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PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 3 December 2024

Time: 6.30pm,

Location: Council Chamber

Contact: Alex Marsh (01438) 242587

committees@stevenage.gov.uk

Members: Councillors: C Parris (Chair), N Chowdhury (Vice-Chair), J Ashley-Wren, R Broom, F Chowdhury, K Choudhury, P Clark, A Elekolusi, L Guy, C Houlihan, E Plater, C Veres, A Wells and S Booth

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 29 OCTOBER 2024

To approve as a correct record the Minutes of the previous meeting of the Planning and Development Committee held on 29 October 2024.

Minutes to follow.

3. 23/00313/FP - LAND AT MAXWELL ROAD

To consider a retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.

3 – 34

4. 24/00490/FP - 330 - 336 RIPON ROAD

To consider the erection of three storey side extension, two storey extensions above existing single storey rear extensions, three storey rear extension and addition of third floor to existing dwellings to facilitate creation of 3no. one-bed and 6no. two bed apartments with associated car parking and landscaping and regularisation of the change of use of the existing four dwellings as Houses of Multiple Occupation (Use Class C4).

35 – 68

5. INFORMATION REPORT - DELEGATED DECISIONS

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

69 – 84

6. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on appeal decisions, appeals lodged and called-in applications.
85 – 86

7. URGENT PART I BUSINESS

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

8. 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.

9. PART II MINUTES - 29 OCTOBER 2024

To approve as a correct record the Part II Minutes of the previous meeting of the Planning and Development Committee held on 29 October 2024.

Minutes to follow.

10. HMO ENFORCEMENT INVESTIGATION Q2 AND Q3 UPDATE

To receive the HMO Enforcement Investigation Q2 and Q3 update.
87 – 98

11. URGENT PART II BUSINESS

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

Meeting: Planning and Development Committee

Agenda Item:

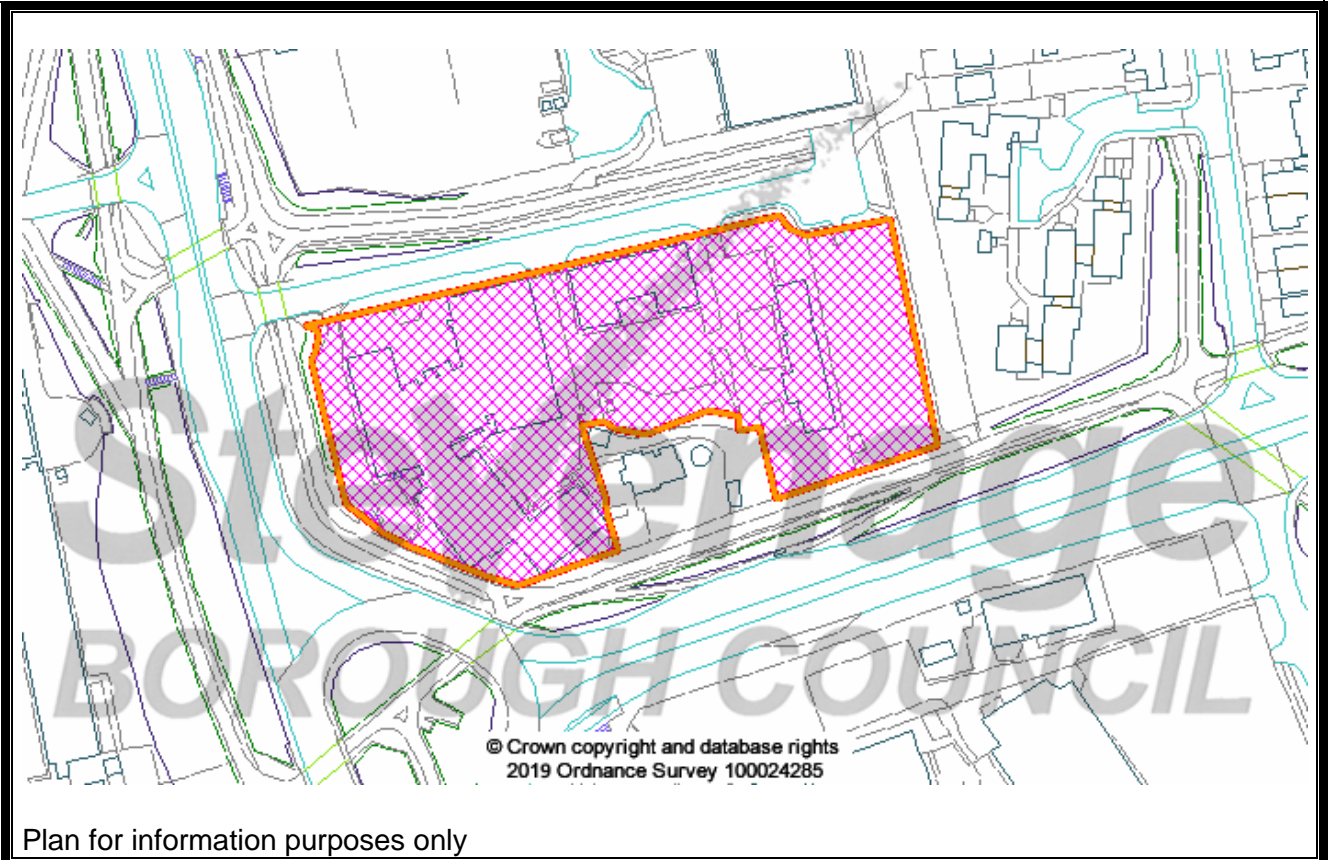
Date: 3 December 2024

Author: Ailsa Davis

Lead Officer: Zayd Al-Jawad

Contact Officer: Ailsa Davis

Application No:	23/00313/FP
Location:	Land at Maxwell Road, Stevenage.
Proposal:	Retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.
Drawing Nos.:	J0008735-23-01 (Site Location Plan); J0008735-23-01 (Security Fence Location Plan);
Applicant:	TTL Chiltern Property Limited
Date Valid:	21 April 2023
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The site extends to approximately 7,250m² and is located at the junction of Gunnels Wood Road and Fairlands Way. It comprises two areas, eastern and western, divided in the middle by an office block which is not part of the site but is within the same ownership.
- 1.2 The western part of the site, referred to in this report as the FIRA Building, is made up of one and two storey buildings which formerly acted as research laboratories, offices and parking for the Furniture Industry Research Association. It benefits from two accesses, both from Maxwell Road, with one leading to a surface car park adjacent to Gunnels Wood Road and the other leading to a central yard with further surface parking and loading facilities. Mature trees located just beyond the northern, western and southern boundaries provide a limited degree of screening.
- 1.3 The eastern part of the site, referred to in this report as the Vets Compound, is a surface car park associated with a now vacant veterinary surgery. Access to this is also taken solely from Maxwell Road and is controlled by an arm barrier. Historically it was also enclosed by a chain link fence, but this has now been added to by a taller weldmesh fence as part of the proposals put forward in this retrospective application. As with the FIRA Building, mature trees located just beyond the site boundaries provide a limited degree of screening for this part of the site.
- 1.4 The site falls entirely within the Gunnels Wood Employment Area, but surrounding development is nonetheless mixed. Most notably, a grade II listed residential property, known as Broomin Green Farm, lies between the FIRA Building and the Vets Compound, just to the south of the aforementioned office block. Access to this property is gained from Maxwell Road, crossing over land within the ownership of the applicant. To the north-west of the Vets Compound is a further dwelling which also takes its access from Maxwell Road. To the south of this, west of the Compound, are retirement properties which are accessed from Fairview Road. In other directions, the site is surrounded by the array of industrial and commercial premises one would typically expect from an employment area.
- 1.5 Aside from those already mentioned, the site is not subject to any relevant Local Plan designations or notable environmental constraints.

2. RELEVANT PLANNING HISTORY

- 2.1 The planning history of the site is set out below.

Reference	Description	Decision
50/0166	Industrial Area Development – Part 1	Granted 17/07/1950
62/0096*	Site for Furniture Industry Research laboratory	Granted 13/06/1962
63/0238	Illuminated sign	Refused 16/01/1964
68/0147*	Two temporary buildings	Granted 20/11/1968
70/0221*	Extension to provide research and ancillary space, and additional parking area	Granted 04/12/1970
71/0189**	Non-illuminated name sign	Granted 28/09/1971
74/0167	Single storey extension to form laboratories and offices	Granted 16/08/1974
77/0024A**	Two flagpoles	Granted 08/11/1977
77/0283	Car park and new access	Granted

		22/12/1977
78/0019	Single storey training centre	Granted 27/02/1978
78/0020	Multi-purpose building for research	Granted 27/02/1978
78/0122	Multi-purpose two storey building for research (phase 1)	Granted 25/05/1978
78/0263	Two storey multi-purpose building for research purposes	Granted 31/07/1979
81/0238	Change of use from warehouse to light industry	Granted 22/10/1981
85/0432	Multi-purpose two storey building for research (phase 2)	Granted 10/02/1986
01/00488/FP**	Change of use of premises from factory to veterinary hospital	Granted 30/10/2001
17/00318/CPA	Prior approval for the change of use of office building (use class B1(a)) to residential dwellings (use class C3), comprising of 12no one bedroom flats and 4no two bedroom flats	Refused 05/07/2017
17/00303/OPM	Outline planning application for demolition of existing buildings and replacement with 64no. two bed flats and 64no. one bed flats; two storey extension to retained "Serviceline" building to facilitate conversion to 8no. two bed flats and 24no. one bed flats; erection of 3no. 4 bed houses; and associated access arrangements	Withdrawn 10/07/2018
19/00062/OPM	Outline application (with all matters reserved except access) for the demolition of existing buildings and replacement with buildings to accommodate new office and residential floorspace (class E and class C3), with associated landscaping, car parking and ancillary works	Refused 15/08/2022
23/00313/FP	Retrospective application for the change of use of FIRA Building from research and development (Class E(g)) to storage (Class B8) and surface car park (sui generis) to storage (Class B8). Erection of 2.4m high fence around the perimeter of the surface car park.	Granted 09/02/2024 Decision quashed by Court Order 03/10/2024

* Relates to the FIRA Building only

** Relates to the Vets Compound only

2.2 Retrospective planning permission was granted in February 2024 under delegated authority for use of the site for storage and distribution and the enclosure of the Vets Compound with a 2.4m high weldmesh fence. However, the decision was quashed in October 2024 following a successful legal challenge by the owners of Broomin Green Farm, the grade II listed house adjacent to the site. The Council's decision was found to have erred in law for the following reasons:

- (1) The Council failed to have regard to a material consideration that it was required by the statute to have regard to, namely that the planning application was for a use with unrestricted operating hours.
- (2) The Council misinterpreted the Local Plan policies, failed to have regard or irrationally applied them:
 - a) In concluding that a harmful impact on the living conditions of neighbouring occupiers would accord with the plan if it was 'acceptable';

- b) Given the Council's conclusions that the forklift vehicles are 'inherently noisy, particularly due to reversing alarms' the Council failed to comply with policy to minimise such noise by imposing suitable conditions.

- 2.3 The Court granted permission for judicial review on both grounds. The Council accepted that its Decision was unlawful on the basis that it should have considered in more detail the imposition of a condition or conditions controlling the hours of use of the proposed development. The parties agreed that, in light of the above, the Decision should be quashed and remitted back to the Council, who shall redetermine the retrospective planning application.
- 2.4 The application is therefore back with the Council as Local Planning Authority for redetermination. All consultees and neighbours have been re-consulted and the application is now before the Planning and Development Committee for its decision.

3. THE CURRENT APPLICATION

- 3.1 The application seeks retrospective full planning permission for the change of use of the site to storage and distribution purposes and the enclosure of the Vets Compound with a 2.4m high weldmesh fence.
- 3.2 The site is occupied by Sky Plastics Limited (SPL) for the storage of drainage products. SPL occupy around 64% of the FIRA Building primarily for the storage of the drainage products, with a small administrative element. The service area to the rear of the building is also in use for the storage of drainage products. The vehicular / pedestrian access to the building is taken from the existing western access off Maxwell Road. The eastern access is used solely for accessing the storage element of the site. The surface car park to the east of the site is used for open storage, mostly accommodating large coils of piping, arranged in 2m high stacks. A green 2.4m high powder coated security fence has been erected around the perimeter of the site.
- 3.3 The site operates Monday – Friday 8am to 6pm and Sunday 9am to 1pm. There is no forklift operation on Sunday, mainly working inside the building making up orders. It is understood that the business has up to five HGV deliveries per week, along with one HGV collection per day, along with occasional smaller deliveries which are made by LGVs. Outgoing vehicle movements are Monday to Friday with a DX delivery lorry between 11.30am and 1pm and a smaller transit size van later in the day. Forklift trucks are used to unload deliveries and distribute items to the eastern car park at the end of Maxwell Road and within the former FIRA building yard.
- 3.4 Previously, delivery vehicles parked in Maxwell Road and goods were unloaded on the highway and delivered by forklift into the eastern car park used for storage at the end of Maxwell Road. Complaints from adjoining residents to HCC Highway Authority stopped this and deliveries are now made within the curtilage of the former Fira Building site.
- 3.5 The company occupying the site has been visited by an Environmental Health Officer and Planning Officer from the Council, as well as the adjoining neighbour at Broomin Green Farm to understand the business operation and to assess the impact on the living environment for the owners of Broomin Green Farm particularly in relation to noise.
- 3.6 The application was amended during the determination period by way of the following:

- The submission of a plan showing the location of the proposed fencing
- The submission of a data sheet for the proposed fencing
- The submission of a transport statement
- The submission of, and multiple revisions to, a delivery and servicing management plan
- The submission of an Operational Management Plan
- The submission of swept path analysis drawing for a 12m rigid vehicle

4. PUBLIC REPRESENTATIONS

Consultation(s) April 2023 to February 2024

4.1 The application was initially publicised by way of a site notice and letters to neighbouring occupiers. Further letters were sent to neighbouring occupiers upon receipt of the various amendments, resulting in a total of three separate consultation periods. In total, residents of three separate properties objected to the application, submitting approximately 200 letters of objection in total. The grounds of objection may be summarised as follows:

- Harm to the character and appearance as a result of the nature of the proposed use and its operation, the maintenance of the site, and litter.
- Harm to the amenities of neighbouring occupiers as a result of noise and light pollution.
- Unacceptable impact on highway safety as a result of inconsiderate parking, inappropriate delivery and servicing procedures, and the lack of sufficient space to manoeuvre vehicles.
- Increased crime and fear of crime as a result of the nature of the proposed use, its operation, and the maintenance of the site.
- Increased risk of fire as a result of the maintenance of the site.

