayd Al-Jawad
Contact Officer: Thomas Frankland-Wells
Agenda Item:

Application No:	23/00477/OP
Location:	Land between 146 & 225 Hopton Road, Stevenage, Herts, SG1 2LF
Proposal:	Outline planning permission with all matters reserved for the erection of 1no. detached three bedroom dwelling with associated car parking
Drawing Nos.:	01 Rev A; 02; 03 Rev B;
Applicant:	Stevenage Borough Council
Date Valid:	21 June 2023
Recommendation:	GRANT OUTLINE PLANNING PERMISSION



The above plan is for illustrative purposes only.

1 UPDATE

- 1.1 On 31 October 2023, members resolved to grant outline planning permission for this application, subject to the completion of a memorandum of understanding to secure off-site area habitat creation equal to 0.55 biodiversity units. A copy of the original committee report is attached under Appendix 1.
- 1.1.1 Following the resolution to grant permission by the Planning Committee, it was found that the vast majority of the habitat loss associated with the proposal was attributable to the felling of a single Silver Birch tree, which is located on the verge to the front of the site, adjacent to the proposed car parking spaces. The Council's Estates Department, who are the applicant in this case, have amended the proposal such that the tree would be retained.
- 1.1.2 As well as retaining the existing tree, the planting of an additional tree is also now proposed. A 5.5m section of non-native hedgerow would be lost in its place. In all other respects, the proposal remains as previously presented. The application comes before the Committee again to consider the effects of the amendments.
- 1.1.3 In addition to these changes to the application itself, there have also been two material changes in the planning policy context. The first of these is that a revised NPPF was published in December 2023, which made significant changes to the previous September 2023 version. The second is that new Housing Delivery Test results have been published and in light of the Council's performance, it is now necessary to apply the so-called tilted balance in the determination of planning applications.
- 1.1.4 These changes should only serve to reinforce the Committee's original resolution to grant permission. However, it is nonetheless necessary to provide an explanation of the changes and relevant case law.

2 MATERIAL CONSIDERATIONS

2.1 Legislation

2.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

2.1.2 Section 70(2) of the Town and Country Planning Act 1990 further clarifies the matters that must be taken into consideration when determining a planning application:

"In dealing with an application for planning permission or permission in principle the [local planning] authority shall have regard to-

- (a) the provisions of the development plan, so far as material to consider application,*
- (b) a post-examination draft neighbourhood development plan, so far as material to the application,*
- (c) any local finance considerations, so far as material to the application, and*
- (d) any other material considerations."*

2.1.3 There is no written definition of what constitutes a material consideration. However, the courts have held that anything can be a material consideration provided it relates to the

character of the use of land. Of particular relevance to this application is the NPPF, along with other national policies and guidance.

2.1.4 It is important to note that there are no statutory provisions which expressly require planning applications to be referred back to a committee in the event of a material change in planning policy. However, the courts have determined that it is necessary where that is significant enough that it may result in a different decision being made.

2.1.5 Officers do not consider that the above applies to the current application, since the changes in planning policy should only serve to reinforce the original resolution to grant. However, since the application must be brought before the committee again in any event (to consider the changes to the application itself), it is necessary for officers to set out the changes in planning policy context as well.

2.1.6 Relevant case law includes the following:

- R. (on the application of Kides) v South Cambridgeshire District Council [2002] EWCA Civ 1370 (this decision has been applied by the Courts on several occasions where challenges have been brought against applications on the basis that there has been “material changes” in circumstances which required an application, in the appellants view, to be referred back to committee for reconsideration).
- R (on the application Dry) v West Oxfordshire District Council [2010] EWCA Civ 1143.
- Wakil and Others V London Borough of Hammersmith and Fulham [2013] EWHC 2833 (Admin).

2.2 National Planning Policy Framework

2.2.1 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.

2.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF. They should therefore be given full weight in the determination of planning applications unless some other material consideration (e.g. the NPPF) directs otherwise.

2.3 Housing Delivery Test and 5 Year Land Supply

2.3.1 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.

- 2.3.2 When the application was originally determined by the Planning and Development Committee on 31st October 2023, the Council's HDT score as published by Department for Levelling Up, Housing and Communities (DLUHC) in January 2022 was 79%. This exceeded the minimum requirement of 75%. In addition, the Council could demonstrate a 5 year land supply of 5.91 years (including a 20% buffer). This meant that at the time the application was originally determined by the Committee, paragraph 11(d) of the NPPF was not engaged and the Council did not have to apply the tilted balance.
- 2.3.3 Since the application was determined by the Planning and Development Committee, the latest HDT results published by DLUHC in December 2023 identifies that Stevenage delivered 57% of its housing requirement. Accordingly, the Council must now apply the tilted balance in the determination of planning applications which involve the provision of housing. This means that planning permission should be granted for the proposal unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reasoning for refusing the development proposed; or
 - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3.4 In terms of 5 year housing land supply, there is no updated data which has been formally published by the Council and any data it has in draft. As such, until such time the Council publishes updated information on its 5 year land supply, it can still demonstrate 5.91 years supply of land (including a 20% buffer).

3 APPRAISAL

3.1 Biodiversity and Arboriculture

- 3.1.1 In terms of biodiversity, the amendments result in an almost complete reversal of the on-site area habitat loss. There would still be a slight on-site net loss but it would amount to less than -0.01 units.
- 3.1.2 The loss of the hedgerow would however result in a slight loss in linear habitats. As previously presented, there was no loss whatsoever; as amended, there would be a net loss of -0.01 units.
- 3.1.3 Overall, therefore, the amendments reduce the on-site habitat loss from -0.55 units to a little more than -0.01 units. This represents a considerable overall improvement.
- 3.1.4 The Council's Arboriculture and Conservation Manager was consulted on the amended proposal because the retained tree is in close proximity to the proposed car parking spaces. He has confirmed that he has no objections, subject to a condition being imposed to secure a tree protection plan prior to the commencement of the development.

It is considered that the existing tree protection plan condition, which was recommended to protect nearby off-site trees, is suitable for this purpose.

3.2 Conclusion

3.2.1 Aside from the above, the amendments do not give rise to any material planning considerations. The conclusions on all other aspects of the proposal therefore remain as previously presented to the Committee.

3.2.2 Having regard to the above, it is considered that the proposal, as amended, remains in accordance with the development plan when read as a whole. The NPPF is a material consideration but there are considered to be no adverse impacts of granting permission which might significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

3.2.3 The amendments to the original recommendation are underlined below.

4 **RECOMMENDATION**

4.1 That planning permission be GRANTED subject to the following conditions and the authorisation of a transfer to secure:

- Off-site linear habitat creation equal to 0.01 units

4.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), and 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.

Conditions

General Conditions

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

01 Rev A

02

03 Rev B

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

2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter “the reserved matters”) shall be obtained in writing from the local planning authority before any development is commenced.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. In the case of any reserved matter, application for approval must be made to the local planning authority not later than the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.

REASON: In the interests of the living conditions of neighbouring occupiers.

6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

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

REASON: To prevent unacceptable risks to human health as a result of contamination

8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of "Preliminary Ecological Appraisal" authored by CSA Environmental and dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent unacceptable harm to habitats and species.

Prior to Commencement

9. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;

- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

10. No development shall take place (including site clearance or demolition) until a tree protection plan has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plan.

REASON: In the interests of the health and longevity of trees worthy of retention.

Prior to Occupation

11. Prior to the beneficial occupation of the development to which this permission relates, the car parking shall be provided as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

12. Prior to beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

14. Prior to beneficial occupation of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved versus Part L of the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

INFORMATIVES

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

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

or by telephoning 0300 1234047.

2. 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.

3. 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.

4. 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).

5. 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.

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 lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2023).

5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

Meeting: Planning and Development Agenda Item:
Committee

Date: 31 October 2023

Author: Thomas Frankland-Wells

Lead Officer: Zayd Al-Jawad

Contact Officer: Thomas Frankland-Wells

Application No:	23/00477/OP
Location:	Land between 146 & 225 Hopton Road, Stevenage, Herts, SG1 2LF
Proposal:	Outline planning permission with all matters reserved for the erection of 1no. detached three bedroom dwelling with associated car parking
Drawing Nos.:	01 Rev A; 02; 03 Rev A;
Applicant:	Stevenage Borough Council
Date Valid:	21 June 2023
Recommendation:	GRANT OUTLINE PLANNING PERMISSION



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The site extends to 250m² and comprises a roughly rectangular plot of land located between 146 and 225 Hopton Road in the Symonds Green area of Stevenage. The land is undeveloped and mostly laid to lawn, rising gently from east to west.
- 1.2 The site is not subject to any Local Plan designations or notable environmental constraints. There are no heritage assets or protected trees in its vicinity. The Filey Close Neighbourhood Centre lies approximately 150m to the south-east.

2 RELEVANT PLANNING HISTORY

- 2.1 20/00571/FP - Change of use from public amenity land to residential (225 Hopton Road) – Application Permitted 12 November 2020

3 THE CURRENT APPLICATION

- 3.1 The application seeks outline planning permission for the erection of a detached, two storey, three-bedroom dwellinghouse with two car parking spaces. Since all matters are reserved, the application is principally concerned with the principle of the development, whereas access, appearance, landscaping, layout and scale would be considered in detail at a later date.
- 3.2 The application comes before the Planning and Development Committee because the Council is the applicant.

4 PUBLIC REPRESENTATIONS

- 4.1 The application was publicised by neighbour letters.
- 4.2 Three letters of objection were received. The material issues raised are summarised as follows:
- Inadequate car parking provision
 - Loss of existing car parking
 - Insufficient space for proposal / cramped appearance
 - Disruption to garden access and bin storage
 - Loss of privacy
 - Loss of trees and hedges
 - Loss of play space
 - Disruption during construction
- 4.3 Full copies of all representations are available on the Council's website.

5 CONSULTATIONS

- 5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.
- 5.2 SBC Arboriculture and Conservation Manager
- 5.2.1 No objection, subject to replacement planting of three trees.
- 5.3 SBC Environmental Health Officer
- 5.3.1 No objection.

5.4 HCC Highways

5.4.1 No objection, subject to conditions relating to construction management, electric vehicle charging, and the provision of parking spaces.

5.5 Herts and Middlesex Wildlife Trust

5.5.1 No objection subject to off-site habitat provision and a condition to secure bat and swift boxes.

6 RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 National Planning Policy Framework

6.2.1 A revised National Planning Policy Framework (NPPF) was published in September 2023. This largely made minor corrections to the earlier July 2021 version and revised policy with respect to onshore windfarms. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) in January 2022 (DLUHC have not yet published the latest HDT results), identifies that Stevenage delivered 79% of its housing requirement. This exceeds the 75% target and renders the adopted Local Plan housing policies as being in-date. However, this is still well below the 95% target which is set out in the NPPF (2021). Consequently, the Council has to apply a 20% buffer in its 5-year housing supply calculations. In addition, the Council also has to produce an Action Plan in order to boost housing delivery.

6.2.3 The Council prepared an Action Plan in July 2022 to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. This has been prepared in accordance

with Planning Practice Guidance and analyses the reasons for under-delivery of new homes against the Government's requirements. It also sets out clear actions on how to improve housing delivery. A copy of the Stevenage Borough Council published Action Plan is set out in the link below:

<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/housing-delivery-test-action-plan-2022.pdf>

6.2.4 Turning to 5-year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can currently demonstrate a housing supply of 6.68 years (including 20% buffer).

6.2.5 The Council, based on its HDT score and 5-year housing land supply calculations, the Council is not currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2021). For reference, if this policy was to be engaged, it would mean the Local Plan policies would be classed as out-of-date.

6.2.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

6.3 Planning Practice Guidance

6.3.1 The Planning Practice Guidance ("PPG"), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.

6.4 National Design Guide

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

6.5 Stevenage Borough Local Plan

6.5.1 The Local Plan policies most relevant to determining the application are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP7 High Quality Homes
- SP8 Good Design
- SP11 Climate Change, Flooding and Pollution
- SP12 Green Infrastructure and the Natural Environment
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- HO5 Windfall Sites
- HO9 Housing Types and Sizes
- GD1 High Quality Design
- FP1 Climate Change

FP2 Flood Risk in Flood Zone 1
FP7 Pollution
FP8 Pollution Sensitive Uses
NH5 Trees and Woodland
NH6 General Protection for Open Space

6.6 Supplementary Planning Documents

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

Parking Provision and Sustainable Transport SPD 2020
The impact of Development on Biodiversity SPD 2020
Developer Contributions SPD 2021
Design Guide SPD 2023

6.7 Community Infrastructure Levy

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would be liable for CIL at a rate of £100/m².

7 APPRAISAL

7.1 The main issues in the assessment of the application are as follows:

- The principle of the development
- Standard of accommodation
- Character and appearance
- Impact on neighbouring amenities
- Parking
- Highway safety
- Ecology, arboriculture and biodiversity
- Flood risk and drainage
- Climate change and sustainability
- Developer obligations and CIL

7.2 Principle of Development

7.2.1 *Provision of Housing*

7.2.1.1 The application proposes the provision of one new dwelling. The application site is a “windfall” site, since it is not allocated for any specific purpose in the Local Plan.

7.2.1.2 Policy SP7 of the Local Plan sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites.

7.2.1.3 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:

- a) The site is on previously developed land or is a small, underused urban site;
- b) There is good access to local facilities;
- c) There will be no detrimental impact on the environment and the surrounding properties;
- d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,

e) The proposed development would not overburden existing infrastructure.

- 7.2.1.4 The land between 146 and 225 Hopton Road was historically used as play space but the play equipment was removed many years ago and part of the land was incorporated into the garden of n° 225 following the grant of planning permission under application reference 20/00571/FP. Consequently, the land no longer serves any formal purpose other than as a gap in surrounding built form.
- 7.2.1.5 Informally, the land is still used by local children for play. However, its quality is significantly diminished by the aforementioned removal of play equipment and reduction in size, which has been further reduced by informal parking and storage of bins. The remaining area is relatively small and the ground is uneven. With a much larger and more suitable open area just 100m to the north-east, it is expected that the site is used infrequently for this purpose.
- 7.2.1.6 In light of the above, the site is considered to be a small, underused urban site. In this respect, the proposal accords with criterion (a) of Policy HO5.
- 7.2.1.7 The site benefits from reasonably good access to local facilities, with the Filey Close Neighbourhood Centre approximately 150m or a five minute walk to the south-east. The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts. In these respects, the proposal accords with criteria (b), (d) and (e) of Policy HO5.
- 7.2.1.8 It is possible that the development would have a detrimental impact on neighbouring properties but if this is the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is predominantly in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.
- 7.2.1.9 Policy HO9 of the Local Plan requires new residential developments to provide an appropriate range of market and affordable housing types and sizes. In doing so, regard should be had to the Borough's objectively assessed needs, the location and accessibility of the site, and existing imbalances in the Borough's housing stock.
- 7.2.1.10 The Borough's existing stock is weighted heavily towards dwellings with three bedrooms and as a consequence, the greatest need is for dwellings with fewer bedrooms or larger "aspirational" homes. The development would not address this imbalance since it is also for a three-bedroom dwelling.
- 7.2.1.11 However, despite the imbalance, there remains a need for further three-bedroom properties in the Borough. The development would help to meet this need, albeit one dwelling would not make a significant contribution on its own. A three-bedroom dwelling is also considered to be appropriate given that it would be surrounded by other units of a similar size. Providing this as a market unit is acceptable since there is no requirement for developments of fewer than 10 dwellings to offer affordable housing. For these reasons, the proposal is considered to accord with Policy HO9.

7.2.2 *Loss of Open Space*

- 7.2.2.1 The site constitutes an undesignated area of open space. It serves a structural purpose, providing a gap in surrounding built form to give the area a slightly more open character.

- 7.2.2.2 Policy SP12 of the Local Plan seeks to protect the green infrastructure, natural environment and landscape of Stevenage. It states the Council's intention to preserve and enhance locally important linear features, including structural open space along major routes through the town.
- 7.2.2.3 Accordingly, Policy NH6 states that planning permission for development of any existing, unallocated open space will be granted where the loss of open space is justified having regard to: the quality and accessibility of the open space; the existence, or otherwise, of any interventions to improve quality or access; whether the open space is serving its function or purpose; and whether alternate space(s) would remain available for community use.
- 7.2.2.4 As noted above, the quality and accessibility of the application land is limited by reductions to its size, the removal of play equipment, its topography, and informal use for parking and storage of bins. There are no known interventions to improve its quality or accessibility and there is a much larger and higher quality alternative space a short distance away, which would remain available for community use.
- 7.2.2.5 The land does still serve a purpose in providing a gap in surrounding development, thereby giving the area a more open feel. However, the gap is relatively small compared to other similar gaps on Hopton Road and if the development were to go ahead, a gap would remain on the opposite, eastern side.
- 7.2.3 *Conclusions on Principle of Development*
- 7.2.3.1 Overall, the site is considered to be suitable for the provision of housing. It is a small, underused urban site surrounded by existing residential development within a predominantly residential area. Developing the site for residential purposes would not have any fundamentally unacceptable impacts on the environment or surrounding properties, nor would it overburden existing infrastructure or compromise the delivery of housing on allocated sites.
- 7.2.3.2 In providing one new market dwelling, the development would make a small but nonetheless positive contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwelling but this is a neutral matter. The construction activity would provide a small boost to the local economy.
- 7.2.3.3 The benefits of retaining the site as structural open space are considered to be limited considering its size, suitability for other uses (e.g. recreation), and the presence of other much larger and higher quality open space in the immediate vicinity. The informal use of the site for parking and the storage of bins reinforces this view.
- 7.2.3.4 Having regard to the above, it is considered that the loss of the open space is justified, even by the relatively modest benefits of providing one market dwelling. It follows that the development is acceptable in principle.
- 7.3 Standard of Accommodation
- 7.3.1 Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Policy FP8 of the Local Plan states that planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing or proposed pollution generating uses.
- 7.3.2 Layout, appearance and scale are reserved matters and therefore, the final standard of accommodation cannot be determined at this stage. It is nonetheless necessary to determine whether an acceptable standard of accommodation could be provided should outline permission be granted.

- 7.3.3 The submitted plans show a dwelling with a footprint of 54m² and the application form states that the dwelling would have two storeys. Assuming that the entire footprint minus the front section (which appears to be a porch) would be two storey, the dwelling would have a gross internal area (“GIA”) of approximately 103m².
- 7.3.4 The highest standard for a two storey dwelling with three bedrooms is a GIA of 102m². The development is therefore capable of meeting the standards.
- 7.3.5 In terms of natural light, outlook and ventilation, it is expected that the dwelling would be dual aspect and would therefore benefit from ample daylight and sunlight, views beyond the site boundaries to the east and west, and opportunities for passive ventilation. This would make a positive contribution to future occupants’ quality of life.
- 7.3.6 As for privacy, it is clear that the occupants of 146 and 225 Hopton Road would be able to look out over the rear garden of the proposed dwelling. However, it is not unusual for neighbours to have a degree of aspect over one another in a medium density residential setting where houses are arranged side-by-side.
- 7.3.7 According to the plans, the rear garden would measure approximately 95m². This exceeds the 50m² recommended by the Design Guide SPD and would be acceptable.
- 7.3.8 Overall, it is considered that the proposed development would be capable of providing a very good standard of accommodation for future occupants. In this respect, the proposal accords with Policy GD1. Since there are no significant sources of pollution nearby, the proposal also accords with Policy FP8.

7.4 Character and Appearance

- 7.4.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design, which includes form of built development, elevational treatment and materials, along with how the development would integrate with surrounding urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.4.3 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.

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

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

7.4.5 The Council's Design Guide SPD (2009) sets out that a high-quality environment is essential for providing a good quality of life. A well-designed and managed space not only provides a visually attractive environment but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.

7.4.6 Layout, appearance and scale are reserved matters and it is therefore not possible to determine the final impact on the character and appearance of the area cannot be determined at this stage. It is nonetheless necessary to assess whether the development could be designed in such a way as to have an acceptable impact.

7.4.7 The plans show the dwelling as having a simple rectangular footprint save for a small front projection, with a width of 8.4m and a depth of 7.8m. In these respects, it would be very similar to its neighbours, which all have a similar layout and dimensions. It is also shown sited slightly back from n° 146 and slightly forward of n° 225, which would avoid any disruption to the established building line.

7.4.8 The only significant respect in which the proposed dwelling would necessarily differ from surrounding development is that it would be detached, whereas its neighbours are all laid out as terraces. Although unusual for the area, the dwelling would not appear so out of place as to warrant refusal of the application, given that it would appear to be entirely in keeping with its surroundings in all other respects.

7.4.9 Objections to the application have been made on the grounds that the dwelling would have a cramped appearance. Officers disagree with this view since the dwelling is shown as separated from its neighbours by 2.7m on the northern side and 2m on the southern side on the plans. This is not especially generous but is more than sufficient to prevent the dwelling from appearing cramped.

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

7.5 Impact on the Environment and Neighbouring Occupiers

7.5.1 Policy FP5 of the Local Plan requires development proposals to consider contamination and be supported by an appropriate preliminary risk assessment (PRA), demonstrating that any necessary remediation and subsequent development poses no risk to the population, environment or groundwater bodies.

- 7.5.2 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.5.3 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.5.4 *Contamination*
- 7.5.4.1 The site is not known to be or suspected to be contaminated, nor is its historic use one which is likely to have caused contamination. Accordingly, a preliminary risk assessment is considered to be unnecessary and the contamination risks associated with the proposal are considered to be negligible. Nevertheless, a condition is recommended to ensure that any unexpected contamination is dealt with properly if discovered during the construction phase.
- 7.5.5 *Noise Pollution*
- 7.5.5.1 The introduction of an additional residents to the road would undoubtedly lead to some increase in noise. However, there is nothing to suggest that the character or intensity of noise would amount to anything over and above what would ordinarily be expected from a single family dwellinghouse. Within an area predominantly made up of single family dwellings, this is considered to be appropriate.
- 7.5.6 *Light Pollution*
- 7.5.6.1 No external lighting is proposed and any spillage from internal lighting would be within the bounds of what would ordinarily be expected from a single family dwelling. This is considered to be acceptable. A condition is recommended to control any external lighting which might be installed at the site in future.
- 7.5.7 *Privacy*
- 7.5.7.1 The proposed dwelling would be likely to provide views very similar to those afforded by neighbouring properties i.e. occupants would be able to look out over neighbouring gardens. It is recognised that n° 146 and n° 225 currently only have one directly adjoining neighbour each and as such, the development would result in greater overlooking of their properties.
- 7.5.7.2 However, as set out above, the resultant relationship is considered to be typical for dwellings laid out side-by-side at medium densities. Consequently, it is considered that the overlooking would not in any way result in intolerable living conditions for neighbouring occupiers.
- 7.5.8 *Natural Light*
- 7.5.8.1 As shown on the submitted plans, the development would comfortably pass the 45 degree test in respect of the nearest habitable room windows at each neighbouring property. Some overshadowing of 146 Hopton Road would occur but this would be limited to the morning hours and is considered acceptable.
- 7.5.9 *Overbearing Appearance*
- 7.5.9.1 According to the submitted plans, the proposed dwelling would be separated from its neighbours by 2.7m to the north and 2m to the south. Its rear building line would also be roughly in line with that of its neighbours, projecting only slightly beyond that of n° 146. Given this, the development would be highly unlikely to appear overbearing when viewed from neighbouring properties.

7.5.10 *Demolition and Construction Impacts*

7.5.10.1 The disruptive effect of demolition and construction work is a material consideration and has been raised in the objections to the application. Some disruption is inevitable, insofar as vehicle movements and noisy work will be necessary to complete the development. However, the impacts can be mitigated, for example by employing dust suppression techniques, limiting the hours when deliveries can be made, and limiting the hours when work can be carried out.

7.5.10.2 To this end, it is recommended that a construction management plan be secured by condition. Subject to this condition, it is considered that the impacts of demolition and construction could be mitigated to an acceptable degree.

7.5.11 *Conclusions on Environment and Neighbouring Occupiers*

7.5.11.1 Having regard to the above, it is concluded that the proposed development would not result in any fundamentally unacceptable impacts on the environment and could be designed in such a way as to ensure acceptable living conditions for neighbouring occupiers. In these respects, the proposal is considered to accord with Policies HO5, FP5, FP7 and GD1 of the Local Plan.

7.6 Parking

7.6.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to the standard, a three bedroom house should be provided with two car parking spaces. The site is not located within a residential accessibility zone, so no discount is applied.

7.6.2 The proposed development would provide two car parking spaces, in accordance with the standard. These would be provided on land in front of the proposed dwelling which currently acts as a grass verge.

7.6.3 This land was originally not included within the application site boundary, which led HCC as Highway Authority to object to the proposal on the grounds that the parking spaces could not be secured. The Council's Estates Team have since confirmed that the land is within SBC ownership and updated the application site boundary accordingly.

7.6.4 HCC as Highway Authority also objected on the grounds that the three existing spaces to the front of the site would be lost. Members of the public objected to the application on the same grounds. However, the two new parking spaces were submitted as "additional" and the Estates Team have since confirmed that it was always the intention to retain the existing three spaces.

7.6.5 HCC have since updated their advice and confirmed that they have no objection to the application, subject to conditions to ensure that the parking spaces would be provided prior to occupation and to secure electric vehicle charging. On this latter point, a condition is considered to be unreasonable because the spaces would be unallocated, on-street spaces. However, provision of the spaces prior to occupation is considered to be reasonable and a condition to this effect is recommended. Subject to this condition, it is considered that the proposed level of car parking would be in accordance with the published standards. It is therefore considered to be acceptable.

7.6.6 In terms of cycle parking, the standard requires three spaces to be provided. Cycle parking is not shown on the submitted plans but based on the layout, it is clear there would be sufficient space to provide the required number of spaces.

7.6.7 Having regard to the above, the proposed parking arrangements are considered to be acceptable. In this respect, the proposal accords with Policy IT5 of the Local Plan.

7.7 Highway Safety

- 7.7.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.
- 7.7.2 HCC as Highway Authority originally objected to the scheme on the grounds that satisfactory site access could not be demonstrated since the land to the front of the proposed dwelling (which would connect the site to the public highway) was not included within the application site boundary. They have since updated their advice and confirmed that they have no objection to the application on highway safety grounds, subject to a condition to secure a construction management plan.
- 7.7.3 Subject to the above condition, it is considered that the proposed development would not have any unacceptable impacts on highway safety or any severe residual cumulative impacts on the highway network.

7.8 Ecology, Arboriculture and Biodiversity

- 7.8.1 Policy SP12 of the Local Plan requires the protection of assets of ecological and biodiversity value. Policy NH5 states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.8.2 The NPPF and accompanying PPG require the Council to achieve measurable net gains in biodiversity at development sites across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity.
- 7.8.3 The application is supported by a preliminary ecological appraisal, which assesses the site as having limited habitats and low suitability for notable species. A typical range of precautionary measures are recommended, for example carrying out site clearance outside of the bird nesting season, along with enhancements such as the provision of bat and bird boxes. Subject to these recommendations being implemented, it is considered that the development would have an acceptable impact on ecology.
- 7.8.4 The site contains a mature silver birch tree which would be felled to accommodate the development. The Council's Arboriculture and Conservation Manager has confirmed that the felling is acceptable subject to replacement planting on a three-for-one basis, which would be secured when landscaping is put forward for consideration as a reserved matter. Two other nearby off-site trees would also require protection during the construction phase.
- 7.8.5 A biodiversity net gain assessment has also been submitted alongside the application, which shows that the development would result in an on-site area habitat net loss of 94.54%. This would be mitigated by off-site habitat creation equating to 0.55 units, resulting in an overall net gain of 10%. Since the Council is the applicant, this would be secured by a memorandum of understanding between the relevant heads of department rather than a S106 agreement.
- 7.8.6 Having regard to the above, it is considered that the proposed development would have an acceptable impact on ecology, biodiversity, and trees. In this respect, the proposal accords with Policies SP12 and NH5 of the Local Plan.