4.2 Representations in favour of the application were received from two properties, one being the site itself (from the current tenant) and the other being the adjacent office building, which does not form part of the site but is within the same ownership. Approximately 50 letters of support were received in total, which sought to refute the matters raised in the letters of objection and therefore concerned the same issues.

Re-consultation following Judicial Review November 2024

4.3 The application was publicised by way of a site notice and letters to neighbouring occupiers. The owners of Broomin Green Farm objected to the application, submitting approximately 21 emails of objection in total including photographs, sound recordings and videos. The solicitor representing the owners of Broomin Green Farm also submitted a formal objection on their behalf dated 18 November 2024, which was accompanied by a Noise Assessment by Sharps Acoustics LLP and photographs. The owner of Philbeck House, Maxwell Road has also submitted two objections. The grounds of objection may be summarised as follows:

- Detrimental visual impact from the external storage of products.
- Unacceptable impact on highway safety as a result of inappropriate delivery and servicing procedures.
- Significant adverse effect on health and well-being of owners of Broomin Green Farm because of noise, mainly from tonal reversing alarms, unloading of deliveries from HGVs and lorries, and the dragging of metal racks.
- Operating hours are not restricted.

4.4 The business owner has also submitted a representation in support of the application which can be summarised as follows:

- Business has been operating in full compliance with the Operational Management Plan provided to, and agreed by, the Council since April 2024.
- Regularly completing two key logs – Deliveries/Collections Log records all incoming and outgoing deliveries and collections, ensuring goods are tracked and properly managed. Cleaning Log documents ongoing efforts to maintain a tidy and safe environment, including daily cleaning activities.
- Majority of delivery vehicles reverse, with banksman assistance, into the rear roadway of the FIRA Building, ensuring that all deliveries occur off Maxwell Road.
- Actively responded to concerns raised by residential neighbours, as evidenced by changes to the delivery procedures.
- Reduced volume of the forklift's reversing sounder. While the sounder cannot be turned off for health and safety reasons, we are exploring the possibility of installing a white noise attachment to further reduce any potential disturbance.
- This is an employment site but for more than a year we have been made to feel unwelcome by the neighbours. There have been continual incidents – trespass, blocking of access, harassment and photography.
- While we are a national distributor of construction materials, we are proud to be a local business, employing local staff and contributing to the community in Stevenage.

4.5 Please note that the aforementioned is not a verbatim of the comments which have been received. A full copy of the comments can be viewed on the Council's website.

5. CONSULTATIONS

April 2023 to February 2024

5.1 The outcome of third-party consultations is shown below. Please note that where responses have not been received, the Council is under a duty not to delay determination of the application, as set out in the Planning Practice Guidance.

5.2 Herts Fire and Rescue Service

5.2.1 No response received.

5.3 Herts Constabulary Crime Prevention Design Service

5.3.1 No response received.

5.4 HCC Highways (Local Highway Authority)

5.4.1 No objection, subject to a condition requiring compliance with the submitted delivery and service management plan and a condition requiring the submission of a swept path analysis of the largest vehicles using the compound in the eastern part of the site.

5.5 SBC Environmental Health

5.5.1 No response received.

November 2024

5.6 Herts Fire and Rescue Service

5.6.1 No response received.

5.7 Herts Constabulary Crime Prevention Design Service

5.7.1 No response received.

5.8 HCC Highways (Local Highway Authority)

5.8.1 The Highway Authority is being consulted on the above application following a judicial review of the decision of the 9 February 2024 to grant. The two grounds for judicial review that the decision was unlawful:

(1) The Council failed to have regard to a material consideration that it was required by the statute to have regard to, namely that the planning application was for a use with unrestricted operating hours.

(2) The Council misinterpreted the Local Plan policies, failed to have regard or irrationally applied them:

a) In concluding that a harmful impact on the living conditions of neighbouring occupiers would accord with the plan if it was 'acceptable';

b) Given the Council's conclusions that the forklift vehicles are 'inherently noisy, particularly due to reversing alarms' the Council failed to comply with policy to minimise such noise by imposing suitable conditions.

(3) The Court granted permission for judicial review on both grounds.

5.8.2 The Highway Authority has reviewed the judgement reasons for quashing, and unless advised otherwise, both points raised appear to be planning related, therefore the Highway Authority would reiterate its previous comments. The Highway Authority does not wish to restrict the grant of permission subject to the listed conditions and advisory notes.

5.8.3 In relation to the requested condition seeking details of swept path track drawings of the maximum size of service vehicle that can enter and leave the surface car park in forward gear, the applicant submitted a tracking drawing ref. 8230496/6205 for a 12m rigid vehicle. The Highway Authority has confirmed this is acceptable and agreed the condition can be amended to limit vehicles no larger than 12m to service the eastern carpark.

5.9 SBC Environmental Health

5.9.1 Environmental Health officers are currently investigating a noise complaint from the owners of Broomin Green Farm connected with the operation of the business and the use of HGVs and forklift trucks. The investigation is being undertaken under separate Environmental Health legislation covered by the Environmental Protection Act 1990. Officers are working with the business owner to find ways to reduce the noise impact of the business, including the use of white noise reversing alarms on the forklift trucks to mitigate the impact. The business owner has confirmed they are exploring the possibility of installing a white noise attachment to the forklifts to further reduce any disturbance.

6. RELEVANT PLANNING POLICIES

6.1 National Planning Policy Framework

6.1.1 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.

6.1.2 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 Planning Practice Guidance

6.2.1 The Planning Practice Guidance (“PPG”) 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.

6.3 National Design Guide

6.3.1 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.

6.4 The Development Plan

6.4.1 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)

6.4.2 In order for a Local Plan to be effective, they need to be kept up-to-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.

6.4.3 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22 May 2019. As of the 22 May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the Local Plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF and associated PPG.

6.4.4 The Council is currently carrying out a partial review and update of the Local Plan. On 21 November 2024, a schedule of proposed changes was published for the second stage of public consultation under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.4.5 Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report. The policies set out below are most relevant in the determination of this application:

Policy SP1: Presumption in favour of sustainable development

Policy SP2: Sustainable development in Stevenage

Policy SP3: A strong, competitive economy

Policy SP6: Sustainable transport

Policy SP8: Good design

Policy SP13: The historic environment

Policy EC2a: Gunnels Wood Road Employment Area

Policy EC4: Remainder of Gunnels Wood

Policy EC5: Active frontages and gateways

Policy IT3: Infrastructure

Policy IT4: Transport assessments and travel plans

Policy IT5: Parking and access

Policy GD1: High quality design

Policy FP7: Pollution

Policy FP8: Pollution sensitive uses

Policy NH09: Areas of Archaeological Significance

6.5 Supplementary Planning Documents

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

Parking Provision and Sustainable Transport SPD (2020)

Stevenage Design Guide SPD (2023)

6.6 Community Infrastructure Levy Charging Schedule

6.6.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. This proposal would be CIL liable at £0/m².

7. APPRAISAL

7.1 The main issues for consideration in the determination of this application are the principle of the development in land use policy terms, the impact on the character and appearance of the area, the impact on heritage assets, the impact on the amenities of neighbouring occupiers, the provision of parking and the impact on highway safety.

7.2 Land Use Policy Considerations

Impact on the designated employment area

- 7.2.1 The NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.2.2 It also encourages an effective use of land whereby planning decisions promote and support the development of underutilised land and buildings. It directs that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs. Balanced against this is the need to safeguard and improve the environment, and to ensure safe and healthy living conditions.
- 7.2.3 Policy SP3 of the Local Plan is the Council's strategic policy for economic development. It states the Council's intention to continue to remodel Gunnels Wood to meet modern requirements and provide a high quality and attractive business destination.
- 7.2.4 Policy EC2a defines the spatial extent of the Gunnels Wood Employment Area. Policy EC4 then sets out criteria for development in parts of the Employment Area not covered by the "Edge-of-Centre Zone" or "Industrial Zone" sub-areas established by Policies EC2b and EC3 respectively. This includes the application site, which falls entirely within the Employment Area but not within either of these two zones.
- 7.2.5 Policy EC4 states that outside of the Edge-of-Centre and Industrial Zones, planning permission will be granted where:
- (a) development, including changes of use, is for research and development, light industry, general industry and/or storage and distribution;
 - (b) development or redevelopment of the site would not prejudice the provision of an appropriate number and range of jobs across the Employment Area as a whole; and
 - (c) on sites of over two hectares in size, any proposals for storage and distribution development are either part of a mixed-use scheme providing a range of acceptable uses or essential to the continued operation of an existing use.
- 7.2.6 The existing lawful use of the FIRA Building is for research and development purposes, which now falls within class E(g)(ii) of Schedule 2 to the Use Classes Order. The lawful use of the Vets Compound is sui generis, being incidental to the use of the adjacent building as a veterinary surgery (also sui generis). Both parts of the site constitute previously developed land and together they cover an area of approximately 0.65 hectares.
- 7.2.7 The application seeks to change the use of the site to storage and distribution purposes, which falls within class B8 of Schedule 1 to the Use Classes Order. This is in accordance with the site's Local Plan designation.
- 7.2.8 It is noted that the proposal would deprive the former veterinary surgery building, which has now been vacant for some time, of the majority of its car parking, potentially limiting its attractiveness to prospective occupiers. It is also noted that although the application relates to the entirety of the FIRA Building, the current occupier only utilises approximately two thirds of its floor space and supports only a limited number of jobs.
- 7.2.9 However, it is considered that sufficient parking would be retained so as not to preclude future occupation of the former veterinary surgery building entirely. In any event, both it and the FIRA Building are ageing and in poor condition, which would limit their attractiveness to prospective occupiers irrespective of the current proposal. It is also recognised that B8 uses tend to be less employment intensive (as defined in the Homes and Community Agency (now

Homes England) Employment Density Guidelines) than the other uses encouraged by Policy EC4 and that this will have been taken into account in the designation. Having regard to these considerations, the proposed use is considered to be an effective use of land.

7.2.10 With the above in mind, there is no evidence before officers to suggest that the proposal would limit the number or range of jobs across the Employment Area. The size of the site, the nature of the use, and the limited degree of operational development are such that the impact of the proposal on the area as a whole would be negligible in this respect.

7.2.11 Having regard to the above, the proposal is considered to accord in land use terms with Policies SP3, EC2a and EC4 of the Local Plan, as well as relevant sections of the NPPF. It follows that the principle of the development is acceptable in land use policy terms.

7.3 Character and Appearance

7.3.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design, which includes the 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.

7.3.2 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.

7.3.3 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

7.3.4 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

- 7.3.5 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.
- 7.3.6 The existing buildings on the site are in poor condition and this was the case prior to the current tenant occupying the site and carrying out the change of use. This did and still does have a negative impact on the character of the area, causing it to appear neglected. Efforts by the tenant to remedy the situation since moving in have had little effect.
- 7.3.7 The only proposed operational development is the erection of the weldmesh fence and gate to enclose the Vets Compound, which sits in addition to the existing chain link fence and arm barrier. The new fence is taller, at 2.4m in height, and is also powder coated in green. These characteristics cause it to appear more prominently in views from surrounding roads and properties.
- 7.3.8 Nevertheless, the visual impact of the new enclosure is limited. Notwithstanding the fact that it is the sort of structure one might ordinarily expect to see in an industrial location, it is mostly see-through and its physical presence is therefore much more limited compared to, for example, a close boarded fence. Whilst it may have been possible to enclose the site in a way which would have had an even more limited impact, the enclosure as it is, which is what has been put forward for permission, is not harmful.
- 7.3.9 Another relevant consideration in terms of impact on character and appearance is the nature of the use itself, insofar as it involves open air storage which is very much visible from surrounding roads and properties. The storage of the products is in keeping with the predominantly industrial character of the location. Although open air storage is somewhat unusual, with most of the Gunnels Wood Employment Area being taken up by uses carried out indoors, it is neither unexpected nor incongruous. The builders' merchant a short distance to the north on Cockerell Close is a good example of this.
- 7.3.10 Whilst the storage of the products is not harmful, the display of other associated paraphernalia, residual packaging, commercial waste and litter is another matter. This has had an adverse impact on the character and appearance of the area by further contributing to its neglected and untidy appearance. However, whilst this is to some degree inevitable (it would not be reasonable to expect the site to remain in pristine condition at all times), the impact here has largely been the result of the practices of the current occupier, as evidenced by brief periods of marked improvement when waste is disposed of promptly and residual packaging and tools are tidied and organised. For this reason, it is considered that the impact could be suitably mitigated by the imposition of a condition to secure compliance with the approved Operational Management Plan for residual packaging, commercial waste and litter.
- 7.3.11 The business owner has confirmed that since April 2024, the business has been operating in full compliance with the Operational Management Plan. There was no evidence of residual packaging, commercial waste and litter during recent site visits and therefore it is considered this matter has been successfully dealt with and would continue to be so through the condition requiring ongoing compliance with the Operational Management Plan.