7.9 Flood Risk and Drainage

- 7.9.1 The application is for minor development and the site is located wholly within Flood Zone 1, outside of any critical drainage area. As such, there is no policy requirement for a site-specific

flood risk assessment to be carried out or for the scheme to incorporate SuDS. The flood risk associated with the development is considered to be negligible.

7.10 Climate Change and Sustainability

7.10.1 Policy FP1 of the Local Plan states that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day including external water use;
- Improving energy performance of buildings;
- Reducing energy consumption through efficiency measures; and
- Using or producing renewable or low carbon energy from a local source.

7.10.2 The application is not supported by an energy strategy and no detailed measures have been put forward in terms of adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.10.3 Subject to the above condition, the proposal would accord with Policy FP1 of the Local Plan 2019.

7.11 Developer Obligations and CIL

7.11.1 *CIL*

7.11.1.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

7.11.1.2 The proposed development would be liable for CIL at a rate of £100/m².

7.11.2 *Biodiversity Obligations*

7.11.2.1 The development would be required to provide 0.55 off-site habitat units in order to achieve an overall 10% net gain in biodiversity. This would be secured by way of a memorandum of understanding between the relevant heads of department. The typical mechanism for securing such a contribution, a S106 agreement, is not available in this instance because the Council is the applicant.

7.12 Human Rights and Equalities

- 7.12.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.12.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.12.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.12.4 The proposed development would not have any material impact on persons with any of the protected characteristics listed under the Equalities Act.

8 CONCLUSIONS

- 8.1 The policies considered to be most relevant for determining this application are listed above in Section 6.5.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up-to-date. The Council is not required to apply the tilted balance by reason of its housing land supply or housing delivery positions. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 8.2 The proposed development would result in the delivery of one three-bedroom dwelling, which would make a small but nonetheless positive contribution towards meeting the Borough's housing needs. The application has demonstrated that the scheme would be capable of providing a good standard of accommodation. The provision of good quality housing carries significant weight in favour of the proposal.
- 8.3 Noting that access, appearance, landscaping, layout and scale are reserved matters and would be considered in detail at a later date, the proposed development is considered to be acceptable in all other respects. These are neutral matters.
- 8.4 Having regard to the above, the proposal is considered to accord with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9 RECOMMENDATION

- 9.1 That planning permission be GRANTED subject to the following conditions and the completion of a memorandum of understanding to provide:
- Off-site habitat creation equal to 0.55 units

- 9.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), and 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.

Conditions

General Conditions

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

01 Rev A
02
03 Rev A

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

2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter “the reserved matters”) shall be obtained in writing from the local planning authority before any development is commenced.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. In the case of any reserved matter, application for approval must be made to the local planning authority not later than the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.

REASON: In the interests of the living conditions of neighbouring occupiers.

6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

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

REASON: To prevent unacceptable risks to human health as a result of contamination

8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of "Preliminary Ecological Appraisal" authored by CSA Environmental and dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent unacceptable harm to habitats and species.

Prior to Commencement

9. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

10. No development shall take place (including site clearance or demolition) until a tree protection plan has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plan.

REASON: In the interests of the health and longevity of trees worthy of retention.

Prior to Occupation

11. Prior to the beneficial occupation of the development to which this permission relates, the car parking shall be provided as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the living conditions of neighbouring occupiers and highway safety.

12. Prior to beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

14. Prior to beneficial occupation of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved versus Part L of the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

INFORMATIVES

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

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

or by telephoning 0300 1234047.

2. 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.

3. 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.

4. 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).

5. 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.

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 lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

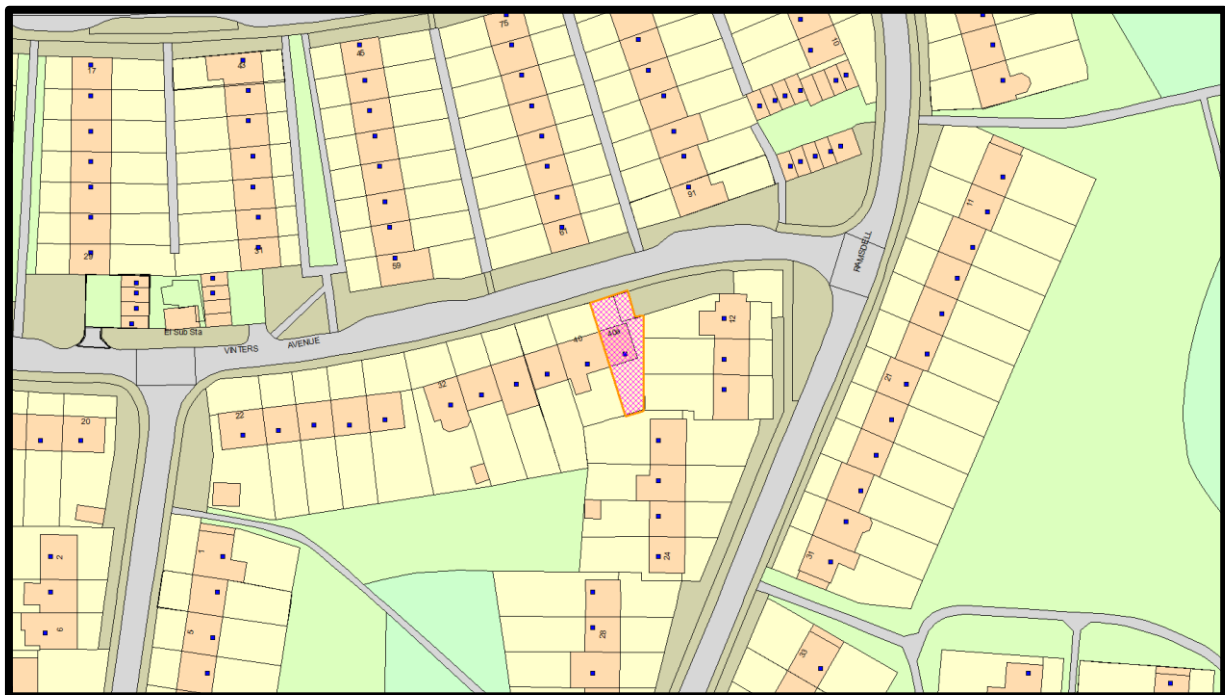
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2023).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

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Meeting: Planning and Development Agenda Item:
Committee
Date: 2 April 2024
Author: Thomas Frankland-Wells
Lead Officer: Zayd Al-Jawad
Contact Officer: Thomas Frankland-Wells

Application No:	23/00824/CLEU
Location:	40A Vinters Avenue, Stevenage, Herts, SG1 1QU
Proposal:	Certificate of Lawfulness for existing use as 4no. self-contained studio flats.
Drawing Nos.:	Site location plan; 368-01;
Applicant:	Mr A. Shamsi
Date Valid:	10 November 2023
Recommendation:	REFUSE CERTIFICATE AND ISSUE ENFORCEMENT NOTICE



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The site comprises the easternmost part of a short terrace of residential properties on the southern side of Vinters Avenue, which is currently in use as four flats. The frontage is given over to parking, with space for three cars, whilst the rear is a garden. The sole access to the site is from Vinters Avenue.
- 1.2 The site is not subject to any notable Local Plan designations or other environmental constraints.
- 1.3 Land use in the surrounding area is predominantly residential, consisting of two storey dwellings laid out in terraces of varying lengths. The Bedwell Crescent Local Centre lies a short distance to the north.

2 RELEVANT PLANNING HISTORY

- 2.1 There relevant planning history is set out below.

Reference	Description	Decision & Date
15/00125/FP	Erection of 1no. two bed dwelling	Granted 30/04/2015

3 THE CURRENT APPLICATION

- 3.1 The application seeks a certificate of lawfulness for the existing use of the site as four flats.
- 3.2 The application is made on the grounds that the time limit for enforcement action has expired.
- 3.3 The application comes before the Planning and Development Committee because officers are recommending enforcement action.

4 PUBLIC REPRESENTATIONS

- 4.1 There is no statutory duty to publicise applications for certificates of lawfulness, although where an application relates to an existing use or development, a local planning authority may do so if there is good reason to believe that neighbouring residents may hold relevant evidence.
- 4.2 For the current application, this step was not considered to be necessary. Consequently, the application was not publicised.

5 CONSULTATIONS

- 5.1 As with publicity, there is no statutory requirement to consult any third parties on applications for certificates of lawfulness, although where an application relates to an existing use or development, a local planning authority may seek evidence from other sources if there is good reason to believe this may bring relevant evidence to light.
- 5.2 For the current application, officers consulted Hertfordshire Building Control and The Council's Council Tax Department. The outcome of these consultations is explained in section 7 of this report.

6 RELEVANT PLANNING POLICIES

6.1 In considering an application for a certificate of lawfulness of existing use, the sole determinative issue is whether, on the balance of probabilities, that use is lawful. The planning merits of the use are not relevant at any stage in this process and as a result, the development plan and the policies it contains are immaterial.

6.2 However, in the event that the committee resolve to refuse the application for a certificate of lawfulness and subsequently have to consider whether it is expedient to take enforcement action, the planning merits will be relevant insofar as enforcement action should only be taken to remedy demonstrable harm. That decision should therefore be made with regard to the development plan.

6.3 Background to the Development Plan

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

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

6.4 National Planning Policy Framework

6.4.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

6.4.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which

should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

- 6.4.3 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 79 of the NPPF. This will be in addition to the preparation of an Action Plan. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.
- 6.4.4 Turning to 5-year housing land supply, the Council published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.4.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations and it also has to produce an Action Plan in order to boost housing delivery.
- 6.4.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.
- 6.5 Planning Practice Guidance
- 6.5.1 The Planning Practice Guidance ("PPG"), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.
- 6.6 National Design Guide
- 6.6.1 The National Design Guide 2021 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.
- 6.7 Stevenage Borough Local Plan

6.7.1 The Local Plan policies most relevant in considering whether to take enforcement action are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP7 High Quality Homes
- SP8 Good Design
- SP11 Climate Change, Flooding and Pollution
- SP12 Green Infrastructure and the Natural Environment
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- HO5 Windfall Sites
- HO9 Housing Types and Sizes
- GD1 High Quality Design
- FP1 Climate Change
- FP2 Flood Risk in Flood Zone 1
- FP7 Pollution
- FP8 Pollution Sensitive Uses
- NH5 Trees and Woodland

6.8 Supplementary Planning Documents

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

- Parking Provision and Sustainable Transport SPD 2020
- The impact of Development on Biodiversity SPD 2020
- Developer Contributions SPD 2021
- Design Guide SPD 2023

6.9 Community Infrastructure Levy

6.9.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would be liable for CIL at a rate of £100/m².

7 APPRAISAL - CERTIFICATE

7.1 The application is made pursuant to section 191 of the Town and Country Planning Act 1990 (as amended) ('the Act'). For the purposes of that section, a use or operation is lawful at any time if no enforcement action may be taken in respect of it.

7.2 There are a number of reasons why it might not be possible to take enforcement action against a use or operation which has not been expressly authorised by the Council. The most common are:

- a) It does not constitute "development" as defined by section 55 of the Act;
- b) It constituted permitted development when it was carried out; or
- c) The time limit for taking enforcement action has expired.

7.3 The current application for a certificate is made on ground (c) i.e. that the time limit for taking enforcement action has expired.

7.4 Time Limits

7.4.1 The time limits for taking enforcement action are set out at section 171B of the Act. These vary according to the nature of the breach of planning control.

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

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

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

7.4.5 For the current application, it is therefore necessary to determine the relevant time limit for enforcement action, with regard to the nature of the breach.

7.4.6 The applicant says that the limit is four years because the breach consists of the change of use of a building to a single dwellinghouse per 7.4.3 above. In this context, it is well established that "single dwellinghouse" may in practice apply to more than one dwellinghouse because the word "building" in the Act is defined so as to include any individual part of a building as well as the entire structure. In other words, the change of use of the entire building may be treated as four individual changes of use of separate parts of the building to single dwellinghouses.

7.4.7 However, officers are of the opinion that the building did not change use at all. This is because in order for the building to have changed use to four flats, it must have been in another use at some point in the past. Officers consider it more likely that the building was originally constructed for use as flats and was never used for any other purpose. In this case, the breach would consist of a change of use of the *land* i.e. not the *building*. To such a breach, the ten year limit would apply per 7.4.4 above.

7.5 Timeline of Events

7.5.1 On 30 April 2015, planning permission was granted under reference 15/00125/FP for the erection of a two bedroom dwelling on land adjacent to 40 Vinters Avenue.

7.5.2 It is common ground that the building works associated with that permission were commenced on or around 30 November 2015 and completed on or around 17 January 2017. This is evidenced by building control records held by both the Council and Hertfordshire Building Control, which show those dates as the first and final inspections respectively.

7.5.3 Hertfordshire Building Control have advised that had flats been discovered at the final inspection, this would have been recorded in the inspection notes but was not. This is evidence that by 17 January 2017, the building works had been carried out according to the approved plans i.e. as a two bedroom dwelling. Following receipt of the final outstanding documents, on 16 March 2017, a completion certificate was issued by Hertfordshire Building Control to that effect.

7.5.4 The applicant has provided a schedule of tenants and the dates on which they moved in, along with the corresponding tenancy agreements and statements of rent accounts, in support of the application. These show that the first tenant moved into Studio 1 on 4 March 2017, some 12 days before the completion certificate was issued and only 46 days after the final building control inspection was carried out. It is only during these 46 days that the building could have been used for an authorised purpose.

7.5.5 The agreements show further tenancies commencing on 1 October 2017 (Studio 4), 28 July 2018 (Studio 2) and 28 August 2018 (Studio 3). These are the earliest tenancy agreements provided by the applicant for each of the rooms.

7.5.6 According to the applicant's version of events, he himself moved into the property whilst it was still a two bedroom house at some point prior to the completion certificate being issued on 16 March 2017. He then added a bathroom and rented out a single room as a self-contained studio. Whilst still living there, he then added two further bathrooms and rented out those additional rooms as self-contained studios, finally living in the last remaining studio until moving out. The applicant has set out this version of events in a statutory declaration.