- 7.3.12 Whilst it is accepted that the use would still have some impact on the character and appearance of the area, that impact, subject to the imposition of the operational management plan condition, would be no greater than one might ordinarily expect from a storage use. Within a predominantly industrial area, this is considered to be acceptable.
- 7.3.13 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 accordance with Policies SP8 and GD1 of the Local Plan.

7.4 Heritage Assets

- 7.4.1 Broomin Green Farm is grade II listed. The proposed development, by reason of its proximity, has the potential to affect the setting of this designated heritage asset.
- 7.4.2 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.4.3 The NPPF requires that great weight is given to the conservation of a designated heritage asset (and the more important the asset, the greater the weight should be), when considering the impact of a proposed development on its significance. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.4.4 Local Plan Policy SP13 requires proposals affecting heritage assets to be assessed against national policies. The significance of Broomin Green Farm is primarily derived from its architectural significance as a 17th century timber framed property. It clearly reads as a historic building and has an attractive appearance by virtue of the way in which the property was built and subsequently altered with the use of traditional materials and craftsmanship. It is also of significance as the former farmhouse of a farm set in a once rural location to the south-west of the historic part of Stevenage on one of several greens which surrounded the town (such as Norton Green, Symonds Green and Shephall Green).
- 7.4.5 However, as the New Town was developed in the middle of the 20th century, the outbuildings associated with the farmhouse were demolished and the surrounding fields were rapidly developed for new roads and factories. As a consequence, the farmhouse is now isolated from its historic context and its immediate setting is confined to its garden.
- 7.4.6 Broomin Green Farm is almost entirely hidden in views from Maxwell Road and whilst somewhat more visible from Fairlands Way, it is still obscured by dense vegetation, especially during the summer months. Nonetheless, the application site is considered to form part of its wider setting and the Vets Compound, along with the open-air storage and enclosure, can be seen alongside it.
- 7.4.7 The visual impact of the development in general terms is considered above and many of the same principles apply in respect of the impact on the significance of the listed building. The green weldmesh fence to the eastern carpark, whilst slightly more prominent in views than the existing, remains a relatively minor feature in the street scene and appears no more nor less modern or historically unsympathetic.

- 7.4.8 The open-air storage set behind the fence has a greater visual impact but appears in keeping for the character of the area which is commercial in nature. The buildings on the opposite side of Fairlands Way, which can also be seen alongside the listed farmhouse, also have a distinctly modern and commercial appearance but in these views, the area as a whole clearly reads as a commercial location whereby they do not appear out of place or detract from the listed building's setting.
- 7.4.9 It is considered that the introduction of the storage and distribution use and development of the sort currently occupying the site does not have an adverse impact on the setting of the farmhouse. It follows that whilst the use does not enhance the listed building or its setting, it would preserve them and would have no impact on the significance of the asset. Consequently, it is not necessary to weigh any harm against the public benefits of the use, which is considered to accord with Policy SP13 of the Local Plan.

7.5 Neighbouring Amenities

- 7.5.1 Policy FP7 of the Local Plan 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. Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area. In the emerging Local Plan partial review and update, criterion (e) of policy GD1 is updated to refer to "unacceptable" adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker.
- 7.5.2 The existing use does not have any material impact on the living conditions of neighbouring occupiers by way of overbearing appearance or loss of natural light. It is recognised that some views into Broomin Green Farm are possible from the site, but the proposal does not introduce any new vantage points and therefore has no adverse impact either. It is possible that neighbouring properties, particularly Broomin Green Farm, could suffer from light pollution in the event that external lighting is installed. However, the impact could be suitably mitigated by a condition requiring permission to be sought for any such lighting.
- 7.5.3 The main source of potential impact on neighbours' living conditions is noise pollution, both from vehicular traffic and loading activity. Collections and deliveries are made by HGV, but these are infrequent, and any movement is short in duration. Forklifts also operate at the site, both within and between the FIRA Building and eastern carpark storage area and this activity is far more frequent and prolonged.
- 7.5.4 Both of these vehicles are inherently noisy, particularly due to reversing alarms. The movement of goods across the site and the general activity of staff also generates noise. However, the infrequency of the HGV manoeuvres and the fact that all this activity takes place during normal business hours means that any impact on neighbouring living conditions would be broadly consistent with the existing lawful use of the site under class E(g)(ii), which is unrestricted and within the bounds of what one might ordinarily expect from a site in commercial use.
- 7.5.5 Furthermore, this activity takes place against the background of an already noisy environment. Gunnels Wood Road and Fairlands Way are both main roads which attract significant amounts of traffic, including HGVs, and there are many other businesses in the vicinity which generate noise in a similar way to the proposed development. The site is also under the flight path into Luton Airport and aircraft noise also contributes to the existing external noise environment.

- 7.5.6 Officers are also mindful of the fact that environmental health legislation provides specific protections in respect of noise which is considered to amount to nuisance. Since the proposed use would be the noise generating rather than the noise sensitive use, the agent of change principle does not present any material issues in this respect.
- 7.5.7 The previous planning permission was quashed following a successful Judicial Review on the basis the Council failed to have regard to a material consideration that it was required by the statute to have regard to, namely that the planning application was for a use with unrestricted operating hours and the Council misinterpreted the Local Plan policies, failed to have regard or irrationally applied them:
- a) In concluding that a harmful impact on the living conditions of neighbouring occupiers would accord with the plan if it was 'acceptable';
 - b) Given the Council's conclusions that the forklift vehicles are 'inherently noisy, particularly due to reversing alarms' the Council failed to comply with policy to minimise such noise by imposing suitable conditions.
- 7.5.8 The conclusions of the Noise Assessment by Sharps Acoustics prepared on behalf of the owners of Broomin Green Farm are noted, namely;
- "Overall, the sounds from the activities in the yard of the Fira Building at the time of my survey were intrusive in both external and internal amenity areas. These sounds comprised occasional rattles and bangs from items being moved or dropped but the principal source of annoyance was the noise from tonal reversing alarms, which were present for much of the time through each working day".*
- 7.5.9 However, the Assessment goes on to note that the application seeks 24/7 unrestricted B8 use, which it concludes is almost certain to result in a significant noise problem at Broomin Green Farm due to the close proximity of the two sites. The criticism appears to relate to the fact the use is unrestricted. On this basis and following site visits to both the application site and Broomin Green Farm, it is considered the impact could be mitigated through the use of conditions.
- 7.5.10 The first condition would limit the hours in which servicing and deliveries can take place to 8am to 6pm Monday to Friday. Currently the use of the site is unrestricted, as is the existing lawful use as research and development (use class E(g)(ii) / sui generis). The second condition would prevent the use of forklift trucks during Sunday operating hours and before 8am and after 6pm on weekdays, with the business operating inside the FIRA building making up orders on Sundays. This would prevent any noise from forklift reversing alarms and HGV deliveries during the weekend and anti-social weekday hours.
- 7.5.11 Through restricting the hours in which servicing or deliveries can occur, planning control would be introduced whereby at present there is none giving greater certainty to neighbours that there would be no noisy activity during antisocial hours. This would represent an improvement on the existing unrestricted use of the site, and indeed the previous lawful use of the site whereby HGVs and forklifts could operate without requiring planning permission as part of a business within the E(g) use class.
- 7.5.12 Having regard to the above, it is considered that whilst the existing use has some noise impact on the living conditions of neighbouring occupiers, the impact can be mitigated through the use of planning conditions discussed above. It is considered these conditions would meet the relevant tests within paragraph 56 of the NPPF and would make an otherwise unacceptable development, acceptable. In this respect, the proposal is considered to accord with Policies 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 B8 use should provide 1 car parking space for every 75m² of gross floor area (“GFA”). The FIRA Building has a GFA of 2,589m² and the Vets Compound has a GFA of 1,700m². The baseline parking requirement is therefore approximately 57 spaces.
- 7.6.2 However, the site is located within Non-Residential Parking Accessibility Zone 1, wherein parking can be reduced to between 0% to 25% of the baseline figure. This means that between zero and 15 spaces should be provided. The existing use benefits from 14 spaces i.e. one short of the maximum level of provision.
- 7.6.3 The level of disabled parking and parking for powered two-wheelers is unknown. However, it is noted that the requirements are the same for the existing lawful use and the proposed use at 5% of the total number of spaces. Given that the level of parking across the site has been reduced and the only spaces which have been lost are standard spaces, the proposal does not have any adverse impact in this respect.
- 7.6.4 Parking for HGVs is to be assessed against the benchmark standards, which is a range between 1 space per 200m² GFA and 1 space plus 1 additional space per 500m² GFA. However, the SPD also says that proposals will be assessed on a case-by-case basis. In this case, the development would not provide any parking for HGVs save for the loading area within the FIRA Building. Given that the delivery and service management plan would act to restrict the number of HGVs on site at any one time to one, this level of provision is considered to be acceptable.
- 7.6.5 Having regard to the above, the proposal is considered to be contrary to Policy IT5 because the applicant has failed to demonstrate compliance with powered two-wheeler and disabled parking standards. However, for the reasons given above, the impact of this would be no worse than the existing lawful use of the site. Accordingly, the conflict with Policy IT5 is afforded limited weight.

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. The primary consideration in terms of highway safety is the movement of HGVs associated with collections and deliveries at the site. HCC Highways, as local highway authority for the surrounding road network, requested a stage 1 road safety audit and traffic generation assessment, which was duly provided by the applicant and assessed as being acceptable. However, the arrangements for deliveries and servicing remained an issue due to the limited available space for turning on Maxwell Road.
- 7.7.2 When the change of use was first carried out, deliveries and servicing were carried out within the carriageway of Maxwell Road in front of the FIRA Building. This arrangement was deemed to be unacceptable by the highway authority and so it was then proposed that HGVs would reverse into the Vets Compound, but this proved to be unworkable because the absence of parking restrictions within the turning head at the end of the road results in insufficient space to manoeuvre.
- 7.7.3 HGVs now reverse into the FIRA Building for deliveries before exiting the site in a forward gear. This proposal is supported by swept path drawings which demonstrate that there is sufficient space for the manoeuvre to safely take place. The applicant has also produced a delivery and servicing management plan in consultation with the highway authority. This sets out a number of measures to ensure that the site is serviced safely, including limiting the

number of deliveries to the site, the number of delivery vehicles on site at any one time, and having staff guide vehicles in and out of the site.

7.7.4 The highway authority is now satisfied that the proposed delivery and servicing arrangements are acceptable. It has recommended a condition to ensure that the submitted management plan is complied with and a condition to restrict the size of the largest vehicle which can access the eastern carpark end of the site.

7.7.5 It is noted that the issue of forklifts manoeuvring in the road has been raised by objectors to the scheme. However, the highway authority was made aware of these complaints and has not raised any objections in terms of impact on highway safety or the operation of the road network.

7.7.6 Having regard to the above, and subject to the recommended conditions, it is considered that the proposed development would have an acceptable impact on highway safety, in accordance with Policy IT4 of the Local Plan.

7.8 Biodiversity Net Gain

7.8.1 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

7.8.2 The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply. Based on the information available, this application is one which will not require the approval of a biodiversity gain plan because the following statutory exemption or transitional arrangement is considered to apply.

7.8.3 Development below the de minimis threshold, meaning development which:

- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

7.9 Other Matters

7.9.1 Other matters which were raised in representations and/or are material planning considerations but are not considered to be main issues are considered below.

Crime

7.9.2 Policies SP2 and GD1 of the Local Plan seek to create safe environments that reduce crime and the fear of crime. Objectors to the scheme have raised concerns in respect of the proposed development attracting crime. This is due to the poor condition of the site, in particular gaps in fencing, and the open display of goods.

7.9.3 Officers accept that the open display of goods has the potential to entice thieves. However, officers are also satisfied that the compound where the goods are stored is appropriately

secured. The current occupier of the site has also provided evidence of CCTV surveillance and stated that regular security patrols take place.