7.5.7 On the face of it, this is an improbable, albeit not impossible, sequence of events. There would have been nothing to physically prevent the applicant from moving into a newly constructed home and then almost immediately commencing further building work whilst still residing there but it does seem unusual that anyone would suffer the inevitable inconvenience for the sake of a little more than a year's worth of accommodation.

7.6 Evidence to the Contrary – Address History

7.6.1 Other pieces of evidence give officers further cause for scepticism, in particular documentary evidence of the applicant's address. When the applicant originally applied for planning permission in March 2015, his address was given as a property in west London. HM Land Registry records show that he has held sole freehold interest in that property from December 2000 to the present day.

7.6.2 Some of the tenancy agreements provided by the applicant also show his address. Most notably, those signed on 1 March 2017, 26 September 2017 and 29 August 2018 – i.e. the period during which the applicant says he lived at the application site – all give his address as that same address in west London. This continues until the most recent tenancy agreement provided, which was signed on 3 October 2023.

- 7.6.3 The statements of rent accounts provided by the applicant cover the period from 4 November 2018 to 3 October 2023. These consistently give the applicant's address as the address in west London. It is however noted that they do not cover the period when the applicant says he lived at the application site.
- 7.6.4 The applicant is also the sole shareholder and director of a limited company. The registered office address of this company was changed on 2 August 2023 to the west London address. One day later, it was changed again to a so-called "virtual" office address in east London. Two other previous addresses are recorded by Companies House, one being another virtual office and the other being the premises of a tax consultancy.
- 7.6.5 In short, officers have been unable to find evidence to support the claim that the applicant lived at the application site at all, let alone during those crucial 46 days in early 2017. In contrast, there is a wealth of evidence to link the applicant to the address in west London, including evidence which was provided by the applicant himself and covers that period. Given that the registered office address of his business was, for the most part, located elsewhere, it would also seem more likely than not that the west London address is his main residence.
- 7.7 Evidence to the Contrary – Other Ventures
- 7.7.1 Returning to the applicant's business, the nature of that business is recorded by Companies House as being "other accommodation", "buying and selling of own real estate" and "management of real estate on a fee or contract basis". The company has remained dormant since incorporation in October 2017 but it nonetheless demonstrates where the applicant's commercial interests lie.
- 7.7.2 The applicant is also involved with other properties within the Borough. He is the owner of the property adjacent to the application site, 40 Vinters Avenue, and when the 2015 planning application was submitted, a neighbouring resident commented on the application alleging that this property had already been converted into flats. The Council holds no planning records for this conversion. However, it is important to note that the applicant rejects the allegation that this property has been converted and officers have yet to verify the situation.
- 7.7.3 Another application was submitted to the Council in May 2023, this time for the conversion of a property to six self-contained flats. In that case, which was registered under 23/00407/CLED, the application was granted and a certificate was issued. What is of note is that the earliest tenancy agreement provided by the applicant in support of that application had a tenancy commencement date of 28 October 2015, which is only a short time before works to construct the application property commenced.
- 7.7.4 In summary, there is clear evidence (provided in support of 23/00407/CLED) that the applicant's interest in the development and renting of flats extends beyond the application site. There is also clear evidence that these interests existed prior to the commencement of the use for which a certificate is now sought.
- 7.8 Evidence to the Contrary – The Plans
- 7.8.1 A comparison of the latest set of approved plans against the existing plans casts further doubt on the applicant's version of events. The alterations required to facilitate the building's use as four flats were by no means minor and in the case of the ground floor, amount to comprehensive changes.
- 7.8.2 At ground floor level, the alterations involved removal of the WC, removal of the kitchen, removal of the bifold doors to the rear, their replacement with two new entrance doors,

the repositioning of the bottom of the staircase, the removal and replacement of every single internal wall, and the fitting of two new bathrooms and kitchenettes. It is difficult to imagine how anyone could occupy the ground floor whilst these works were being carried out and anyone occupying the first floor would have suffered tremendous inconvenience.

7.8.3 At first floor the alterations were less extensive but still required significant changes to the internal walls, the removal of a bathroom, and the fitting of two new bathrooms and kitchenettes. Again, it is difficult to imagine how these works could be carried out with anyone residing in the property.

7.9 Evidence to the Contrary – Timing of Lettings

7.9.1 The evidence provided by the applicant, notably the statutory declaration, gives the impression that the studio flats were constructed and let out gradually. However, the tenancy agreements show that Studio 4 was the second unit to be rented out, in September 2017. This suggests that all of the studios had been completed by this date.

7.10 Council Tax Evidence

7.10.1 Officers were unable to obtain any Council tax records to assist with the assessment of the application.

7.11 Overall Assessment

7.11.1 In summary, officers are satisfied that the application building was initially constructed according to the approved plans and that these works were completed on or around 17 January 2017. Officers are similarly satisfied that the use of the buildings as flats commenced on 4 March 2017, which is now some seven years ago.

7.11.2 However, it is far from clear that the building was ever used for any other purpose. The applicant says that he lived in the property and used it as a two bedroom house but there is no documentary evidence to support that assertion. The only evidence he has provided which might support it – i.e. the statutory declaration – is decidedly vague, providing no specific dates as to when he moved in or out, what “living” there precisely entailed, why he chose to move there when he had another, presumably much more tranquil, property available within a reasonable distance, how the alterations were managed whilst both he and other tenants were residing there, or even which room or rooms he occupied. He has been presented with multiple opportunities to provide greater detail on these matters but has been far from forthcoming, providing only brief statements, generally by email, and has been unable to produce a single piece of corroborating evidence, for example photographs, bank statements, utility bills, etc.

7.11.3 What is clear is that the applicant has a longstanding interest in the conversion and letting out of properties as flats. Evidence he himself has provided to the Council shows that by the time work commenced to build the application property, he had already converted another property within the Borough to flats without the requisite planning permission and begun renting them out. Neighbour representations on the 2015 application suggest that the adjoining property at 40 Vinters Avenue had also undergone the same process by that time.

7.11.4 With all of this in mind, it appears highly unlikely that the applicant ever did or had any intention of occupying the application building for the purposes for which it was granted permission. It is rather more likely that the building was never occupied as a two bedroom dwellinghouse and was instead altered at the earliest opportunity to provide flats for the applicant to rent out. This is the simplest version of events that would answer the

unresolved questions surrounding the case and it is supported by a much greater weight of evidence than the applicant's own account of what transpired.

- 7.11.5 With that said, it is not necessary for the Council to set out an alternative, more probable version of events in order to be justified in refusing the application. The Planning Practice Guidance is clear that the applicant is responsible for providing sufficient information to support an application and the absence of sufficient or precise information alone may justify refusal by a local planning authority.
- 7.11.6 The guidance goes on to explain that where the Council has no evidence itself, nor from any others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse an application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. In this case, the applicant's evidence is both vague and ambiguous, and the Council has its own evidence, evidence from others and indeed from the applicant himself, which makes his version of events less than probable and in some cases, directly contradicts them.
- 7.11.7 With that in mind, and having regard to the available evidence in its entirety, officers conclude, on the balance of probability, that: a) the time limit for taking enforcement action against the unauthorised use of the building is ten years; and b) that the unauthorised use commenced within the last ten years. It follows that the time limit for taking enforcement action has not expired and the use is therefore unlawful. Accordingly, it is recommended that the application be refused.

8 APPRAISAL – PLANNING MERITS

- 8.1 Should members be minded to accept the above recommendation, it will then be necessary to consider whether it is expedient to take enforcement action to remedy the breach. The most appropriate way to do this is to consider the likelihood of retrospective planning permission being granted for the unauthorised development.
- 8.2 The main issues in assessing such an application would be:
- The principle of the development
 - Standard of accommodation
 - Character and appearance
 - Impact on neighbouring amenities
 - Parking
 - Highway safety
 - Developer obligations and CIL
- 8.3 Principle of Development
- 8.3.1 The unauthorised development comprises the subdivision of the garden of 40 Vinters Avenue and the erection of a building for use as four flats.
- 8.3.2 The development amounts to windfall development i.e. residential development of a site not allocated for any specific purpose within the Local Plan. Policy HO5 sets out a range of criteria that windfall development should meet in order to be considered acceptable. One of these concerns detail rather than land use and will therefore be considered later on in this report.
- 8.3.3 The first relevant criterion is that the site should be either previously developed land or a small, underutilised urban site. Before the unauthorised development was carried out, the development site would have met neither of these criteria because residential

gardens do not fall within the definition of previously developed land as set out in the NPPF and the use as a residential garden is considered to be an effective use of land. On this basis, the development conflicts with criterion (a) of Policy HO5.

- 8.3.4 The second relevant criterion is that the site should have good access to local facilities. This is true of the development site, which is located within only a short distance of the Bedwell Crescent neighbourhood centre. The development therefore accords with criterion (b).
- 8.3.5 The third relevant criterion is that windfall development should not prejudice the delivery of housing on allocated sites. The development site is not located in close proximity to any allocated sites and in any event, it is of a scale that would not be disruptive. The development therefore accords with criterion (d) of the policy.
- 8.3.6 The fourth and final relevant criterion is that windfall development should not overburden existing infrastructure. The development would, if granted permission now, be liable CIL and the purpose of CIL is to mitigate impacts on infrastructure. With this in mind and in the absence of any other evidence to suggest that the development would overburden infrastructure, the development is considered to accord with criterion (e).
- 8.3.7 The development is therefore contrary to Policy HO5 on the basis that the site is neither previously developed land nor a small, underused urban site. This will be weighed against the benefits of the proposal in the conclusion of this report. The only criterion which has not been considered, criterion (c), concerns impacts on the environment and surrounding properties and will therefore be considered later.
- 8.3.8 The proposed mix of dwellings – i.e. four studio flats – is also a relevant consideration in terms of land use. Policy HO9 of the Local Plan requires residential development to provide an appropriate range of dwelling types and sizes with regard to the most up-to-date evidence of need. That evidence shows a lack of smaller properties in the Borough's housing stock and the development would help to mitigate this. On that basis, the development is considered to accord with Policy HO9.

8.4 Standard of Accommodation

- 8.4.1 Policy GD1 of the Local Plan requires development proposals to provide for the amenities of occupants. It also requires residential developments to accord with the Government's nationally described space standard.
- 8.4.2 According to the standard, a one bedroom dwelling with one bed space set over a single storey should have a gross internal area (GIA) of at least 37m². Where a bath is provided instead of a shower, that standard increases to 39m². All such dwellings should be provided with 1m² of built-in storage space and single bedrooms should measure at least 7.5m² in area with a width of at least 2.15m.
- 8.4.3 The flats within the development have GIAs ranging in size from 12.9m² to 14.4m² i.e. roughly one third of the required minimum. One of these contains a bath, where the higher 39m² standard applies.
- 8.4.4 Built-in storage space ranges from non-existent to an assumed 1m² for the ground floor flat which benefits from space under the stairs. These deficiencies cannot be made up for by an excess of overall GIA, as they can in some instances.
- 8.4.5 The bedrooms, if indeed they can be called that in this case, do however meet the necessary standards in terms of overall size and width.

- 8.4.6 Moving beyond the standards to other amenity considerations, it is noted that all but one of the flats is single aspect, which would limit opportunities for passive ventilation and cooling. The only flat which is dual aspect is only dual aspect by virtue of the bathroom window.
- 8.4.7 This unobscured window looks directly out onto the shared driveway and public highway, which is problematic from a privacy perspective. The rear windows for both ground floor flats look out onto the shared garden with no defensible space or screening whatsoever, again offering the occupants limited privacy.
- 8.4.8 The occupants of the flats on the upper floors would benefit from adequate privacy. All of the flats provide a reasonable outlook.
- 8.4.9 The availability of natural light has not been thoroughly assessed but is also likely to be acceptable for the first floor flats. The ground floor flats however, benefit from limited glazing, particularly the flat which is single aspect.
- 8.4.10 The size of the garden, at 50m², is adequate.
- 8.4.11 Having regard to the above, it is considered that the development provides a wholly inadequate standard of accommodation for the occupants. The flats are exceptionally cramped, being roughly one third of an appropriate overall size, most also lack sufficient storage space and are single aspect. Occupants of the ground floor flats also suffer from a lack of privacy and potentially natural light. In these respects, the development is contrary to Policy GD1 of the Local Plan.

8.5 Character and Appearance

- 8.5.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design, which includes form of built development, elevational treatment and materials, along with how the development would integrate with surrounding urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 8.5.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states 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.
- 8.5.3 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.

8.5.4 The Guide goes on to state 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.

8.5.5 The Council's Design Guide SPD (2023) sets out that a high-quality environment is essential for providing a good quality of life. A well-designed and managed space not only provides a visually attractive environment but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.

8.5.6 The development effectively amounts to a continuation of the terrace running from 32 to 40 Vinters Avenue. It appears distinctly more modern than the other dwellings in the row but is otherwise in keeping, having approximately the same eaves and ridge heights, similar fenestration and material finishes.

8.5.7 The frontage is dominated by car parking, which is regrettable. However, this is also in keeping with neighbouring properties.

8.5.8 Having regard to the above, it is considered that the development has an acceptable impact on the character and appearance of the area. In this respect, the development accords with Policies SP8 and GD1 of the Local Plan.

8.6 Impact on Neighbouring Occupiers

8.6.1 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.

8.6.2 Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.

8.6.3 The relationship between the development and surrounding buildings is typical for the area. It appears to pass the 45 degree and 25 degree tests in respect of its neighbours and is not sited so as to appear overbearing. The upper floor windows in the rear elevation do provide views over the gardens of neighbouring properties, most notably 18 Randell but again, the established relationship in the area is one where neighbours are afforded a degree of aspect over one another.

8.6.4 Noise is a relevant consideration but there is no evidence to suggest that the development has given rise to any noise over and above what might ordinarily be expected from a residential property. Within a residential area, this is considered to be appropriate.