- 7.9.4 Hertfordshire Constabulary was consulted on the application but did not respond. In the absence of their advice, the measures set out by the current occupier are considered to be proportionate and sufficient to mitigate the likely risk of crime to a level which might ordinarily be expected from an open-air B8 use. In this respect, the proposal is considered to accord with Policies SP2 and GD1 of the Local Plan.

Fire Safety

- 7.9.5 Fire safety is a material planning consideration, albeit there are no specific policies relating to it in either the Local Plan or NPPF.
- 7.9.6 Objectors to the scheme have raised the issue of the impact of the development on fire safety. This is due to the nature of the products being stored as well as the manner in which they are stored. One incidence of a discarded gas canister being found was also reported.
- 7.9.7 Hertfordshire Fire and Rescue was consulted on the application but did not respond. In the absence of their advice, officers accept that the proposed development would be at some risk of fire. However, there is no evidence to suggest that the risk would be materially greater than for any other open-air storage use. Furthermore, the development is not of a category that would require a fire safety statement to be submitted and the layout of the site and surrounding area is such that officers are confident that the fire and rescue service would be able to respond to any incidents effectively.
- 7.9.8 Having regard to the above, it is considered that the proposed development would have an acceptable impact on fire risk.

Equality and Human Rights Considerations

- 7.9.9 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.9.10 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.9.11 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 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. CONCLUSION

- 8.1 The development has resulted in a change of the use of the site to storage and distribution purposes. This has provided employment opportunities, which is a benefit to the proposal. However, the number of job opportunities provided is limited and accordingly, it only carries limited weight in favour of the proposal.
- 8.2 The proposal is considered to be contrary to Policy IT5 because the applicant has failed to demonstrate compliance with powered two-wheeler and disabled parking standards. However, as the impact would be no greater than the existing lawful use of the site, this carries only limited weight against the proposal.
- 8.3 In all other respects and subject to the recommended conditions, the proposal is considered to be acceptable. In reaching this view, great weight has been given to the preservation of the nearby Broomin Green Farm and its setting, which is a designated heritage asset. These are neutral matters. Having regard to the above, the proposal is considered to be in accordance with the development plan when read as a whole. In the absence of any other material considerations indicating that permission should be refused, it is recommended that retrospective planning permission be granted.
- 8.4 Should Members decide that retrospective planning permission should be refused, a draft enforcement notice has been appended to this report. The refusal reason(s), what the applicant is required to do to remedy the breach in planning control and timescales for compliance will need to be agreed.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions, the detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor:

- 1 The development hereby permitted shall be carried out in accordance with the following plans unless otherwise agreed in writing by the local planning authority:

J0008735-23-01 (Site Location Plan);
J0008735-23-01 (Security Fence Location Plan);

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

- 2 No new external lighting shall be installed at the site.

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

- 3 The use hereby permitted shall be carried out in accordance with the Delivery and Service Management Plan dated 5 January 2024.

REASON:- In the interests of the safety and operation of the highway network.

- 4 Only LGVs or service vehicles no larger than 12m as identified on the approved swept path track drawing ref. 8230496/6205 shall enter the surface car park for the lifetime of the development.

REASON:- In the interests of the safety and operation of the highway network.

- 5 The recommended measures for the management of commercial waste, retained packaging and litter, including storage and collection as set out within the Operational Management Plan dated March 2024 shall be implemented and permanently maintained in accordance with the approved details.

REASON:- To ensure the site is maintained in a tidy condition in the interests of the character and appearance of the area.

- 6 No servicing or deliveries shall be taken at or despatched from the site outside the hours of 08.00 and 18.00 Monday to Friday, nor at any time on Saturday and Sunday, Bank or Public Holidays.

REASON:- To protect the amenity of the occupiers of adjoining properties.

- 7 There shall be no use of forklift trucks outside the hours of 08.00 and 18.00 Monday to Friday, 09.00 to 13.00 Sunday, nor at any time on Saturday, Bank or Public Holidays.

REASON:- To protect the amenity of the occupiers of adjoining properties.

INFORMATIVES

1 Public Information on Planning Applications

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

2 Applications where Biodiversity Net Gain is not required as development is considered De Minimis

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

PROACTIVE STATEMENT

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

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 SPD adopted 2020 and Stevenage Design Guide adopted 2023.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy Guidance March 2014.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: STEVENAGE BOROUGH COUNCIL

**To: TTL CHILTERN PROPERTY LIMITED
STOCKING LANE
HUGHENDEN VALLEY
HIGH WYCOMBE
HP14 4ND**

**EASTERN POWER NETWORKS PLC
237 SOUTHWARK BRIDGE ROAD
LONDON
SE1 6NP**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (b) of Section 171A (1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land and premises known as **Land At Maxwell Road, SG1 2EW** shown edged red on the attached plan, hereafter called 'the Land'.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Use of the former FIRA Building and eastern surface car park for storage and distribution under use class B8 of the Town and County Planning (Use Classes) Order 1987 (as amended). Erection of 2.4m high fence around the perimeter of the surface car park.

4. **REASONS FOR ISSUING THIS NOTICE**

To be completed

5. **WHAT YOU ARE REQUIRED TO DO**

(i) To be completed

6. **TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

(i) To be completed

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on [] unless an appeal is made against it beforehand.

Dated: To be completed

Signed:

A handwritten signature in black ink, appearing to be 'Zayd Al-Jawad', written over a horizontal line.

Zayd Al-Jawad
Assistant Director of Planning and Regulation

On behalf of: Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
Hertfordshire
SG1 1HN

Nominated officer: Ailsa Davis

Telephone 07702 874529

ANNEX

Stevenage Borough Council has issued an enforcement notice relating to **Land at Maxwell Road, SG1 2EW** and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) before the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal <https://www.gov.uk/appeal-enforcement-notice>.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground a of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £578. You should pay the fee to Stevenage Borough Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

RECIPIENTS OF THE ENFORCEMENT NOTICE:

The names and addresses of all persons who were served with the notice:

**TTL CHILTERN PROPERTY LIMITED
STOCKING LANE
HUGHENDEN VALLEY
HIGH WYCOMBE
HP14 4ND**

**EASTERN POWER NETWORKS PLC
237 SOUTHWARK BRIDGE ROAD
LONDON
SE1 6NP**

STATUTORY PROVISIONS

171A.— Expressions used in connection with enforcement.

- (1) For the purposes of this Act—
 - (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,constitutes a breach of planning control.
- (2) For the purposes of this Act—
 - (a) the issue of an enforcement notice (defined in section 172); or
 - (aa) the issue of an enforcement warning notice (defined in section 173ZA);
 - (b) the service of a breach of condition notice (defined in section 187A),constitutes taking enforcement action.
- (3) In this Part "*planning permission*" includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B.— Time limits.

- (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 dwelling house, 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.

172.— Issue of enforcement notice.

- (1) The local planning authority may issue a notice (in this Act referred to as an "*enforcement notice*") where it appears to them—
 - (a) that there has been a breach of planning control; and
 - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—
 - (a) on the owner and on the occupier of the land to which it relates; and
 - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place—
 - (a) not more than twenty-eight days after its date of issue; and
 - (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

172A Assurance as regards prosecution for person served with notice

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
 - (a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
 - (b) giving the person one of the following assurances—
 - (i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - (ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
 - (c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
 - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

(3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

(5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.

173.— Contents and effect of notice.

(1) An enforcement notice shall state—

- (a) the matters which appear to the local planning authority to constitute the breach of planning control; and
- (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

(2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are—

- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
- (b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require—

- (a) the alteration or removal of any buildings or works;
- (b) the carrying out of any building or other operations;
- (c) any activity on the land not to be carried on except to the extent specified in the notice; or
- (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

(6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "*replacement building*") which, subject to subsection (7), is as similar as possible to the demolished building.

(7) A replacement building—

- (a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
- (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
- (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

(8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

(9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

- (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
- (b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

- (a) an enforcement notice requires the construction of a replacement building; and
- (b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173A.— Variation and withdrawal of enforcement notices.

- (1) The local planning authority may—
 - (a) withdraw an enforcement notice issued by them; or
 - (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were reissued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174.— Appeal against enforcement notice.

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
- (2) An appeal may be brought on any of the following grounds—
 - (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
 - (b) that those matters have not occurred;
 - (c) that those matters (if they occurred) do not constitute a breach of planning control;
 - (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
 - (e) that copies of the enforcement notice were not served as required by section 172;
 - (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
 - (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
- (2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—
 - (a) the land to which the enforcement notice relates is in England, and
 - (b) the enforcement notice was issued at a time—
 - (i) after the making of a related application for planning permission, but
 - (ii) before the end of the period applicable under section 78(2) in the case of that application.
- (2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.
- (2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—
 - (a) the relevant demolition was urgently necessary in the interests of safety or health;
 - (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
 - (c) the relevant demolition was the minimum measure necessary.
- (2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—
 - (a) the land to which the enforcement notice relates is in Wales, and
 - (b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).
- (2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—
 - (a) the land to which the enforcement notice relates is in Wales, and
 - (b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—
(a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
(b) an appeal has been dismissed under section 79(6A).

(3) An appeal under this section shall be made —
(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date;
(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—
(a) specifying the grounds on which he is appealing against the enforcement notice; and
(b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section "*relevant occupier*" means a person who—
(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and
(b) continues so to occupy the land when the appeal is brought.

175.— Appeals: supplementary provisions.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
(b) specify the matters to be included in such a statement;
(c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
(d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

(4) Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

176.— General provisions relating to determination of appeals.

(1) On an appeal under section 174 the Secretary of State may—
(a) correct any defect, error or misdescription in the enforcement notice; or
(b) vary the terms of the enforcement notice,
if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.

(3) The Secretary of State—

(a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.

(4) If section 175(3) would otherwise apply and the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

177.— Grant or modification of planning permission on appeals against enforcement notices.

(1) On the determination of an appeal under section 174, the Secretary of State may—

(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;

(b) discharge any condition or limitation subject to which planning permission was granted;

(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) references to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.

(1C) [Subsection]4 (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

(5) Where—

(a) an appeal against an enforcement notice is brought under section 174, and

(b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

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

Date: 3 December 2024

Author: Linda Sparrow

Lead Officer: Zayd Al-Jawad

Contact Officer: Linda Sparrow

Application No : 24/00490/FP

Location : 330 - 336 Ripon Road Stevenage

Proposal : Erection of three storey side extension, two storey extensions above existing single storey rear extensions, three storey rear extension and addition of third floor to existing dwellings to facilitate creation of 3no. one-bed and 6no. two bed apartments with associated car parking and landscaping and regularisation of the change of use of Nos.332 and 336 as Houses of Multiple Occupation (Use Class C4).

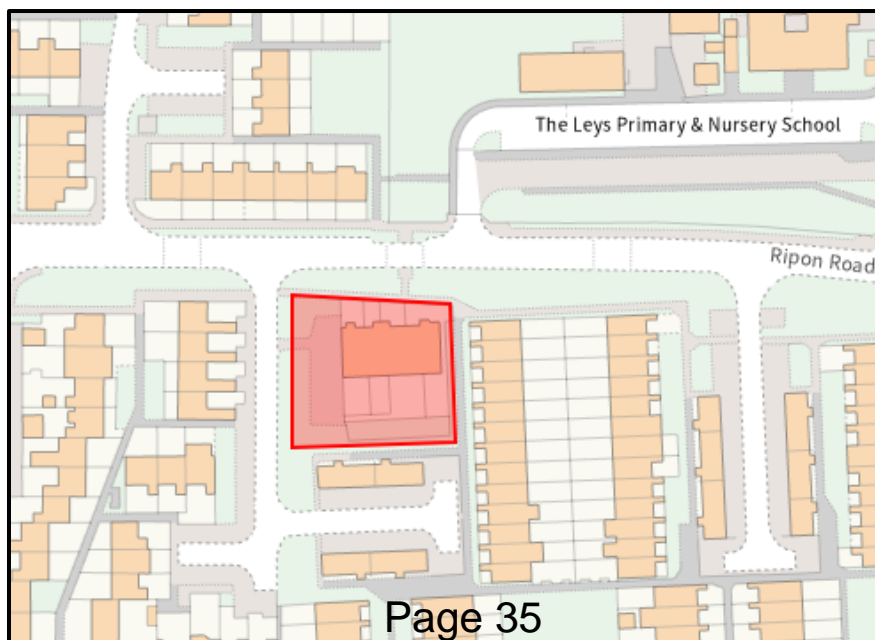
Drawing Nos.: 6958(P)102-A; 6920(P)200-A; 6920(P)201-A; 6920(P)202-A; 6958(P)001 Site Location Plan; 2024/External Lighting Plan; 6958(P)104; 6958(P)002; 6958(P)100; 6958(P)101; 6958(P)103; 6958(P)104-01; 6958(P)105; 6958(P)106; 6958(P)107A; 6958(P)108; 6920(P)203; 6958(P)500; 6958(P)104-02-A;

Applicant : Three Pillars Investments

Agent: Archer Architects

Date Valid: 1 August 2024

Recommendation: GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises 4no. dwellings which are in use as Houses of Multiple Occupation (HMO). Each property is two storey and constructed of buff coloured brick with dual pitched tiled roofs. The properties each have south facing private rear gardens and there is a small area of fenced off land that runs along the rear of each garden which is not within the curtilage of the properties but is within the ownership of the landowners. To the west of the properties is a large tarmac private communal car parking area for use by the four properties where parking is unallocated.
- 1.2 Surrounding the site are two storey residential dwellings in the Radburn style with communal unallocated parking areas and generalised on-street parking. To the south of the site is a garage block with two residential flats above and to the north of the site is The Leys Primary School with the main highway of Ripon Road, which has yellow zig-zag parking restrictions in front of the school.
- 1.3 With regards to the existing HMO's, it should be noted that Nos.330 and 334 received Lawful Development Certificates in 2022 for their use as HMO's. The remaining two dwellings (Nos.332 and 336) have been operating as HMO's since at least 2018.