8.6.5 Having regard to the above, the development is considered to have an acceptable impact on the amenities of neighbouring occupiers and the surrounding environment. In these respects, the development accords with Policies HO5, GD1 and FP7 of the Local Plan.

8.7 Parking

8.7.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.

8.7.2 According to the standard, a one bedroom flat should be provided with one car parking spaces, meaning the starting point for the development is four spaces. A reduction of up to 25% can then be applied owing to the site's location in Residential Parking Accessibility Zone 3. The final requirement is therefore three spaces.

8.7.3 The development provides three spaces, which meets the standard. In this respect, the development accords with Policy IT5.

8.7.4 In terms of cycle parking, each flat should be provided with a cycle parking space. No reductions are applied for accessibility. The development does not currently provide any cycle parking but it is clear that the garden provides sufficient space to provide it. This matter could therefore be dealt with by condition.

8.8 Highway Safety

8.8.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.

8.8.2 There is no evidence to suggest that the development gives rise to any unacceptable impacts on highway safety. Vinters Avenue is a low speed residential access road and the number of vehicle movements generated by the development are likely to be very low. The provision of car parking above the standard also means that the development is unlikely to generate inconsiderate overspill parking on the street.

8.8.3 Having regard to the above, it is considered that the development has an acceptable impact on highway safety. In this respect, it is considered to accord with Policy IT4.

8.9 CIL

8.9.1.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

8.9.1.2 The development, if approved today, would be liable for CIL at a rate of £100/m².

8.10 Planning Balance

8.10.1 The Council's latest housing delivery test result was 57%. Consequently, paragraph 11(d) of the NPPF is engaged and permission ought to be granted for the development unless:

- a) The application of policies in the NPPF which protect assets or areas of particular importance provide a clear reason for refusing permission; or
- b) The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

8.10.2 The development provides four dwellings, which makes a modest contribution towards housing supply within the Borough. The Government aims to significantly boost the supply of housing and this is reflected throughout the NPPF. The provision of four dwellings at a time when housing delivery is constrained should therefore be seen as a benefit carrying significant weight in favour of granting permission.

8.10.3 However, housing must also be of an acceptable quality, providing occupants with an environment conducive to a dignified and healthy life. The NPPF consistently emphasises the importance of good design, which includes the internal layout of dwellings, and explicitly states that developments should provide for the wellbeing of occupants. In this case, the standard of the accommodation provided by the development is exceptionally poor, being cramped and providing only limited privacy, natural light and outlook, resulting in unacceptable living conditions for the occupants of the development. This carries significant weight against granting permission for the development.

8.10.4 Housing must also be provided in appropriate locations. Prior to the unauthorised development taking place, the site was not considered to be previously developed or underutilised, as is required by the Local Plan. The NPPF takes a balanced approach to this issue, recognising both the importance of gardens to local character and also emphasising the need to use land effectively. Referring back to the 2015 permission, the proposal for the two bedroom dwelling was considered to be contrary to the equivalent policy in the local plan which was then in force but was justified on the basis that it would integrate well with its surroundings. Officers see no reason to depart from that view now, especially in view of the fact that had that permission been implemented, the development would not now be before the Council. Accordingly, limited weight is afforded to the conflict with Policy HO5.

8.10.5 In all other respects, the development is considered to be acceptable. These are neutral matters.

8.10.6 Having regard to all of the above, it is considered that the harms arising from the exceptionally poor quality of the accommodation provided by the development greatly outweigh the benefits to overall housing delivery. On this basis, the development is considered to be contrary to the development plan when read as a whole.

8.10.7 The NPPF is a material consideration but it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies it contains as a whole. Therefore, the NPPF does not indicate that a decision should be made other than in accordance with the development plan.

- 8.10.8 In the absence of any other material considerations which indicate that permission ought to be granted for the development, officers would recommend that planning permission be refused in the event that retrospective planning permission were to be sought.

9 CONCLUSIONS

- 9.1 The development is considered to be unlawful on the basis that it requires planning permission, does not have planning permission, and the time limit for taking enforcement action has not expired. Following an assessment of the planning merits of the proposal, it is considered that retrospective planning permission for the development ought not to be granted in the event that it is sought. This is on the basis of the exceptionally poor standard of accommodation it provides to occupants.
- 9.2 In determining whether enforcement action should then be taken against the development, members must be mindful of the potential adverse impacts of doing so, which in this case comprise the effects on the current occupants of the building. Any enforcement action requiring the accommodation to be brought up to standard would inevitably require them to move out, resulting in considerable disruption and potentially financial hardship.
- 9.3 On the other hand, allowing substandard and unauthorised development to be carried out unchecked would have a significant adverse impact on the public at large. It would serve to undermine the quality of the Borough's housing stock and potentially encourage other unscrupulous developers to follow in the applicant's footsteps. It would also serve to put responsible developers at an unfair disadvantage.
- 9.4 Overall, officers are of the opinion that these considerations weigh heavily in favour of taking enforcement action. It is then necessary to consider what actions should be required by the enforcement notice.
- 9.5 The action required should be the minimum necessary to alleviate the harms identified as arising from the development. In this case, those harms arise solely from the poor standard of accommodation. Alleviating those harms would require the accommodation to be brought into line with the original permission.
- 9.6 The enforcement notice should therefore require the use of the building as four flats to cease. It should further require the building to be reinstated to a two bedroom dwellinghouse in accordance with the plans approved under application reference 15/00125/FP. It is considered that six months is a reasonable timeframe for these works to be carried out.

10 HUMAN RIGHTS AND EQUALITIES

- 10.1.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 10.1.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking (this has been established as a key requirement in planning decision making by case law through the relevant courts). Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty ("PSED"). As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment ("EqIA") produced by officers.

- 10.1.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 10.1.4 Neither the development as built nor as approved provide any specific measures to improve accessibility for those with disabilities. Consequently, it is considered that requiring the building to be returned to its approved would not have any impact on persons with disabilities. In all other respects, there would be no apparent impact on persons with protected characteristics.

11 RECOMMENDATION

- 11.1 That the application for a certificate of lawfulness be refused for the reason below, with delegated powers given to the Assistant Director of Planning and Regulation, in consultation with the Chair of Planning Committee, to add to the reasons for refusal prior to the decision notice being issued, where such additions would be legally sound and reflect advice received by statutory consultees and/or the Council's appointed consultants.

11.1.1 Reason

- 11.1.2 On the balance of probability, the development does not amount to the change of use of a building and the time limit for taking enforcement action is therefore ten years. Having been carried out within the last ten years, the development is not immune from enforcement action. It follows that the development is not lawful.

- 11.2 That an enforcement notice be issued and served by the Assistant Director for Planning and Regulation, subject to a solicitor appointed by the Council being satisfied that the evidence requires the cease of the use of the building as four flats and the reinstatement of the building as a two bedroom dwellinghouse at the property known as 40A Vinters Avenue. The precise terms of the enforcement notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- 11.3 That, subject to a solicitor appointed by the Council being satisfied as to the evidence, the Assistant Director for 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.

- 11.4 That in the event of any appeal against the enforcement notice, the Assistant Director for Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal to issue a certificate of lawfulness.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.

4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); Design Guide SPD (2023).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with other interested parties referred to in this report.

Meeting: Planning and Development Agenda Item:
Committee

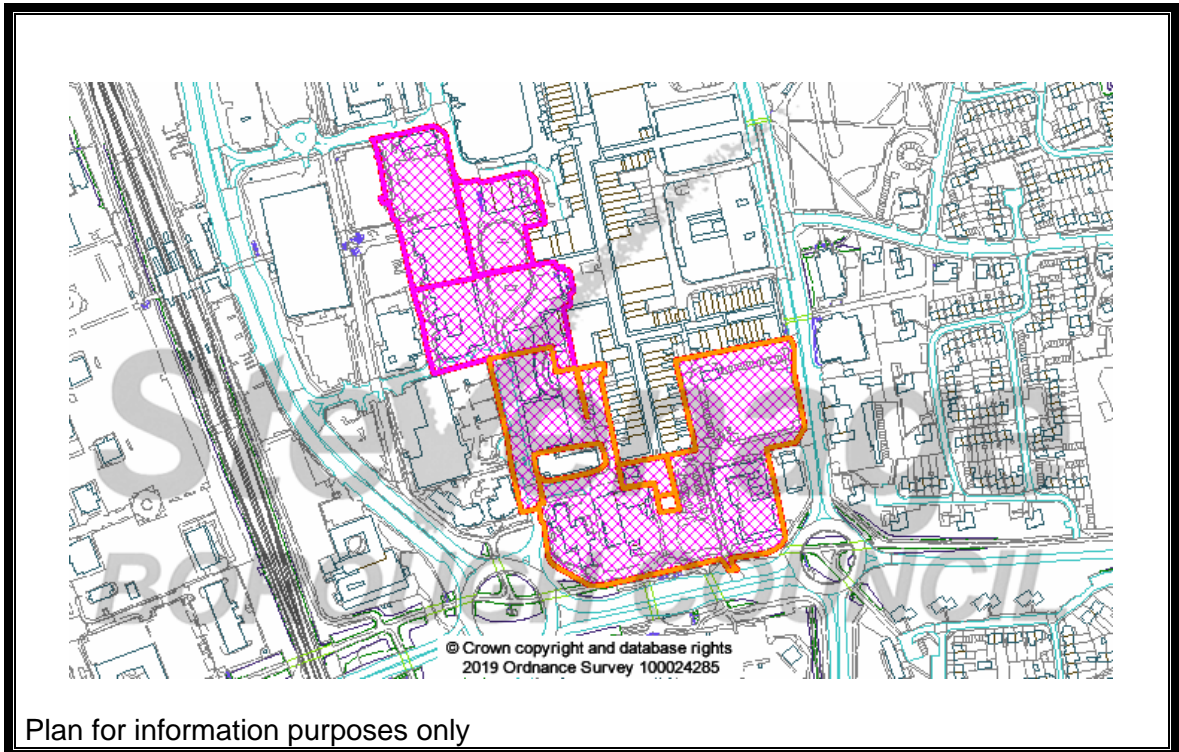
Date: 2 April 2024

Author: James Chettleburgh

Lead Officer: Zayd Al-Jawad

Contact Officer: James Chettleburgh

Application Nos:	24/00089/S106
Location:	Stevenage Town Centre (SG1), Stevenage
Proposal:	Modification of the S106 agreement; paragraph 3.1 of Schedule 5 (Traffic Management and Parking) and paragraphs 1.1 and 1.2 of Schedule 9 (Highways Works) attached to planning permission reference number 19/00743/FPM.
Drawing Nos.	Draft Deed of Variation.
Applicant:	Mace Developments (Stevenage) Ltd
Date Valid:	21.02.2024
Recommendation:	Agree variation to S106 Agreement



1. SITE DESCRIPTION

- 1.1 The application site (known as SG1) extends to approximately 6 hectares of land within Stevenage Town Centre and is located west and south of Queensway which is the main pedestrianised area of the town centre. The site itself is occupied by Swingate House the Council's Offices, Mecca Bingo, The Plaza, Danestrete Health Centre, Stevenage Central Library, Bus Station, former Police Station and Hertfordshire County Council

Offices, retail, commercial and residential properties. There are also a number of surface car parks which are currently operated by Stevenage Borough Council.

- 1.2 To the north and north-east of the application site lies Westgate Shopping Centre and Brickdale House and Skyline which comprises of residential apartments. To the west of the site lies the Gordon Craig Theatre, Stevenage Magistrates and Matalan store. To the east lies the Town Square which is also designated a Conservation Area and comprises the platform with grade II listed statute (The Joyride) and the grade II listed clock tower and surrounding pool. There is also Queensway itself and Vista Towers positioned to the south-east along with the Towers which borders the southern boundary of the site. To the south, beyond the A602 (Six Hills Way) is Asda Superstore.
- 1.3 Looking at the surrounding area, Stevenage Town Centre comprises a mixture of retail, commercial and residential premises combined with a number of surface car parks and St George's multi-storey car park. The town centre, including the application site, is enclosed by a ring road which comprises Lytton Way, St George's Way, Fairlands Way and Six Hills Way. Beyond the ring road to the west (Lytton Way) is Stevenage Police Station and Train Station and to the east (St George's Way) is the Fire Station, hotel, church, museum, Town Centre Gardens, Bowes Lyon and Stevenage Swimming Centre. To the north beyond Fairlands Way is King George V Playing Fields.

2 RELEVANT PLANNING HISTORY

- 2.1 Planning application 02/00070/FP sought permission for the demolition of existing building and construction of public car park with 84 spaces, and temporary use of car park for outdoor market on Wednesdays and Saturdays. This application was granted in June 2002.
- 2.2 Planning application 07/00810/OP sought outline planning permission for a comprehensive redevelopment for a mix of uses to include the full range of retail uses (Class A1, A2, A3, A4 and A5), housing (Class C3), hotel (Class C1), leisure (Class D2), offices (Class B1), voluntary services (Class D1), magistrates court, replacement bus station, together with ancillary and associated developments, pedestrian and cycle circulation and open space, car parking, vehicular access, servicing facilities, highway works, plant and machinery, landscaping and enabling works. Demolition of existing buildings and structures, the closure and alteration of highways and cycleways and the internal and external alteration and change of use of buildings to be retained, engineering works and construction of new buildings and structures. This application has a resolution to grant permission subject to the completion of a S106 agreement. However, this was never completed and is unlikely to come forward.
- 2.3 Planning application 07/00807/FP sought permission for the demolition and reconstruction of the platform beneath the joyride structure and associated works and change of use of public toilets to Class A3 (café). This application was approved in March 2012.
- 2.4 Planning application 11/00262/FP sought permission for the change of use of part of second floor from Class B1 (Office) to Class D1 (Non-residential education, community and worship uses). This application was granted in June 2011.
- 2.5 Planning application 15/00106/FP sought permission for the reinstatement of A1 use to rear ground floor and basement and erection of three storeys to create 6 no. two bedroom apartments. This application was refused in May 2015.
- 2.6 Planning application 15/00407/FP sought permission for a change of Use Class A4 (Drinking Establishment) to Use Class D1 (Place of Worship). This application was approved in August 2015.