2. RELEVANT PLANNING HISTORY

- 2.1 12/00546/CC Consultation from Herts County Council about proposed change of use from children's home (use class C2) to day care, residential care and outreach services for disabled children (sui generis). 30.11.2012 NO OBJECTION.
- 2.2 16/00367/FP Conversion of existing residential care home to 4no. three bed dwellings with associated extensions and internal alterations. 03.08.2016 PERMITTED.
- 2.3 16/00587/COND Discharge of condition 6 (Boundary treatment) attached to planning permission 16/00367/FP. 06.09.2016 DISCHARGED.
- 2.4 17/00066/NMA Non-material amendment to planning permission to 16/00367/FP for a change from a mono pitch roof to a hipped roof on house 1. 21.04.2017, NOT PROCEEDED WITH.
- 2.5 18/00748/FP Change of Use from HMO (C4) to Residential institution (C2) including Family Assessment Centre. 22.01.2019, NOT PROCEEDED WITH.
- 2.6 22/00787/CLED Lawful development certificate (existing) for use of the property as a 5 bed HMO (Use Class C4) for No.330 Ripon Road. 11.10.2022 GRANTED
- 2.7 22/00788/CLED Lawful development certificate (existing) for the continued use of the property as a 5 bed HMO (Use Class C4) for No.334 Ripon Road. 11.10.2022 GRANTED.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of a three-storey side extension, two storey extensions above existing single storey rear extensions, three storey rear extension and addition of third floor to existing dwellings to facilitate creation of 3no. one-bed and 6no. two bed apartments with associated car parking and landscaping.
- 3.2 Additionally, the application seeks to regularise the use of Nos.332 and 336 as Houses of Multiple Occupancy (HMOs) for 4 rooms and 5 rooms respectively. The properties were converted to HMOs after September 2017 and therefore do not benefit from permitted development rights for a change of use from a C3 single dwelling to a C4 Small HMO since the Council implemented an Article 4 Direction in September 2017 to remove the permitted development rights for such conversions.

- 3.3 Nos.330 and 334 received formal regularisation by way of Lawful Development Certificates in 2022 for 5 rooms each. Please refer to points 2.6 and 2.7 above for details.
- 3.4 The application comes before the committee as it was called-in by Councillor Barr. The Councillor called in this application in terms of impact on neighbouring properties, impact on character of the street scene, residential amenity, car parking and the impact on the social cohesion of the area.

4. PUBLIC REPRESENTATIONS

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

- Ripon Road – 246, 316, and 322;
- The Leys Primary School;
- North-East Herts Swift Group;
- 12 Gilders, Sawbridgeworth.

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

- Please consider securing 4 integrated swift bricks;
- Existing issues of overlooking which will be exacerbated by the proposed development;
- Current landlords do not look after the properties, and they are very messy;
- Existing dwellings already block light to neighbouring homes and will be exacerbated by the development;
- Boundary treatments are too low;
- Landscaping between fencing and neighbouring properties create a sense of enclosure;
- Not in keeping with surrounding properties;
- Will the car park be available to other residents to use?
- Will the EV chargers be available for other residents to use?
- More trees are needed;
- Reduce provision of car parking to make way for more landscaping;
- Highway safety concerns due to proximity with the school;
- Parking issues in the area will be exacerbated due to insufficient parking;
- Hertfordshire County Council (HCC) condition on construction vehicles doesn't match the construction management plan and could cause conflict with school children.

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. Herts Police Crime Design Advisor

5.1.1 I have been working with the project team following pre-application comments. As a result, this site will seek accreditation to the Police preferred minimum security standard that is Secured by Design, should planning permission be granted. Because of this the Police support this application.

5.2 SBC Environmental Health

5.2.1 Following a review of the application, Environmental Health have no comments to make.

5.3 Herts County Council as Highways Authority

- 5.3.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
- 5.3.2 It is Hertfordshire County Councils policy to seek a planning obligation in respect of Sustainable Transport including for all developments. The revised NPPF - July 2021 (**now NPPF 2023**) promotes accessibility by sustainable means including bus, cycling, and walking, and the provisions of S106 of the Town and Country Planning Act-1990 allows that planning obligations, governed by the guidance within CIL Regulations may be used to mitigate the impact of development. The county council will actively seek planning obligations which will improve sustainable transport facilities and services for passenger transport users who are using the development and generally for those users in the surrounding area. In addition to the strand 1 highway works outlined above, wider necessary / strand 2 highway measures are required. The headline figure as stated in our Toolkit is £6826 per dwelling (i.e., the average amount each new dwelling across the county needs to pay in order for the necessary new infrastructure to be delivered). Multiply this by 9 dwellings = £61,434.
- 5.3.3 The site is located within an established residential area which benefits from good accessibility to local facilities, amenities, and public transport. There is no existing highway safety issue in the local area which would require consideration and mitigation as part of this planning application. The access would be formalised with full height kerbing and double yellow line parking restrictions on both sides. The access will also be widened compared to the existing situation in order to accommodate two-way vehicle movements.
- 5.3.4 Also, there is a school opposite the site, to avoid school pick up/drop off times the permitted hours for construction vehicles to visit the site will be restricted to between 09:30 and 15:00 on weekdays during term time, and to avoid cumulative impacts on the highway network during peak periods.
- 5.3.5 It is proposed to provide a new footpath at the west boundary of the site which will provide a pedestrian link between the existing network on Ripon Road north of the building and the residential entrance at the southwest corner of the building. The proposed use of the site would generate up to 3 and 5 additional vehicular trips (two-way) during AM and PM peak hours, respectively. This increase in trip generation is considered to be negligible in traffic engineering terms. In conclusion, the proposed development will not have a severe impact on the local highway network. Therefore, the proposal should not be refused on highways grounds, as per the National Planning Policy Framework (NPPF, 2023).

5.4 SBC Arboricultural Manager

- 5.4.1 Following a review of this application, inspected the site and can confirm that in principle, there is no objection to the proposal. However, there are a few points which need to be raised: 1. The existing mature Maple tree to the south-western corner appears to be located outside this development's boundary of and not within it as per plans submitted. 2. The same mature Maple tree has a RPA of approximately 6 metres radius, there appears to be no documents showing the impact on this tree by the proposed development (car park, bins store). 3. In view of this, the proposed tree planting species, Lime and Field Maple, are not suitable for the locations indicated due to their future impact on the proposed building and car park. 4. As such, alternative species and locations for the replacement trees have to be sought, to take into account the trees' ultimate size at maturity.

5.5 SBC Green Spaces Development Officer

- 5.5.1 *2nd September 2024*: Following a review of the planning application, the SDS section of the Council do not object to it in principle. However, a few things of note:

- The landscaping plan does not detail the proposed planting, where, and what type. Furthermore, the roof plan and BNG report mention the proposals for a green roof, but there are no details on this, such as planting specification, species, maintenance, etc.
- There is no landscaping strategy and specification, including the ongoing maintenance and upkeep proposal. However, SDS is confident these first couple of points can be resolved by submitting the necessary information via a condition.
- As previously mentioned by the Arboriculture and Conservation Manager, the proposals for planting Lime trees at the location are not suitable due to the issues caused by Aphids. These trees must be substituted with a suitable alternative species for the location.
- SDS note that this development does not achieve a 10% uplift in BNG but rather a 26+% loss, with no proposals for delivery of part/all of the BNG on site. The developer must make the necessary calculations to contribute financially to deliver the mandatory 10% BNG offsite but within Stevenage.

5.5.2 *17th September 2024:* Many thanks for your email. It's interesting to note the changes in legislation regarding BNG. SDS do not have concerns in principle. Is there a specification and strategy for the planting and maintenance of these areas? We need to ensure that the trees and planting will be suitably sourced and planted in accordance with the relevant standards, etc., and that there is a plan for ongoing maintenance, replacements of failed planting, etc. Given the amount of planting, SDS does not think it needs anything too detailed, but it would be reassuring to know the plans broadly.

5.6 Affinity Water

5.6.1 No comments received.

5.7 Thames Water

5.7.1 No comments received.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 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 In order for a Local Plan to be effective, they need to be kept up-up-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.

6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22nd May 2019. As of the 22nd May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.

6.2.5 The Council is undertaking a review of the Local Plan and is undertaking a Regulation 18 consultation. Following this consultation period, the Council will seek to amend the Local Plan and then undertake a Regulation 19 consultation in the Winter of 2024. This will be where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council.

6.2.6 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.

6.2.7 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.

6.2.8 On the 21st May 2024, the Council published its 5 Year Land Supply Update May 2024. This identifies that the Council can demonstrate a Housing Supply of 5.59 years for the period 01 April 2024 to 31 March 2029, using the *Liverpool* methodology (spreads the delivery of historic undersupply of housing equally across the remainder of the Local Plan period) and guidance from the NPPF and Planning Practice Guidance. The 5-year land supply includes a 20% buffer.

6.2.9 The Council has also issued a Housing Delivery Action Plan May 2024. This provides an overview of housing delivery, analysis of barriers to delivery and actions necessary to increase the delivery of housing in the future. The action points specified in the Plan will be monitored on an annual basis to ensure delivery can be increased in order to meet the Council's target of 7,600 new homes over the Local Plan period.

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 2011-2031 (Adopted 2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Climate change, flooding, and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT5: Parking and access;
Policy HO1: Housing allocations;
Policy HO5: Windfall sites;
Policy HO9: House types and sizes;
Policy GD1: High quality design;
Policy FP1: Climate change;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland.

6.6 Local Plan Partial Review (2024)

6.6.1 The council is currently carrying out a partial review and update of the local plan. On 5 July 2024, a schedule of proposed changes was published for the first stage of public consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report.

6.7 Supplementary Planning Documents

- 6.7.1 The following supplementary planning documents are relevant to determining the application:
- Parking Provision Supplementary Planning Document (October 2020);
 - Stevenage Design Guide Supplementary Planning Document (January 2023);
 - Developer Contributions Supplementary Planning Document (March 2021);

6.8 Community Infrastructure Levy

- 6.8.1 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.

7. APPRAISAL

- 7.1 The main issues in the assessment of the application are the principle of development, impact of visual amenity, impact on residential amenities, parking provision, means of access and highway safety, trees, landscaping and biodiversity, impact on the environment, development and flood risk, and ecology and protected species.
- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Principle of Development

- 7.2.1 The NPPF (2023) states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption in favour of sustainable development".
- 7.2.2 Paragraph 63 of the NPPF requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 70 of the NPPF sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.3 Paragraph 69 of the NPPF states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan periods, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 77 of the same document states that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies", where, under paragraph 76 the Local Planning Authority's adopted plan is more than five years old.
- 7.2.4 Paragraph 123 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.

- 7.2.5 Paragraphs 75 and 78 of the NPPF stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the Local Planning Authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.6 On the 21st May 2024, the Council published its 5 Year Land Supply Update May 2024. This identifies that the Council can demonstrate a Housing Supply of 5.59 years for the period 01 April 2024 to 31 March 2029, using the *Liverpool* methodology (spreads the delivery of historic undersupply of housing equally across the remainder of the Local Plan period) and guidance from the NPPF and Planning Practice Guidance. The 5-year land supply includes a 20% buffer.
- 7.2.7 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 relevant to determine this application would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations, and it also has to produce an Action Plan in order to boost housing delivery.
- 7.2.8 Accordingly, as the Council has failed to meet its HDT, this application for new housing will assist the Council in meeting its housing delivery targets. The following sections of this report will balance this presumption in favour of sustainable development (also referred to as the 'tilted balance') against the impacts of development.
- 7.2.9 The application site comprises the existing four dwellings (in use as Houses of Multiple Occupation) and their associated gardens and car parking area. It is undesignated in the Local Plan and as such is therefore regarded as a windfall site.
- 7.2.10 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.11 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and it does not overburden existing infrastructure. For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2023) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition of previously developed land excludes private residential gardens and public open space.
- 7.2.12 The proposed development occupies the footprint of the existing dwellings, the private residential gardens associated with the dwellings and the private car park to the west of the dwellings. Given the footprint of the development largely exceeds the footprint of the existing dwellings, it cannot be considered that the development in its entirety is previously developed land due to the amount of private amenity space which is being utilised for the development. As such, the site fails to comply with Policy HO5.