- 2.7 Planning application 15/00481/FP sought permission for the reinstatement of A1 use to rear ground floor and basement and erection of two storey extension to create 4 no. two bedroom apartments. This application was approved in December 2015.
- 2.8 Prior approval application 19/00692/PADEMO sought to determine whether or not Prior Approval from the Council was required for the method of demolition. This application related to the demolition of the former police station, social services building and garage block. It was determined that Prior Approval was not required in December 2019.
- 2.9 Planning application 19/00743/FPM sought outline planning permission for the demolition of existing buildings on the site and the mixed use redevelopment of Plots A-K including new retail and food and beverage uses (A1-A5), leisure (D2), office (B1), community (D1) and residential (C3). New buildings to comprise residential accommodation (Class C3), retail floorspace Class (A1/A2/A3/A4/A5 floorspace), leisure floorspace (D2), office floorspace (Class B1), Public Services Hub (Class D1/B1/A1/A3), primary school (D1), plant and storage, servicing, new vehicle and pedestrian accesses and circulation, new public amenity space, new and amended car parking, new landscaping and public realm and associated works. Full details (access, appearance, landscaping, layout and scale) are submitted for Plots A and K and all matters reserved for Plots B to J. This application was granted planning permission in May 2023.
- 2.10 Prior approval application 20/00531/PADEMO seeks Prior Approval from the Council for the demolition of Swingate House. Prior Approval Was Not Required and the decision was issued in October 2020.
- 2.11 Discharge of condition application 24/00041/COND sought partial discharge of conditions 21 (Archaeology 1) and 22 (Archaeology 2) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House). These conditions were partially discharged in February 2024.
- 2.12 Discharge of condition application 24/00054/COND seeks partial discharge of condition 15 - Piling and penetrative methods of construction attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House). This condition was partially discharged in March 2024.
- 2.13 Discharge of condition application 24/00057/COND seeks partial discharge of Condition 38 - Sound Insulation and Noise Mitigation Details attached to planning permission reference number 19/00743/FPM (Phase 1A Swingate House). This application is pending consideration.
- 2.14 Discharge of condition application 24/00063/COND sought partial discharge of Condition 53 (Public Highway) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House). This condition was partially discharged in February 2024.
- 2.15 Discharge of condition application 24/00082/COND seeks partial discharge of Condition 72 (Whole Site Condition SUDS) and Condition 74 (Phase 1A drainage pre commencement) attached to Planning Permission reference number 19/00743/FPM. This application is pending consideration.
- 2.16 Discharge of condition application 24/00097/COND seeks partial discharge of Condition 25 (Construction Environmental Management Plan) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House). This application is pending consideration.

- 2.17 Discharge of condition application 24/00098/COND seeks partial discharge of Condition 19 (Construction Management Plan) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House). This application is pending consideration.
- 2.18 Discharge of condition application 24/00124/COND seeks partial discharge of Condition 16 (Management of Boreholes) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House). This condition was partially discharged in March 2024.

3 THE CURRENT APPLICATION

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (As amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference: 19/00743/FPM to modify paragraph 3.1 of Schedule 5 (Traffic Management and Parking) and paragraphs 1.1 and 1.2 of Schedule 9 (Highways Works). Paragraph 3.1 of Schedule 5 states:

“3.1 Prior to Commencement of the first Phase of the Development to enter into a contract with the Borough Council for the provision the Season Tickets”.

- 3.2 The proposed modification would seek to delete paragraph 3.1 of Schedule 5 to the Original Agreement and replaced with the following:

“3.1 Prior to Occupation of Phase 1A (as defined in drawing number 2015 D under Appendix 1) of the Development to enter into a contract with the Borough Council for the provision the Season Tickets”.

- 3.3 Paragraph 1.1 and 1.2 of Schedule 9 states:

“1.1 To enter into the Street Development Agreement with the Borough Council’s Engineering Services Section for a Phase that contains Highway Works on streets maintained by the Borough Council prior to the commencement of the development of that Phase.

1.2 Not to carry out or permit the carrying out of Borough Highway Works on streets maintained by the Borough Council until the Owner has entered into the Street Development Agreement with the Borough Council”.

- 3.4 The proposed modification would seek to delete paragraphs 1.1 and 1.2 of Schedule 9 to the Original Agreement and replaced with the following:

*“1.1 To enter into the Street Development Agreement and **delivery timetable** with the Borough Council’s Engineering Services Section for Phase that contained Borough Highways Works on streets maintained by the Borough Council prior to the relevant Borough Highway Works being carried out or permitted to be carried out **and in any instance the Street Development Agreement is entered into prior to any Occupation of that Phase.***

1.2 Not to carry out or permit the carrying out the Borough Highway Works on streets maintained by the Borough Council until the Owner has entered into the Street Development Agreement with the Borough Council relating to the relevant Borough Highways Works”.

- 3.5 The wording highlighted in **bold and underlined** in paragraph 1.1 are suggested amendments to the wording of this paragraph by Officers. The reason for these amendments is to ensure the highway and public realm improvement works which form

part of the development known as SG1 are delivered. This is because they form an essential part of the planning permission.

- 3.6 Following negotiations with the applicant, whilst the principle of these changes to this paragraph are generally agreed, they still need to be reviewed by the applicant and their solicitors in detail to ensure they do not affect the delivery of the development. Therefore, if the Committee resolves to approve this application subject to the completion of a Deed of Variation to the original S.106 agreement, the precise wording of the variations to the original S.106 Agreement (including suggested amendments to paragraph 1.1) be delegated to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed solicitor. This will ensure that these fundamental highway and public realm improvement works are delivered in line with planning permission 19/00743/FPM and in line with any future Reserved Matters approval for Phases 2 to 4 of this development.
- 3.7 The proposal before the Council does not consist of or include any alterations to the development in terms of design and visual appearance, including the number of flats, as approved under planning permission 19/00743/FPM.

4 PUBLIC REPRESENTATIONS

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

5. CONSULTATIONS

5.1 Council's Engineering Services Section

- 5.1.1 There are no concerns in terms of any agreement on season tickets to be deferred until prior to occupation. The proposed wording is therefore deemed to be acceptable.
- 5.1.2 Following detailed negotiations on the wording to paragraphs 1.1 and 1.2 of Schedule 9 with the application, there are no longer any objections to the wording of these paragraphs.

Note: These are a summary of the comments received and not verbatim. Copies of the consultee comments can be viewed on the Council's website.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.3 Planning Practice Guidance

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

6.4 Supplementary Planning Documents

Developer Contributions Supplementary Planning Document 2021.

6.6 Community Infrastructure Levy Charging Schedule

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

7. APPRAISAL

7.1. The main issues for consideration in the determination of this application is whether the proposed variation as set out in section 3 above is acceptable to the Local Planning Authority.

7.2 Land Use Policy Considerations

7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act 1990 (as amended), an application can be made to the Local Planning Authority to seek to vary the terms of a Section 106 agreement. This application has therefore been submitted, in

accordance with the Town and Country Planning (Modifications and Discharge of Planning Obligations) Regulation 1992, to seek the amendment to the original S106 agreement to planning permission reference 19/00743/FPM as described in Section 3 of this report.

- 7.2.2 Dealing firstly with the proposed modification to paragraph 3.1 of Schedule 5 as set out in section 3 of this report, this amendment is required because the construction of Phase 1A Swingate House will take approximately 2 years to complete. Therefore, a contract to secure a number of season tickets for the future occupiers of this phase of the development will not ideally be required until the development of this particular phase has been completed and ready for occupation. In addition, by amending this obligation, it allows the applicant to start undertaking piling works for Phase 1A in week commencing 18th March 2024 with the ramping up of construction of this phase from May 2024. As such, whilst it pushes the timeframe back as to when a contract needs to be in place to secure the necessary number of Season Tickets, the original intention of this obligation has not changed in that a sufficient number of Season Tickets will be secured before first occupation of Phase 1A Swingate House.
- 7.2.3 Turning to the proposed modification to paragraphs 1.1 and 1.2 of Schedule 9 as set out in section 3 of this report, the proposed modifications to these paragraphs are required to enable the commencement of development works associated with Phase 1A Swingate House without delay. Moreover, it will also allow future phases of the development to come forward without the need to first enter into a Street Development Agreement (SDA) with the Council's Engineering Section prior to the commencement of development works. However, the applicant would still be required to enter into SDA with the Council's Engineering Services Section before undertaking any works in any given phase of the development on streets which are maintained by the Borough Council. In this regard, the applicant cannot undertake any public realm improvement works which can include, but limited to, the laying out of new paving, installation of street furniture or soft landscaping works within the development area known as SG1 until they have entered into an SDA with the Borough Council's Engineering Services Section. This will ensure that these public realm works are delivered and maintained in accordance with the Borough Council's policies and procedures with respect to public realm improvement works.
- 7.2.4 The Council's Engineering Services Section has been fully engaged with this application process in relation to the proposed modifications to the original Section 106 agreement. Through detailed negotiations with this section of the Borough Council and the applicant, the proposed modifications set out in Section 3 of this report are deemed to be acceptable. This is especially given the fact that they do not weaken the Council's position with respect to oversight of this development.

8. CONCLUSIONS

- 8.1 The proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed modification to paragraph 3.1 of Schedule 5 with regards to season tickets and paragraphs 1.1 and 1.2 of Schedule 9 in relation to Street Development Agreements is considered to be acceptable. It is therefore recommended that this deed of variation can be agreed.

9. RECOMMENDATIONS

- 9.1 That the committee agree to the modification of paragraph 3.1 of Schedule 5 and paragraphs 1.1 and 1.2 of Schedule 9 of the original S106 agreement dated 30 May 2023 and delegate authority to the Assistant Director of Planning and Regulation in

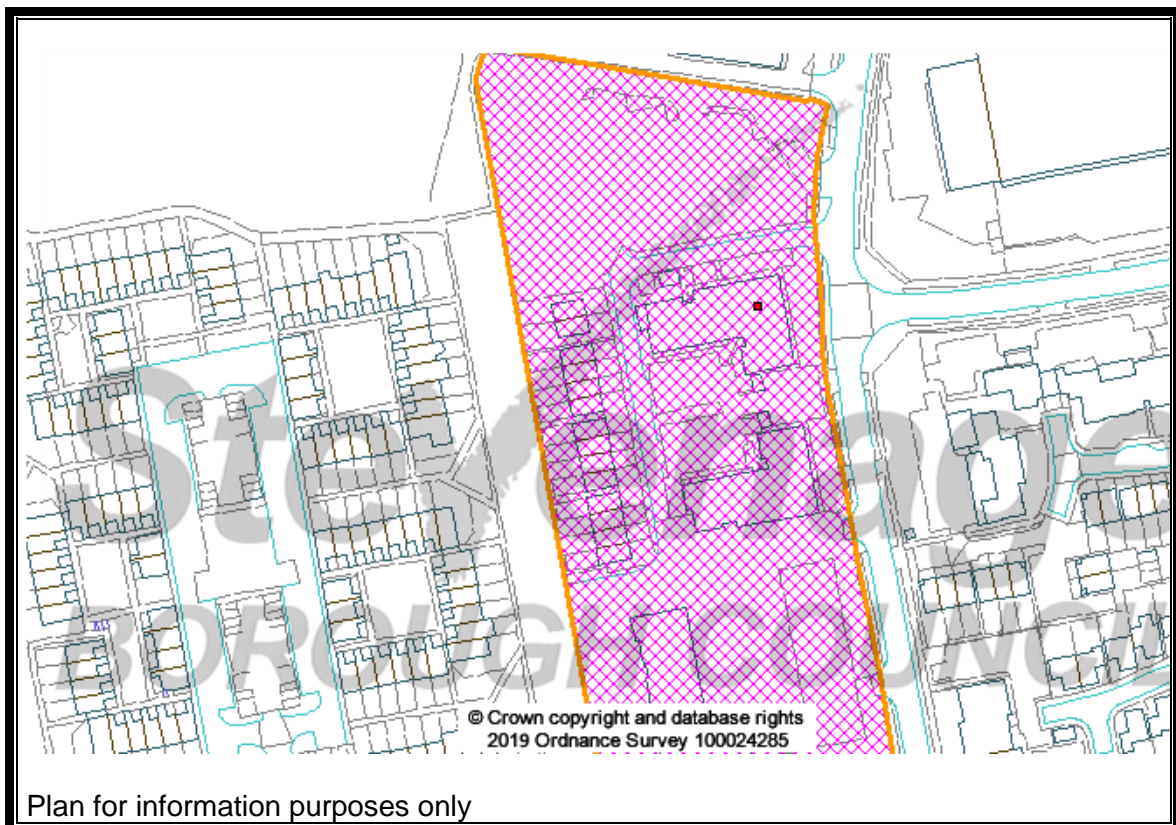
conjunction with the appointed solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031 adopted 2019.
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
4. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy Guidance.
5. Community Infrastructure Levy 2010 (as amended).

The Meeting: Planning and Development Committee **Agenda Item:**
Date: 2 April 2024
Author: Ailsa Davis 07702 874529
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Ailsa Davis 07702 874529

Application Nos:	22/00764/S106
Location:	Moxham House, Giles Crescent, Stevenage
Proposal:	Deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.
Drawing Nos.	DEED OF VARIATION MOXHAM HOUSE; OFFICIAL COPY (REGISTER) - HD129053; OFFICIAL COPY (TITLE PLAN) - HD129053; SECTION 106 AGREEMENT DATED 11.08.2016
Applicant:	Jignesh Harari
Date Valid:	18 August 2022
Recommendation:	Refuse Variation of S106 Agreement.



1. SITE DESCRIPTION

- 1.1 The application site comprises a residential building in use as flats located in the north east of Stevenage, approximately 2.8km from Stevenage town centre. The site is situated in the south western corner of the Pin Green Industrial Estate and is bounded by Wedgwood Way to the east, amenity grassland, a path and cycleway to the south with Martins Way beyond, a tree belt to the west, beyond which are residential properties in Ely Close and industrial and commercial buildings of the industrial estate to the north. To the north west of the application site is Wellfield Wood which is a designated Wildlife Site. The site was formerly occupied by the DuPont UK Headquarter offices and former training area.