- 7.2.13 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is located approximately 350m from the St Nichols Neighbourhood Centre on Canterbury Way which comprises a small supermarket, a public house, community centre and GP Surgery. A primary school is located opposite the site and further primary and secondary schools are within a 30-minute walk/10-minute drive. Bus routes run along Ripon Road and Canterbury Way. The property is located approximately 900m (5-minute cycle) from a shared cycle/pedestrian route which then links to the main cycle network on Martins Way.
- 7.2.14 As such, the application site is considered to have a good level of access to local facilities and alternative forms of travel to the private car and therefore deemed to be within a sustainable location.
- 7.2.15 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.
- 7.2.16 Paragraph 60 of the NPPF (2023) states that to support the Governments objective of significantly boosting housing supply, it is important that a sufficient amount, and variety, of land comes forward where it is needed, that the needs of groups with specific housing requirements are met, and that land with permission is developed without unnecessary delay. In addition, para 60. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. As such, the proposed development would contribute to the aim of boosting housing supply without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide 9 additional dwellings along with 4 HMO properties (with a total of 19 rooms across the HMO's) and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be modest and attracts moderate weight in favour of the proposal.
- 7.2.17 Policy HO9 (House types and sizes) of the Local Plan (2019) states that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the Borough. The Design Guide SPD (2023) outlines that housing is an area of weakness across the town. One of the main issues is the lack of an appropriate mix of housing sizes, types, and tenures with a high proportion of three-bedroom terraced properties, and a lack of one- and two-bedroom properties.
- 7.2.18 The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National guidance, and, where appropriate, densities will need to be raised in order to meet these targets for new homes.
- 7.2.19 The proposed development seeks to deliver 6no. two-bed and 3no. one-bed dwellings. It would also seek to retain Nos.332 and 336 as 4 and 5 bed HMO's (Nos.330 and 336 already have Lawful development Certificates in place for 5 bed HMO's). As such, it would accord with Policy HO9 as it would deliver much needed smaller housing units. It would also meet the Governments objective of significantly boosting the supply of homes as defined under paragraph 60 of the NPPF.

7.2.20 With regards to the loss of the single-family dwellings at Nos.332 and 336, there is no policy in the Local Plan which prevents the conversion of single-family dwellings to HMOs or flats. Policy HO5 provides guidance on the issue in paragraph 9.46 of the Local Plan. The conversion of larger homes or flats or shared accommodation can be a useful means of providing additional dwelling stock, which meets the small property demand. It should also be noted that the conversion to HMO's took place approximately 6 years ago.

7.2.21 Policy SP2 (Sustainable Developments) states permission will only be granted where proposals can meet a number of criteria. Included in these criteria are the following:

- Deliver homes or jobs that make a positive contribution towards the targets in the Local Plan;
- Make good use of land and maximise opportunities for brownfield redevelopment within the town;
- Regenerate areas of the town that are under performing;
- Provide a mix of homes for all sectors of the community;
- Improve quality of life and make sure that residents share in the benefits of regeneration;
- Promote journeys by bus, train, bike and foot and reduce the need to travel;
- Make high quality buildings and spaces that respect and improve their surroundings;
- Produce places and spaces that enable people to live a healthy lifestyle; and
- Protect and improve important open spaces, wildlife sites and habitats.

7.2.22 Due to the under-delivery of housing as identified in recent HDT scores published by DLUHC, paragraph 11(d) of the NPPF is engaged and there is now a presumption in favour of delivering sustainable development. In addition, the Council's specific policies on housing are deemed to be out of date, so significant weight must be given to increase the delivery of new homes as required under the NPPF. Therefore, in providing 9 market dwellings plus the retention of 2no. HMO properties, the development would make a strong, positive contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwellings; this is a neutral matter. The construction activity would provide a boost to the local economy.

7.2.23 Paragraph 70d states that great weight should be given to the benefits of using suitable windfall sites within existing settlements for residential development. Having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle given the benefits of providing 9 market dwellings due to paragraph 11(d) of the NPPF being engaged. It follows that the development is acceptable in principle.

7.3 Design and visual impact

National Planning Policy Framework and Planning Practice Guidance

7.3.1 Chapter 12. Achieving well-designed and beautiful places of the NPPF (2023) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.

7.3.2 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.

- 7.3.3 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.

Development Plan

- 7.3.4 Whilst the policies contained in the local plan have limited weight, Policy SP8 generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.3.5 In the emerging local plan partial review and update, criterion (e) is updated to refer to “unacceptable” adverse impacts. The intention behind the change is to make clear that in some circumstances, an adverse impact might still fall within acceptable bounds and that this is a matter of judgement for the decision maker. Policy GD2 is a new policy emerging from the local plan partial review and update. It states that proposals which demonstrate they have been designed to achieve a rating of excellent or higher against a relevant BREEAM standard and/or to achieve the BRE Home Quality Mark will be strongly supported. Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application.

Supplementary Planning Document

- 7.3.6 The Council’s Design Guide SPD (Jan 2023) sets out that an understanding and analysis of the original New Town design concepts identified some key issues. These have been used as key themes, which run throughout the entirety of the Design Guide. Considering these concepts at all stages of the development process provides 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.

- 7.3.7 The application site is located in a predominantly residential area, with a primary school opposite the site and the St Nicholas Neighbourhood Centre a 5 minute-walk to the south on Canterbury Way. The properties in this neighbourhood are relatively uniform in scale, design, and massing and all have relatively small private rear gardens. There are three distinct styles of dwelling – terraced properties with a garage and drive at the rear; terraced properties with no off-street car parking and flatted units above garage blocks. Materials are uniform throughout with buff coloured brick and dual pitched tiled roofs. The primary school is typical 1960’s utilitarian glass and brick and single storey. There are no buildings in the immediate area which have more than two storeys.

- 7.3.8 The proposal involves adding a third floor to the existing dwellings, and a three-storey side extension on the western side of the site. The additional floor does not extend full width of the existing dwellings, creating a step-back from the eastern elevation. A narrow three storey extension is to be added at the rear to provide a stairwell.

- 7.3.9 The side extension will be constructed over the parking area on the western side of the site whilst a new car parking area will be created on the southern side of the site, including through removal of the majority of the existing rear gardens. The resulting gardens will be reduced to approximately 4m in depth and this will be covered later in this report under residential amenities.
- 7.3.10 The resulting building will have a flat roof and will be constructed using a mix of brickwork and cladding. Some of the units would have recessed balconies whilst some others would have open balconies with dark coloured railings. A projecting stairwell would be created on the southern elevation and the eastern side of the development would have a flat roof where the upper floor addition is not created. The submitted plans indicate the proposed materials as follows:

External Walls	Yellow buff multi-stock facing brickwork; and Dark grey timber cladding
Windows/Doors	White uPVC with toughened glazing
Balconies/Balustrading	Dark grey powder coated balustrades Frosted glazing privacy screens
Roofs	Flat roof single ply membrane in dark grey Black uPVC rainwater goods
Miscellaneous	Dark grey metal railings and gates Aluminium dark grey louvred bin and cycle stores

- 7.3.11 The materials proposed are considered acceptable in this location and will have a similar appearance to materials used throughout the Ripon Road area.
- 7.3.12 It is accepted that a three-storey flat roofed building is visually different to the two-storey pitched roof terraced dwellings which are prevalent in this neighbourhood area. However, the area does contain a number of two storey flat roofed buildings comprising flats over garages. Therefore, a taller flat roofed building is not entirely out of keeping with the character of the area and the use of high-quality materials and a modern, contemporary design will add interest to views along Ripon Road.
- 7.3.13 The building would occupy the site of the existing dwellings, expanding southwards over the existing private rear gardens and westwards over the car parking area. Therefore, it would not project further north towards the main highway than the existing building line. On the eastern side, owing to the proximity of the neighbouring properties, the third-floor addition does not extend over the entire site, being capped with a flat roof at two storeys.
- 7.3.14 On the other elevations, there are recessed elements and projecting elements for balconies. The visual appearance of the building, with the stepped elevations and recessed/projecting elements add architectural interest and, as a result, the building does not appear as a large bulky mass in the street scene. The use of differing materials, whilst not fully in keeping with the area, results in a modern and high-quality building which adds interest to the character and appearance of the area. With innovation in design lacking in the Town, modern and contemporary architectural developments are welcomed as encouraged in the Council's Design Guide SPD.
- 7.3.15 Herts Police Crime Prevention Design advisor has assessed the application and advised that they are working with the developer to achieve Secured by Design standard. This standard is a proven method of reducing crime and can also reduce the carbon footprint over the lifetime of the development.

7.4 Impact on Neighbouring residential amenity

National Planning Policy Framework and Planning Practice Guidance

- 7.4.1 Paragraph 135 of the NPPF (2023) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that *“Good design promotes quality of life for the occupants and users of buildings. The primary function – buildings should be easy to*

use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability”. Paragraph 126 of the National Design Guide also emphasises that “well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important”.

Development Plan

7.4.2 Whilst the policies contained in the local plan have limited weight, Policies SP8 and GD1 of the Local Plan 2019 which generally reflect the good design principles outlined in the NPPF and National Design Guide, requires that development does not adversely impact the amenities of neighbouring occupiers.

Outlook and Amenity

7.4.3 In relation to the impact of the proposed development on existing residential amenity, the most affected properties would be Nos. 312-324 to the east, Nos. 326 and 328 to the south, Nos. 232-238 to the west and Nos. 473-485 to the north.

7.4.4 In assessing the impact on neighbouring amenity, the Council’s Design Guide SPD (2023) sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments, the recommended separation distances are set out in the table below.

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

7.4.5 Most of the orientations between existing and proposed are either front to rear, front to front, or front to side, which do not have minimum separation distances. Nos. 232-238 Ripon Road to the west of the site would have a back to side separation distance of approximately 22m which marginally fails the 25m requirement of over 2 storeys between existing and new dwellings in the adopted SPD as set out in the table above. This marginal fail is not considered to result in a level of harm from overlooking or loss of privacy that would warrant a refusal of permission and be defensible at appeal.

7.4.6 The development would be approximately 20m from the front elevation of the flats to the south and approximately 26m from the front elevation of the dwellings to the north. With regards to the dwellings to the east, the development is staggered in height on this elevation and therefore it would be separated by approximately 10m at ground and first floor and approximately 15m at second floor.

7.4.7 The submitted plans indicate that there would be a small terrace on the top floor serving apartment 9. This would be a south facing terrace and therefore potential overlooking and loss of privacy to the dwellings to the east can be mitigated against through the imposition of a condition requiring the eastern side of the terrace to be enclosed with a 1.8m high obscurely glazed privacy panel.

7.4.8 Additionally, there is a larger area of flat roof on the eastern side which is labelled as “green roof” on the submitted plans. This is not shown as being accessible by any of the proposed units but could potentially result in detrimental harm should it become accessible in the future. In this regard it is considered acceptable to impose a condition that restricts access for use as a balcony or external sitting area.

- 7.4.9 Bedroom 1 of apartment 9 has a window on the eastern elevation facing the existing dwellings. This window is a secondary window as there is also a window on the southern elevation of the same room. Therefore, it is considered acceptable that a condition could be imposed to require this window to be obscurely glazed and fixed shut below 1.7m above internal floor level to protect neighbouring amenities. Other east facing windows are approximately 22m from properties to the east and are therefore unlikely to result in a level of harm to neighbouring amenity to such a level that a refusal of permission would be warranted, and defensible at appeal.
- 7.4.10 The terraces on the top floor should be enclosed with obscure screening to a height of 1.8m to minimise overlooking and protect privacy. The terraces and balconies on the other elevations are considered acceptable due to the separation distances from the building to surrounding properties being such that, overlooking and loss of privacy would not be unduly harmed, although the eastern side of any balconies on the northern elevation should be enclosed with obscure screening to protect the eastern neighbours.
- 7.4.11 In terms of outlook from the kitchen windows of the eastern neighbours, whilst these rooms are not a habitable room, the outlook from these rooms should still be considered. The proposed building has been designed to have a stepped eastern elevation and it is not covering the entirety of the existing dwellings. In this regard, the existing two storey dwelling closest to these neighbours is not being widened or made taller and as such the existing impact at ground and first floor is not being altered. The increased height of the dwellings as proposed would be approximately 14m away and given the proximity of the existing site to these neighbouring ground floor windows, it is unlikely they would see the enlargements from ground floor although they would have sight of the upper levels of the development from the upper floor bedrooms. Notwithstanding, it is not considered that the proposed development would worsen any existing impacts to outlook from the ground floor kitchens to such a degree that a refusal could be defended at appeal.

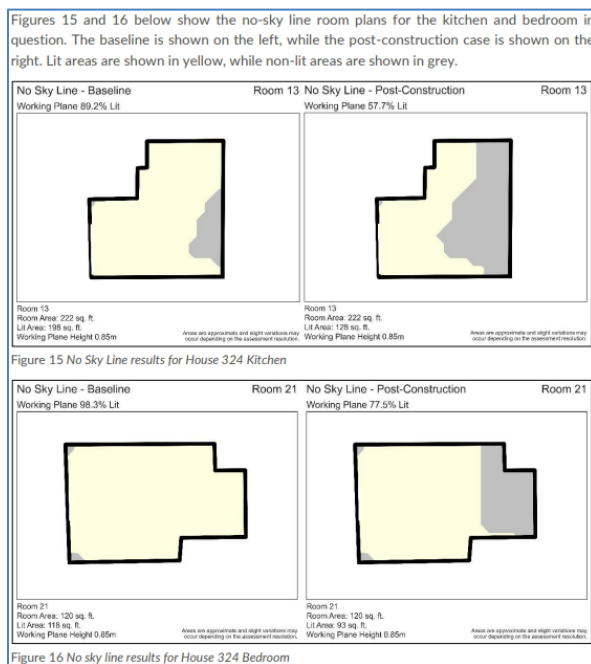
Daylight and Sunlight

- 7.4.12 The developer commissioned a full daylight and sunlight report following concerns from local residents. This report concludes “overall, the impact of skylight and sunlight effects upon the internal rooms of the proposed development, and the surrounding residences is concluded to be low. Whilst some of the assessed windows will receive overshadowing that reduces levels to below the Building Research Establishment (BRE) recommended thresholds, this is not predicted to be significant in practice due to the presence of mitigating factors. No further measures to increase daylighting are recommended for the proposed development or surrounding residences”. Further details follow below.
- 7.4.13 Dealing with daylight, the BRE guidelines operate on the principal that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the VSC is below 27% but is not reduced to less than 0.8 times its former value, then the reduction in daylight would not generally be noticeable to the owner/occupiers, and, as such, the level of impact is not sufficient to warrant refusal. Further, the distribution of daylight within a room can be calculated by plotting the ‘no sky line’. The ‘no skyline’ is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 7.4.14 For properties to the north of the site, a very high proportion of windows pass the VSC threshold and are likely to have adequate daylighting. Those windows which achieve less than 27% skylight are located within bathrooms, which have a lesser requirement for daylighting under BRE guidance. This complies with best practice for room layout design under the associated guidance.
- 7.4.15 For properties to the east of the site, some windows fall below 27% VSC but they still achieve at least 15% VSC, for properties to the south of the site, there are 4 windows which fall below 27% VSC but all achieve more than 15% VSC, and for properties to the west of the site, the windows which fall below 27% VSC all achieve more than 15% VSC. Mitigating factors are noted that windows are larger than typical which can increase

lighting of a room, and the rooms contain other windows such that the room is not dependent on just the failing window.

7.4.16 With regard to skylight, the key considerations are whether overshadowing is predicted to be experienced in practice, and whether the VSC of the impacted window is affected and where it is affected, whether it is maintained to at least 80% of the baseline conditions. In this regard, the report concludes that all windows of neighbouring properties will retain at least 80% of the skylight and pass the 27% VSC threshold compared to the baseline conditions.

7.4.17 However, the report does provide more detail on the ground floor kitchen and first floor bedroom windows of No.324 Ripon Road as these windows are predicted to fail the no sky line assessment through not exceeding 80% of the baseline assessment. In this regard, the bedroom achieves 79% and the kitchen 65%. Both windows achieve greater than 27% VSC and have less than a 10% decrease in the skylight at the window from base conditions. The report goes on to state that from examining floor plans of the kitchen, the kitchen sink and the majority of work surfaces will not experience a change in the lighting. The largest areas of the room predicted to received decreased light are the upper part (relative to Figure 15) of the room, which is part of a corridor/stairwell, and the centre of the room which does not contain work surfaces. BRE guidance states that larger relative reductions in no sky line are more likely for windows with projecting wings on one or both sides, as in this development with the shed/storage area.



7.4.18 With regard to sunlight, the report looks at the Annual Probable Sunlight Hours (APSH) and whether there is a reduction from baseline conditions. Where effects are predicted to reduce experienced APSH by 20% or less, and this reduction will not reduce the proportion of total APSH to less than 25% per year and 5% between the autumn and winter equinox, the impact significance is low, and mitigation is not recommended.

7.4.19 For Nos. 326 and 328 Ripon Road, none of the windows will maintain the 25% APSH threshold, however, the reduction is less than 20% from the baseline conditions. The report notes the mitigating factors in this case is that the reduction in APSH is 0% for all windows between the baseline and the post construction case. Therefore, the proposed development does not impact the windows. All other windows in all other neighbouring properties were assessed to maintain the 25% APSH threshold.

7.4.20 Overall, a very high proportion of window locations in the proposed development meet BRE's recommended thresholds for vertical sky component (VSC) and annual probable sunlight hours (APSH). It is therefore expected that the rooms in the proposed development will receive good levels of skylight and sunlight. Whilst some of the assessed windows will receive overshadowing that reduces levels to below the BRE

recommended thresholds, this is not predicted to be significant in practice due to the presence of mitigating factors.

- 7.4.21 However, it should be noted that the BRE guide makes it clear that numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design, so, whilst there is a policy conflict with Policy GD1(e), it is not a significant conflict in practice and, on balance, the overall benefits of delivering much needed smaller housing units outweigh any potential harms identified in this regard.

7.5 Impact Upon Amenities of Future Residents

Daylight and Sunlight

- 7.5.1 All windows in the south and west elevations pass the relevant tests for Annual Probable Sunlight Hours (APSH). For the eastern elevation, 6 of the 8 windows pass and the two that fail are bedrooms which are considered less significant with respect to sunlight than a kitchen or living room. For the northern elevation, all 35 windows fail the APSH threshold, however, it is very difficult for northern windows to meet sunlight thresholds and this is recognised in the BRE Guidance. Most of the rooms on this façade are bedrooms, bathrooms, hallways and stairwells which are less significant for sunlight than kitchens or living rooms. In this regard, the developer has laid out the site to maximise sunlight to the kitchens and living rooms which naturally results in a compromise to the other rooms receiving less light.

Private Amenity Space

- 7.5.2 In respect to private amenity space, section H (Homes and Buildings) of the Design Guide SPD (2023) requires that all dwellings, including flats should have private amenity space and the only exception to this is where flats are centrally located with easily accessible public open space. In new flatted developments where there is no communal space, balconies or roof gardens should be provided for the occupants of these units. These should be located so as to afford privacy to the occupant, normally to the rear of buildings. Some communal space within developments could provide opportunities for physical activity (e.g., outdoor gym equipment, space for informal exercise). However, they should not compromise the privacy of existing dwellings. Developments should normally aim to achieve a minimum useable communal area of 50 square metres for schemes up to 5 units, plus an additional 10 square metres per additional unit over 5. Garage courts, parking areas and bin storage areas are not considered as part of the useable garden amenity requirements.
- 7.5.3 A development of 9 new dwellings would require 90sqm of amenity space.
- 7.5.4 The submitted site layout plan indicates that there would be a communal area of open space on the eastern side of the development measuring 62.5sqm. In addition, apartment 1 at ground floor would have a rear private area of 10sqm plus an additional area of 19.5sqm to the front of the site and apartment 2 at ground floor would have 8sqm at the rear and 19.5sqm at the front. Apartments 3 and 4 on the first floor would have balconies of 4.5sqm and 6.3sqm respectively whilst apartments 5 to 9 on the second floor would have balconies between 6sqm and 7sqm. All proposed apartments would therefore have a secure, private area that would be of a size to at least allow for clothes drying or sitting out.
- 7.5.5 Amenity areas to the front of properties are not included in the calculated provision as they are not private, and, given the open plan layout of Ripon Road, the front amenity areas should not be enclosed with anything over 1m in height. Additionally, the large communal area to the east of the site could not be fully enclosed with 1.8m high boundary treatments as it would be contrary to the open plan nature of the frontage of the site.
- 7.5.6 However, the plans show that whilst the existing 4 dwellings would retain their front gardens of 17-19sqm, their private rear gardens would be substantially reduced. Houses 1 and 2 would have a shared area of 48sqm and houses 3 and 4 would have a shared area of 45sqm. Shared areas would not usually be acceptable, but it is known that all four dwellings are houses of multiple occupancy and therefore similar in accommodation style to flatted developments which usually have smaller, shared, garden areas.

7.5.7 It is acknowledged that the retained gardens are substantially below the required 50sqm per dwelling in the Design Guide (2023). However, the prevailing character of St Nicholas is terraced dwellings with small rear gardens. The gardens of neighbouring properties vary between 30sqm and 50sqm, as originally built. As such, whilst the reduction of the existing gardens is a policy contravention, their size is not wholly out of character for this area of the town.

7.5.8 On balance, given the scheme is a flatted development, all units have some form of secure private space, and there are two substantial areas of public open space close by (Ripon Road and Pilgrims Way), it is not considered that the lack of private amenity space to the existing dwellings and lack of communal space would be sufficient to look unfavourably on the development overall.

Living Space Standards

7.5.9 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards (NDSS). Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government’s nationally described space standards. Double bedspaces should be at least 11.5sqm whilst single bedspaces should be at least 7.5sqm. The table below details the overall floorspace requirements and the proposed floorspaces of each unit.

7.5.10 The submitted plans indicate that all flats meet the overall floor space standards, and all bedrooms meet the minimum floor space requirements.

Unit Number	Type	Space Required	Space Provided	Bedroom 1	Bedroom 2
1	2bed/3 person	61sqm	61sqm	12.20sqm	8.05sqm
2	1bed/2 person	50sqm	50.3sqm	12.10sqm	--
3	2bed/3 person	61sqm	61.1sqm	12.20sqm	8.05sqm
4	1bed/2 person	50sqm	50.3sqm	12.10sqm	--
5	2bed/3 person	61sqm	61.10sqm	12.20sqm	8.05sqm
6	1bed/2 person	50sqm	50.3sqm	12.10sqm	--
7	2bed/3 person	61sqm	61sqm	12sqm	9sqm
8	2bed/3 person	61sqm	61sqm	12.6sqm	9sqm
9	2bed/4person	70sqm	73.65sqm	12sqm	12.05sqm

7.5.11 With regard to the existing HMO’s, the bedrooms range between 8sqm and 20sqm which exceeds the minimum HMO Licence requirements of 6.5sqm. Accordingly, the HMOs are considered acceptable in this regard.

7.6 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

7.6.1 Chapter 9. Promoting Sustainable Transport of the NPPF (2023) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 115 of the NPPF (2023) states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would

be severe.”. Taking this into consideration, paragraph 116 of the NPPF (2023) stipulates that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Development Plan

7.6.2 Whilst the policies in the Local Plan have limited weight, 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.

Car Parking

7.6.3 Taking the site as a whole, including the existing HMO's, the parking requirement would be:

- 1bed: 1 space - 3 units = 3 spaces
- 2bed: 1.5 spaces - 6 units = 9 spaces
- 19 bedrooms in 4no. HMO's: 0.5 spaces per room = 9.5 spaces
- **Total provision required = 21.5 spaces, rounded to 22 spaces.**

7.6.4 The plans indicate that 17 spaces are to be provided, which is 5 spaces short of the required maximum provision as per the SPD (22 spaces as set out above). However, the site is located within Residential Accessibility Area Zone 3 which could allow for 75% - 100% of site provision to be provided.

7.6.5 In this case, 75% of the required provision would be 16.5 spaces, rounded up to 17 spaces. Accordingly, the provision of 17 spaces is considered acceptable as it meets the requirements of the Parking Provision SPD when accounting for an allowed reduction due to the sustainable location of the site.

7.6.6 Concerns from local residents regarding parking congestion in the cul-de-sac are noted, however, the development is in accordance with the Council's parking policies. Further, the site has been assessed to be in a sustainable location with good access to bus routes, pedestrian footpaths and the Town's extensive cycle network nearby. As such, travel by car can easily be substituted by other sustainable modes of transport.

7.6.7 Paragraph 115 of the NPPF (2023) states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” Given the sustainable location of the site, it is not considered that there would be severe impacts on the local highway network such a refusal could be warranted and defended on appeal. There are areas of congestion in Ripon Road but there are parking restrictions around the site due to The Leys Primary School such that vehicles could not park on the street and cause congestion or highway safety issues.

Disabled Parking

7.6.8 Turning to disabled parking, in line with the Council's adopted Standards, 5% of the total number of spaces should be designated for disabled persons. The submitted plans show 1 space which meets the minimum requirement of 1 space and is considered acceptable.

Visitor Spaces

- 7.6.9 Visitor spaces are required at a standard of 0.25 spaces per dwelling, so 9 proposed units and 4 existing units will require 3.25 spaces, rounded down to 3 spaces. If the general parking spaces are allocated, then these spaces must be in addition to the spaces for the flats. However, if a significant proportion of the parking is unallocated then additional visitor spaces would not need to be provided. The submitted plans show that the parking is unallocated which means the visitor parking can be included within the total parking provision and not additional.

Cycle Parking Provision

- 7.6.10 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). The recently adopted SPD requires one cycle parking space per bedroom. This would equate to 15 spaces for the proposed 9 units and 9 spaces for the 2no. HMOs under consideration in this application. Two of the HMO's have already secured Lawful Development Certificates and therefore it would not be appropriate to require those properties to now provide storage in this regard. Consequently, a total provision for 24 bicycles is required.
- 7.6.11 The submitted plans indicate that there is a cycle storage area on the eastern side of the site which the Design and Access Statement advises can store 16 bicycles which is a deficit of 8 spaces. The site layout plan indicates that there is sufficient space within the amenity areas for the HMOs for additional provision to be provided. A condition can be imposed to secure details of the secure cycle parking requirements prior to occupation of the additional units.

Electric Vehicle Charging

- 7.6.12 The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network, but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. This can be secured with a suitably worded condition.