2. RELEVANT PLANNING HISTORY

- 2.1 15/00253/OPM outline application for the demolition of existing buildings and provision of up to 200 new homes, up to 900 sqm of Use classes A1/A2/A3/D1, provision of residential amenity space and associated access and car parking granted planning permission 11 August 2016.
- 2.3 16/00782/RMM Reserved matters application pursuant to planning permission 15/00253/OPM for the erection of 38 no. two bedroom apartments, 42 no. one bedroom apartments, and 14 no. 3 bedroom dwellings, seeking approval of the appearance, landscaping, layout and scale granted planning permission 21 February 2017.
- 2.4 17/00185/RMM Reserved Matters application pursuant to outline planning permission 15/00253/OPM for 37 no. one bedroom apartments, 67 no. two bedroom apartments and commercial space; seeking the approval of the appearance, landscaping, layout and scale granted planning permission 9 June 2017.
- 2.5 17/00376/FPM Erection of apartment building containing 70 apartments with associated access, parking and landscaping granted 21 December 2017.
- 2.6 16/00742/S106 Variation of clause 3.1.3.3 (affordable housing), clause 3.1.4.1 (affordable housing), clause 12.5 (obligation exclusion), and clause 5.4 of schedules 2 and 4 and clause 8 of schedule 4 (mortgagee exclusion) of the section 106 Agreement (dated 11 August 2016) approved under planning permission 15/00253/OPM granted 7 December 2018.

3. THE CURRENT APPLICATION

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (As amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference: 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause. Clause 12.5 of the agreement states:

“12.5 an Affordable Housing Provider and its successors in title or the mortgagee of an Affordable Housing Provider and the mortgagees of any successors in title”.

- 3.2 This application seeks permission to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause:

“19. a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any

security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "Receiver") of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

(a) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of three (3) months from the date of the written notice to complete a disposal of the Affordable Housing Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and

(b) if such disposal has not completed within the three (3) month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Units free from the affordable housing provisions in this Agreement which provisions shall determine absolutely".

3.3 The proposal before the Council does not consist of or include any alteration to the external appearance of the existing building nor change the number of flats, including affordable units.

3.4 The application was considered by Members at Planning and Development Committee on the 8 December 2022, where it was resolved to agree the variation as proposed. Since then, the applicant has failed to sign or progress the deed of variation and the application has not proceeded. The applicant is no longer communicating with officers. Members are therefore requested to re-consider the proposed variation, giving officers delegated authority to refuse the deed of variation unless the legal agreement is signed within 3 months following the date of the meeting.

4. PUBLIC REPRESENTATIONS

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

5. CONSULTATIONS

5.1 None required.

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.3 Planning Practice Guidance

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

6.4 Community Infrastructure Levy Charging Schedule

6.4.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development. This proposal would not be CIL liable as no additional floor space is proposed under this application.

7. APPRAISAL

7.1 The main issue for consideration in the determination of this application is whether the proposed variation as set out in section 3 above is acceptable to the Local Planning Authority.

7.2 Land Use Policy Considerations

7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act (1990), an application can be made to the Local Planning Authority to seek to vary the terms of a Section 106 agreement. This application has therefore been submitted, in accordance with the Town and Country Planning (Modifications and Discharge of Planning

Obligations) Regulation 1992, to seek the amendment to the original S106 agreement attached to planning permission reference 15/00253/OPM as described above.

7.2.2 The amendment is required as the site has been purchased by the Housing Association Metropolitan and the original provisions as set out in the S106 agreement are not acceptable to their lenders. At present when charging, the properties in Moxham House are being restricted by the lender in value due to there being a defective mortgagee exclusion clause. Metropolitan are therefore seeking to modify this clause to enable them to receive full value from the lender, which would in turn allow the Housing Association to raise more money in order to continue building affordable housing for those in need. The amendment as described in section 3 above will now be considered.

7.2.3 The application seeks to delete clause 12.5 of the Section 106 Agreement dated 11 August 2016 and insert new clause 19 which incorporates a mortgagee exclusion clause. The proposed amendment is not considered to weaken the position of the Council and would enable the Housing Association to receive full value from the lender and can therefore be accepted.

8. CONCLUSION

8.1 The proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed change to delete clause 12.5 and insert new clause 19, which incorporates a mortgagee exclusion clause is considered to be acceptable.

9. RECOMMENDATIONS

9.1 That the Committee agree the deletion of clause 12.5 from schedule 2 and the insertion of clause 19, which incorporates a mortgagee exclusion clause of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

9.2 Should the agreement not be signed within 3 months of the date of this meeting, that the Committee delegate authority to the Assistant Director of Planning and Regulation to refuse the deed of variation on the grounds that 16 months have passed since the Committee originally approved the variation and the legal agreement has not been proceeded with.

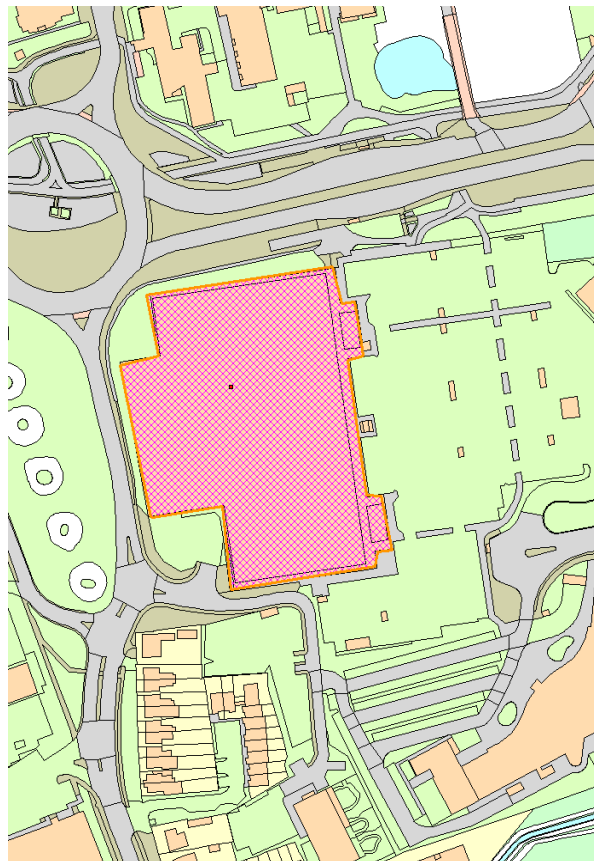
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
3. Central Government advice contained in the National Planning Policy Framework 2023 and Planning Policy Guidance March 2014.

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Meeting: Planning and Development Committee **Agenda Item:**
Date: 2 April 2024
Author: Ailsa Davis 07702 874529
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: Ailsa Davis 07702 874529

Application No:	23/00774/ENF
Location:	ASDA Stores Ltd, Monkswood Way, Stevenage
Proposal:	Breach of servicing condition
Drawing Nos.:	N/a
Applicant:	N/a
Date Valid:	N/a
Recommendation:	SERVE AN ENFORCEMENT NOTICE



Plan for information purposes only

1. BACKGROUND

1.1 The enforcement site comprises ASDA superstore. The main customer car park and access to the store is from Monkswood Road. The service road for deliveries is located to the rear of the store along London Road. It comprises an outside yard where vehicles turn and reverse into a large storage and unloading area within the store. There are large, railed, manually operated gates giving access to a service road which leads onto London Road. There is a row of houses adjacent to the service road fronting onto London Road to the south, and the service road runs alongside the side elevation of the house at the end of the row. Northwest of the site across London Road is Six Hills House, formally an office building now converted to flats under permitted development. Directly opposite the service yard is Kings Court a vacant office building and to the south, the Royal Mail Delivery Office. The character of the surrounding area is therefore a mix of residential and commercial uses.

1.2 The store is subject to a planning condition restricting deliveries to 07.00 – 21.00 Mondays to Saturdays and 07.00 – 15.00 on Sundays and Public or Bank Holidays. However, deliveries are taking place 24 hours a day in breach of the terms of the condition, which is causing late night and early morning noise disturbance to residents living locally resulting in ongoing complaints to the Council.

Relevant Site history

1.3 Planning permission was granted at appeal on 13 March 2008 for a replacement college building of 7,000m² food and non-food retail development, totalling 10,000m² and 1080 car parking spaces plus petrol filling station in accordance with the application ref 06/0177/FP dated 28 March 2006. However, this was without compliance with condition number 16 previously imposed on planning permission ref 2/00176/98 dated 23 November 2000, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

(1) No servicing of the retail units approved by application 2/0176/98 shall take place other than between the hours of 07.00 – 21.00 Mondays to Saturdays and 07.00 – 15.00 on Sundays and Public or Bank Holidays.

1.4 Following contact with the operations team at the store's head office in Leeds, including several emails requesting the 24 hour deliveries to stop, this has been unsuccessful. As a consequence of this, the Planning Authority served a Breach of Condition Notice on ASDA on 4 December 2023 giving them 28 days to comply with the servicing condition. To date, this has been ignored as officers are still receiving complaints from residents, including photographic evidence that deliveries are taking place outside of the permitted hours.

1.5 ASDA Stores Ltd submitted a retrospective planning application on 20 December 2023 to remove the condition which restricts the delivery hours to allow them to continue to service the store 24 hours a day (ref. 23/00942/FP). This was refused on the 14 February 2024 for the following reasons:

(1) 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).

(2) 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).

- 1.6 During the determination of the application, it was suggested to ASDA that amending the servicing condition to extend their current delivery hours to 07.00 – 23.00 Mondays to Saturdays and 07.00 – 17.00 on Sundays and Public or Bank Holidays would be considered as an acceptable compromise. They were invited to apply to amend the condition to reflect these times, rather than remove it which they were advised was unacceptable. No response to this suggestion has been received.

2. POLICY

- 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.

- 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).

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

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

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

3. DISCUSSION

3.1.1 A full policy assessment and appraisal of the impact of 24 hour deliveries was carried out under planning application 23/00942/FP, which was found to be unacceptable for the reasons cited in paragraph 1.4 above.

3.2 Is the breach of condition exempt from enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended)?

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

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

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

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

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

(4) The preceding subsections do not prevent—

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

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

3.2.2 In March 2020, the Government announced plans to temporarily relax the enforcement of delivery hours restrictions for supermarkets and other food retailers to support the industry response to the spread of the coronavirus pandemic. Those measures were required to reflect the increased domestic demand for convenience retail goods, given the restrictions on individuals' movement throughout the UK which resulted in people spending more time at home. The relaxation on delivery restrictions formally ended on 31 January 2022. The store has therefore been operating in breach of the servicing condition since these temporary measures ended on 31 January 2022. It is officers' opinion therefore, that the breach of condition would not be immune from enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended).

3.3 Consideration of European Convention on Human Rights and the Equalities Act 2010

3.3.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights (ECHR). It is not considered that the decision would result in a violation of any person's rights under the Convention. This is because the breach of condition relates to a food superstore owned and managed by ASDA Stores Ltd, which is a commercial

business. As such, the serving of an enforcement notice does not affect an individual person's rights under Articles 1 and 8 of ECHR.

- 3.3.2 Turning now to equalities, when considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking (This has been established as a key requirement in planning decision making by case law through the relevant courts). Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty ("PSED"). As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment ("EqIA") produced by officers.
- 3.3.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 3.3.4 Whilst there maybe persons who are employed or work for the retail operator who have a protected characteristic as defined under the Equalities Act, the serving of an enforcement notice relating to the unauthorised deliveries would not discriminate against those who have protected characteristics. More specifically, the breach of condition relates to a commercial business and not a private dwelling.
- 3.3.5 Therefore, it is not considered that serving an enforcement notice would discriminate persons who have protected characteristics.

4. RECOMMENDATION

- 4.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring compliance with condition 1 (Servicing) attached to planning permission reference 06/00177/FP (Allowed under appeal: APP/K1935/A/06/2031844) in relation to ASDA Stores Ltd, Monkswood Way, Stevenage. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 4.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 4.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

5. REMEDY REQUIRED

- 5.1 Within three months of the date of any Enforcement Notice served, ensure all deliveries to the store are within the hours of 07.00 – 21.00 Mondays to Saturdays and 07.00 – 15.00 on Sundays and Public or Bank Holidays.

6. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents associated with reference.
2. Stevenage Borough Local Plan 2011-2031 (2019)
3. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy Guidance.

Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

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

1. Application No : 23/00908/FP
 Date Received : 30.11.23
 Location : Garages G001 - G026 Hydean Way Stevenage Herts
 Proposal : Demolition of garages and erection of four detached dwellings
 with access onto Shephall Green.
 Date of Decision : 29.02.24
 Decision : **Planning Permission is GRANTED**

2. Application No : 23/00923/FPH
 Date Received : 09.12.23
 Location : 17 Church Lane Stevenage Herts SG1 3QS
 Proposal : Two storey rear extension and installation of photovoltaic panels
 to roof
 Date of Decision : 05.03.24
 Decision : **Planning Permission is GRANTED**

3. Application No : 23/00943/FP
Date Received : 21.12.23
Location : Bandley Hill Play Centre Featherston Road Stevenage Herts
Proposal : Change of use from Use Class F2 (local community uses) to Use Class E(f) (children's nursery) and associated minor external works, including new access and car park and new external doors.
Date of Decision : 08.03.24
Decision : **Planning Permission is GRANTED**
4. Application No : 24/00004/FP
Date Received : 03.01.24
Location : 3 Cavalier Court Ingleside Drive Stevenage Herts
Proposal : Replacement of 6no. windows and 1no. door
Date of Decision : 08.03.24
Decision : **Planning Permission is GRANTED**
5. Application No : 24/00010/AD
Date Received : 09.01.24
Location : Tesco Stores Extra (03213) 1 - 5 The Forum Town Centre Stevenage
Proposal : Retention of LCD Media Screen and 2no. non-illuminated Flagpole signs for EV charging
Date of Decision : 04.03.24
Decision : **Advertisement Consent is GRANTED**
6. Application No : 24/00013/COND
Date Received : 10.01.24
Location : 37 Colestrete Stevenage Herts SG1 1RB
Proposal : Discharge of conditions 6 (CTMP), 8 (Material Samples), 9 (Bin Stores), 10 (Cycle Parking), 11 (EVCPs), 12 (Climate Change) attached to planning permission reference number 22/00465/FP
Date of Decision : 08.03.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

7. Application No : 24/00016/FP
Date Received : 12.01.24
Location : Glaxo SmithKline Research And Development Ltd Gunnels Wood Road Stevenage Herts
Proposal : Erection of new security fencing line and installation of external lighting and CCTV columns and associated works
Date of Decision : 06.03.24
Decision : **Planning Permission is GRANTED**
8. Application No : 24/00017/FPH
Date Received : 14.01.24
Location : 24 Wood Drive Stevenage Herts SG2 8NY
Proposal : Single storey front extension, conversion of garage and amended vehicular access
Date of Decision : 05.03.24
Decision : **Planning Permission is GRANTED**
9. Application No : 24/00020/FP
Date Received : 17.01.24
Location : Alchemy Metals Ltd T/a Waste Mission Cavendish Point Cavendish Road Stevenage
Proposal : Removal of existing container generator and installation of GRP Electric Sub Station
Date of Decision : 15.03.24
Decision : **Planning Permission is GRANTED**
10. Application No : 24/00021/FPH
Date Received : 18.01.24
Location : 28 Essex Road Stevenage Herts SG1 3EX
Proposal : Erection of single storey rear extension and two storey side and rear extension.
Date of Decision : 06.03.24
Decision : **Planning Permission is GRANTED**

11. Application No : 24/00022/FPH
Date Received : 18.01.24
Location : 136 Wisden Road Stevenage Herts SG1 5JB
Proposal : Proposed raising of garage roof and partial conversion.
Date of Decision : 22.02.24
Decision : **Planning Permission is GRANTED**
12. Application No : 24/00023/AD
Date Received : 18.01.24
Location : Unit 3 Roebuck Retail Park London Road Stevenage
Proposal : Internally Illuminated signage to (x3) elevations of existing building.
Date of Decision : 08.03.24
Decision : **Advertisement Consent is GRANTED**
13. Application No : 24/00025/FPH
Date Received : 19.01.24
Location : 28 Manchester Close Stevenage Herts SG1 4TQ
Proposal : Single storey side and rear extension and single storey front extension
Date of Decision : 22.02.24
Decision : **Planning Permission is GRANTED**
14. Application No : 24/00027/CLPD
Date Received : 19.01.24
Location : Wingate 23 Hertford Road Stevenage Herts
Proposal : Certificate of Lawfulness (Proposed) for hip-to-gable extension, installation of rear dormer window and 2no. front roof lights.
Date of Decision : 12.03.24
Decision : **Certificate of Lawfulness is APPROVED**

15. Application No : 24/00028/FP
Date Received : 19.01.24
Location : 30 High Street Stevenage Herts SG1 3EJ
Proposal : Change of use of ground floor takeaway unit into 1no. two bedroom flat and insertion of flat roof rear dormer to the detached garage to facilitate its conversion into 1no. one bedroom flat
Date of Decision : 15.03.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed garage parking space, by virtue of its internal dimensions, fails to meet the minimum standard of 3m wide and 6m long. The development is therefore contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031; (2019), the Council's Car Parking Standards SPD (2020), the Department for Transport (DfT) Manual for Streets (2007), the National Planning Policy Framework (2023) and Planning Practice Guidance.

The vehicle-to-vehicle inter-visibility associated with the site has not been adequately demonstrated. Additionally, no details have been provided to demonstrate that vehicles can enter and exit in forward gear. Due to the lack of this visibility, vehicles leaving the site would come into conflict with users of the adjacent Principal 'A' Road (A602), thereby causing interference to the safe and free flow of traffic on the highway. The development is, therefore, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031; (2019), Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide (2011), the Department for Transport (DfT) Manual for Streets (2007), the National Planning Policy Framework (2023) and Planning Practice Guidance.

The internal amenity space of the flat within the converted outbuilding would be below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (2019) for a one bed dwelling over two floors and would be contrary to Policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), which requires proposals to meet the nationally described space standards. This would lead to unsatisfactory living conditions for future occupiers of the proposed residential accommodation.

The flat roof rear dormer window in the converted outbuilding, by virtue of its design, scale and massing, would be over dominant and detrimental to the architectural form of the outbuilding thereby having an adverse impact on the visual amenity of the area. It would also fail to preserve the character and appearance of the Old Town Conservation Area. This would amount to less than substantial harm to the significance of the area, which would not be outweighed by the modest public benefits of the development. The proposal is therefore contrary to policies GD1, NH10, HO5, TC9, SP8 and SP13 of the Stevenage Borough Local Plan 2011 to 2031 (2019), the Old Town Conservation Area

Management Plan SPD (2012), the Stevenage Design Guide (2023) and the aims and objectives of the National Planning Policy Framework (2023) and associated National Planning Policy Guidance.

The proposal fails to demonstrate that it would accord with Policy TC10 by introducing a non-retail use at ground floor in a secondary retail frontage unit. As such, the proposal would not therefore be in accordance with Policy TC10 of the Stevenage Borough Local Plan 2011-2031 (2019), the National Planning Policy Framework (2023) and National Planning Practice Guidance to the detriment of the High Street shopping area.

16. Application No : 24/00029/LB
Date Received : 19.01.24
Location : 30 High Street Stevenage Herts SG1 3EJ
Proposal : Change of use of ground floor takeaway unit into 1no. two bedroom flat and insertion of flat roof rear dormer to the detached garage to facilitate its conversion into 1no. one bedroom flat
Date of Decision : 15.03.24
Decision : **Listed Building Consent is REFUSED**

For the following reason(s);

The flat roof dormer window in the converted outbuilding, by virtue of its design, scale and massing, would fail to preserve the setting of the grade II listed property of 30 High Street. This would amount to less than substantial harm to the significance of this asset, which would not be outweighed by the modest public benefits of the development. The proposal is therefore contrary to policies GD1, TC9, SP8, SP13 of the Stevenage Borough Local Plan 2011 to 2031 (2019), the Old Town Conservation Area Management Plan SPD (2012), and the aims and objectives of the National Planning Policy Framework (2023).

17. Application No : 24/00030/FPH
Date Received : 19.01.24
Location : 33 Ashdown Road Stevenage Herts SG2 8TX
Proposal : Part two storey, part single storey rear extension
Date of Decision : 15.03.24
Decision : **Planning Permission is GRANTED**

18. Application No : 24/00034/FP
Date Received : 22.01.24
Location : Cell & Gene Therapy Catapult Manufacturing Centre Stevenage
Bioscience Catalyst Gunnel's Wood Road Stevenage
Proposal : Proposed entrance lobby extension
Date of Decision : 11.03.24
Decision : **Planning Permission is GRANTED**
19. Application No : 24/00035/FP
Date Received : 22.01.24
Location : Cell & Gene Therapy Catapult Manufacturing Centre Stevenage
Bioscience Catalyst Gunnel's Wood Road Stevenage
Proposal : Erection of new security fencing, external alterations to permit
office and replacement cycle parking.
Date of Decision : 08.03.24
Decision : **Planning Permission is GRANTED**
20. Application No : 24/00036/COND
Date Received : 23.01.24
Location : Land To The North Of Stevenage Off North Road And Weston
Road Stevenage Herts
Proposal : Discharge of condition 37 (Power Lines) attached to planning
permission reference 17/00862/OPM
Date of Decision : 22.02.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

21. Application No : 24/00040/COND
Date Received : 24.01.24
Location : Courtlands Riding Stables Todds Green Stevenage Herts
Proposal : Discharge of condition 12 (Climate Change) attached to planning permission reference number 21/00971/FPM
Date of Decision : 27.02.24
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**
- Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.
- The case officer's letter is attached providing further information.
22. Application No : 24/00041/COND
Date Received : 24.01.24
Location : Swingate House Danestrete Stevenage Herts
Proposal : Partial discharge of conditions 21 (Archaeology 1) and 22 (Archaeology 2) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House).
Date of Decision : 26.02.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
23. Application No : 24/00042/TPTPO
Date Received : 25.01.24
Location : Greenside Special School Shephall Green Stevenage Herts
Proposal : T1 - Oak - Thin re-growth by approximately 30% from previous pruning points, T2 - Ash - crown reduction by up to 1m from branch tips, T3 - Ash - crown reduction by up to 1m from branch tips, T4 - Horse Chestnut - crown reduction by up to 2m from branch tips
G1 - Hawthorn - reduce branches back by up to 2m, back to the school boundary
Date of Decision : 12.03.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

24. Application No : 24/00048/AD
Date Received : 26.01.24
Location : One Stop 50 Hertford Road Stevenage SG2 8ED
Proposal : Fascia externally illuminated, Window Vinyl's, F/ACM Panels, Poster Cases
Date of Decision : 15.03.24
Decision : **Advertisement Consent is GRANTED**
25. Application No : 24/00049/FPH
Date Received : 26.01.24
Location : 62 Haycroft Road Stevenage Herts SG1 3JJ
Proposal : Part two storey, part single storey rear extension.
Date of Decision : 05.03.24
Decision : **Planning Permission is GRANTED**
26. Application No : 24/00052/FPH
Date Received : 28.01.24
Location : Land To The Rear Of 36 High Street Stevenage Herts SG1 3EF
Proposal : Reinstatement of former pitched roof to outbuildings
Date of Decision : 05.03.24
Decision : **Planning Permission is GRANTED**
27. Application No : 24/00054/COND
Date Received : 29.01.24
Location : Swingate House Danestrete Stevenage Herts
Proposal : Partial discharge of Condition 15 - Piling and penetrative methods of construction attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House)
Date of Decision : 13.03.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

28. Application No : 24/00056/CLPD
Date Received : 30.01.24
Location : 56 Stanmore Road Stevenage Herts SG1 3QE
Proposal : Lawful Development Certificate (Proposed) for a dormer loft conversion and 1no. roof light
Date of Decision : 15.03.24
Decision : **Certificate of Lawfulness is APPROVED**
29. Application No : 24/00059/FP
Date Received : 30.01.24
Location : 120 Valley Way Stevenage Herts SG2 9DE
Proposal : Change of use from single family dwelling to six bedroom HMO
Date of Decision : 14.03.24
Decision : **Planning Permission is REFUSED**
- For the following reason(s);
- The proposed development fails to demonstrate that the required parking spaces can be provided at the rear of the property whilst also being able to provide a 2m high boundary treatment to the rear garden which is at an acceptable distance from the ground floor window of Bedroom 1, so as to afford the future occupier an acceptable outlook. The proposal therefore fails to provide an acceptable living environment for the occupier of Bedroom 1, contrary to the National Planning Policy Framework (2023) and National Planning Practice Guidance, Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019), the Council's Design Guide SPD (2023) and Parking Standards SPD (2020).
30. Application No : 24/00063/COND
Date Received : 01.02.24
Location : Swingate House Danestrete Stevenage Herts
Proposal : Partial discharge of Condition 53 (Public Highway) attached to planning permission reference number 19/00743/FPM (Phase 1A - Swingate House).
Date of Decision : 22.02.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

31. Application No : 24/00066/AD
Date Received : 01.02.24
Location : Gridserve Stevenage Electric Forecourt Knebworth Park Old Knebworth Knebworth
Proposal : 4no. forecourt building signs; 2no. illuminated totem signs; 2no. wayfinder information signs; 1no. air & water information sign; 3no. digital signs; 4no. under-canopy screens; and 1no. internally illuminated billboard display
Date of Decision : 12.03.24
Decision : **Advertisement Consent is GRANTED**
32. Application No : 24/00070/TPCA
Date Received : 05.02.24
Location : Greenside Symonds Green Lane Stevenage Herts
Proposal : Removal of 1 No: dead Hazel tree
Date of Decision : 07.03.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
33. Application No : 24/00078/HPA
Date Received : 06.02.24
Location : 11 Ruckles Close Stevenage Herts SG1 1PE
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 6 metres, for which the maximum height will be 4 metres and the height of the eaves will be 4 metres
Date of Decision : 04.03.24
Decision : **Prior Approval is NOT REQUIRED**

34. Application No : 24/00100/CLPD
Date Received : 14.02.24
Location : 72B High Street Stevenage Herts SG1 3EA
Proposal : Certificate of lawfulness for change of use to Class E(e) osteopathic clinic
Date of Decision : 29.02.24
Decision : **Certificate of Lawfulness is APPROVED**
35. Application No : 24/00102/FP
Date Received : 15.02.24
Location : 5 The Hyde Stevenage Herts SG2 9SD
Proposal : Change of use from a family centre (Class E(f)) to a Laundrette (sui generis)
Date of Decision : 15.03.24
Decision : **Planning Permission is GRANTED**
36. Application No : 24/00132/CLPD
Date Received : 22.02.24
Location : 8 Fresson Road Stevenage Herts SG1 3QU
Proposal : Lawful Development Certificate (Proposed) for conversion of garage to habitable room.
Date of Decision : 07.03.24
Decision : **Certificate of Lawfulness is APPROVED**
37. Application No : 24/00144/COND
Date Received : 27.02.24
Location : Land Between Watercress Close, Coopers Close And Walnut Tree Close Stevenage Herts SG2 9TN
Proposal : Discharge of Condition 17 (Vehicular Access) attached to planning permission reference number 21/00057/FP (Allowed on appeal under reference: APP/K1935/W/22/3298826)
Date of Decision : 13.03.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

38. Application No : 24/00166/CLPD
Date Received : 06.03.24
Location : 73 Sish Lane Stevenage Herts SG1 3LS
Proposal : Certificate of lawfulness (proposed) for loft conversion with rear dormer and velux windows to the front
Date of Decision : 12.03.24
Decision : **Certificate of Lawfulness is APPROVED**

BACKGROUND PAPERS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Policy Guidance.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 2 April 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

3.1 None

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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