Highway Implications

- 7.6.13 Herts County Council (HCC) as Highways Authority (HA) have assessed the application and raised no concerns or objections subject to conditions relating to the new access and construction vehicle timings (due to the primary school).
- 7.6.14 The HA have reviewed the submitted Transport Statement and have advised that it has been prepared in accordance with both HCC and SBC Local Plan Policies. The proposed use of the site would generate up to 3 and 5 additional vehicular trips (two-way) during AM and PM peak hours, respectively. This increase in trip generation is considered to be negligible in traffic engineering terms.
- 7.6.15 It should be noted that due to the impacts of Covid-19 hybrid working, commuting and employment patterns have changed substantially. While no data exists at present it is universally known that levels of employment and ways of working have substantially changed and those of working age have chosen more flexible working patterns, making use of the ability to work from home more often and on certain days of the week. Therefore, it is likely that trip levels will be lower than those predicted by the TRICS (Trip Rate Information Computer System) database. HCC Highways have raised no concerns or objections in this regard.
- 7.6.16 The HA have advised that the site is located within an established residential area which benefits from good accessibility to local facilities, amenities, and public transport. There are no existing highway safety issues in the local area which would require consideration and mitigation as part of this planning application. The access would be formalised with full height kerbing and double yellow line parking restrictions on both sides. The access will also be widened compared to the existing situation in order to accommodate two-way vehicle movements.

- 7.6.17 The HA have reviewed the submitted Construction Management Plan (CMP) and advised that due to the school, they would like a condition imposed to alter the permitted hours for construction vehicles from that which is contained in the CMP to between 09.30am and 15.00pm on weekdays during term time.
- 7.6.18 The Highways Authority have requested a financial contribution of £61,434.00 (£6,826.00 per dwelling) under Strand 2 to improve sustainable transport options. They have not provided any details as to how this money would be used or for what intended purposes other than a general implication of 'improving sustainable transport'. Whilst the Council (SBC) supports the improvements of the cycle network and the LCWIP generally, the Council does not consider the requested financial contribution to be commensurate with this type of development or deemed to be reasonable, and, therefore, it is not considered that the financial contribution sought by HCC as Highways Authority meets the requirements of the CIL Regulations. However, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of the Committee to secure any financial obligations (providing they meet Reg 122 of CIL and the NPPF) which may be required in this regard, which would form part of a S106 Legal Agreement.
- 7.6.19 Given the aforementioned assessment, and through the use of appropriately worded conditions, the development would be in accordance with the policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2023) and PPG.

7.7 Impact on the Environment

Contamination

- 7.7.1 The application site is a residential area and prior to the original development, the site was part of open fields. Therefore, there would be very low risk of contamination. Following consultation with the Council's Environmental Health section, they have raised no concerns from a land contamination perspective.

Groundwater

- 7.7.2 The application site is not located in Zone 3 Source Protection Zone. Thames Water were consulted on the application but did not provide any comments. However, as part of a pre-application enquiry they did provide comments, where they advised that they had no concerns or objections but wanted it noted that the development would be located within 15m of their underground assets and therefore the development could cause the assets to fail if appropriate measures are not taken. They advised the applicant at that time to read their guide 'working near our assets' to ensure any work is in line with the necessary processes that need to be followed if considering working above or near their pipes or other structures.

Air Quality

- 7.7.3 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).
- 7.7.4 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the CMP submitted with the application which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.7.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development could 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 environmental mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

- 7.7.6 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.
- 7.7.7 Dealing firstly with the impact of noise from the construction phase of the development, the submitted CMP details the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly.
- 7.7.8 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Borough Council's Environmental Health department.
- 7.7.9 With regards to sound insulation, this would be covered by the Building Regulations. They require a sound test to be undertaken and a certificate provided to show that the level of noise between properties is within acceptable limits before they will sign off the works. In this regard, the amenities of the occupiers of the proposed dwellings would be protected from excessive and intrusive noise levels.

Light Pollution

- 7.7.10 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a) the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
 - b) health and safety of the public; and
 - c) The compliance with statutory environmental quality standards.
- 7.7.11 The application is accompanied by an external lighting plan which Environmental Health and HCC Highways have seen and not raised any concerns or objections to. A condition can be imposed to construct the development in accordance with this plan.

7.8 Trees and Landscaping

- 7.8.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. In the emerging local plan partial review and update, policy NH5 is replaced by two new policies: Policy NH5a, which relates to trees and woodland; and Policy NH5b, which relates to tree-lined streets. Policy NH5a continues to provide a general presumption against the loss of healthy trees but also introduces a new tree replacement standard and offsetting mechanism where replacement planting cannot be provided on site. Policy NH5b requires new streets to be tree-lined, mirroring paragraph 136 and footnote 53 of the NPPF. Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application.
- 7.8.2 The application was accompanied by a landscaping proposal plan, which the Council's Arboricultural Manager and Green Spaces Development Officer raised concerns over tree species. Subsequently, an amended proposal was submitted but as of the time of writing this report, the Arboricultural Manager has not provided any updated comments. The Green Spaces Development Officer has advised they have no objections to the proposal but would like to see a full landscaping strategy and maintenance plan. This will be secured via condition.

7.8.3 There is a large mature Maple tree just outside the red line of the site which will need suitable protection measures during construction works and this will be secured by condition. Further, the Biodiversity Net Gain Assessment advises there are 4 trees on site, of which only one will be retained. As private land, the Council cannot apply any policies for tree replacements as the owner could remove these trees at any time without the need for permission from the Council. Notwithstanding this, further discussion follows below under Biodiversity Net Gain assessment.

7.9 Biodiversity, Ecology and Protected Species

7.9.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply in some circumstances.

7.9.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted, and, if it does not apply, under which exemption they are applying. In this regard, the application is not exempt and therefore must provide a 10% net gain.

7.9.3 The application is accompanied by a Biodiversity Assessment by Morgan & Stuckey. This report confirms that 3 trees on site will be removed as will other areas of landscaping (existing private rear gardens). However, as part of the development, the site will be re-landscaped, including the provision of a large area of green roof.

7.9.4 However, following completion of the landscaping proposals, whilst the development would see a gain of 0.09 hedgerow units, it would see an overall loss of 26.24% in habitat units which cannot be secured on site due to site constraints. To achieve a 10% net gain and meet trading rules, off-site compensation will be required. Due to changes to the biodiversity legislation, the Council cannot seek financial contributions itself. The developer will be required to secure off-site compensation either through the use of habitat banks, or, if this option is not available, then through the securing of habitat credit from the Government; this will need to be secured via a Legal Agreement. Final details of the securing of the required provision are to be delegated to the Assistant Director of Planning and Regulation through the Section 106 Legal Agreement process should members be minded to grant planning permission.

7.10 Other Matters

Sustainable construction and climate change

7.10.1 Existing Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

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

7.10.2 The emerging local plan partial review and update contains a suite of new climate change policies (CC1 to CC8). These policies cover a much broader range of topics which are relevant to climate change and also make mandatory some of the measures that are currently only encouraged. Given that the emerging local plan is in the earliest stages of preparation, the extent of objections to the policies is as yet unclear, and their degree of

consistency with the NPPF is likewise yet to be tested, emerging Policies CC1 to CC8 is only afforded limited weight in the assessment of this application.

7.10.3 The Council's Design Guide SPD (2023) sets out additional requirements with respect to climate change. The guide states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-

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

7.10.4 The Design and Access Statement details that the development will make use of prefabricated components where possible to reduce on-site construction waste, any waste generated will be recycled where possible, the proposed dwellings will have low water consumption appliances such as dual flush toilet and aerated shower heads, high quality long lasting materials will be used to ensure a low environmental impact under the BRE's Green Guide to Housing Specifications. Maximisation of solar gains through site layout to reduce energy demands, glazed openings maximised for ventilation and daylight, low energy light fittings with proximity and timer controls in communal areas.

Waste and Recycling

7.10.5 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The layout plan shows that adequate space is available for the required receptacles, and they are within acceptable drag distances of the road. This can be secured through a condition.

Community Infrastructure Levy

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

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

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

7.10.8 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.

7.11 Equality, Diversity and Human Rights

7.11.1 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.

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

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

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

7.11.5 The scheme seeks to deliver the necessary disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size standards and have been located in an appropriate location in close proximity to the entrance of the main residential building.

7.11.6 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use and the dwellings have been assessed to not result in harm to neighbouring properties through overlooking or loss of privacy. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home. Further, the ground floor units are likely to be accessible to wheeled vehicles/pushchairs and the disabled parking is located close to the building.

8. CONCLUSIONS

8.1 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22 May 2019. As of the 22 May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the Local Plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF. In addition, the Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). As this policy is now engaged, it means Local Plan housing policies would also be classed as out-of-date for this reason. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.

8.2 The proposed development would result in the delivery of 9no. dwellings and the retention of two existing HMO's, which would make a small but nonetheless significant contribution towards meeting the Borough's housing needs. This is due to paragraph 11(d) of the

NPPF being engaged. The application has demonstrated that the scheme would be capable of providing a good standard of accommodation. The provision of good quality housing carries significant weight in favour of the proposal.

- 8.3 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, and, since the scheme is for 9 dwellings and retention of two existing HMO's, it is considered that these benefits would be modest and attracts moderate weight in favour of the proposal.
- 8.4 The proposed development would conflict with Policy GD1(e) in terms of daylight and sunlight impacts on neighbouring occupiers, however, as set out in the report, the impacts are not considered to be significant, and, on balance, are outweighed by the public benefits of providing much needed smaller housing units. The collection of waste and recycling is acceptable. In relation to the amenities of future residents, the development would have acceptable living standards in terms of outlook, privacy, sunlight and daylight, internal floorspace standards and impact from noise.; these are neutral matters.
- 8.5 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The disabled parking and cycle parking are considered acceptable. This carries moderate weight in favour of the proposal. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and is acceptable in this regard.
- 8.6 The provision of amenity space is contrary to policy. However, the public benefit of delivering housing, along with the Council failing to meet its housing delivery requirements, is significant and there would also be public benefits to the economy through construction jobs and spending in the area. Accordingly, whilst the development is not fully policy compliant in this regard, on balance, the public benefits arising from the delivery of the development are considered to outweigh the harm from this policy contravention.
- 8.7 With regards to the environmental impact of the development in terms of ecology, biodiversity, and landscaping, by securing the relevant BNG off-site requirements, it has been established that these are all considered acceptable.
- 8.8 In conclusion, whilst the proposal has been assessed to contravene some policies of the Local Plan (2019) through deficits in outdoor private amenity space and the land not being fully classified as previously developed brownfield land, the development would accord with the majority of the policies in the adopted Local Plan (2019) and the public benefits identified through the delivery of much needed smaller residential units outweigh the harms previously identified. Therefore, despite the conflicts with the aforementioned Local Plan Policies, there are sufficient material considerations to indicate that planning permission should be granted in this instance.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a Section 106 Legal Agreement to secure the following:
 - Securing the provision of a 10% net gain in Biodiversity off-site; and
 - SBC s.106 Monitoring Fee – 2.5% of total financial obligations.
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice

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

SUBJECT TO THE FOLLOWING CONDITIONS/REASONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
6958(P)102-A; 6920(P)200-A; 6920(P)201-A; 6920(P)202-A; 6958(P)001 Site Location Plan; 2024/External Lighting Plan; 6958(P)104; 6958(P)002; 6958(P)100; 6958(P)101; 6958(P)103; 6958(P)104-01; 6958(P)105; 6958(P)106; 6958(P)107A; 6958(P)108; 6920(P)203; 6958(P)500; 6958(P)104-02-A;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
REASON:- To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses.
- 4 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.
- 5 External lighting shall be installed as shown on approved plan 2024/ and 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.
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in the Ecological Impact Assessment by Morgan & Stuckey, Ref. No. 3227, dated 28.06.2024, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To prevent unacceptable harm to habitats and species.
- 7 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
REASON:- Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

- 8 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 9 Any trees or plants comprised within the approved plans which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 10 The development hereby approved shall be carried out in accordance with the Construction Management Plan dated June 2024 with the amendment that construction vehicles shall be restricted on weekdays during term time to only visit the site between the hours of 09:30am and 15:00pm.
REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties and the nearby primary school, and to ensure suitable, safe and satisfactory planning and development.
- 11 The development hereby permitted shall be carried out in accordance with the scheme of soft and hard landscaping as shown on approved plan (P)104-02-A, unless otherwise agreed in writing by the Local Planning Authority. The approved landscaping scheme shall be completed in accordance with the approved details prior to first occupation of any of the units within the development.
REASON:- To ensure a satisfactory appearance for the development.
- 12 The development hereby permitted shall be carried out in accordance with the details of measures to address adaptation to climate change and energy efficiency detailed in Section 4.6 of the Design and Access Statement, in line with Policy FP1 of the Stevenage Local Plan (2019). These measures shall be implemented and permanently maintained in accordance with the approved details prior to first occupation of any of the units within the development.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 13 No development shall take place (including demolition and site clearance) until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access no wider than the existing and associated highway works concerning the connectivity of the access road footways. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to the first occupation of the development.
REASON:- To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.
- 14 No development shall take place (including site clearance) until details of tree protection measures have been submitted in writing and approved by the Local Planning Authority for the existing trees shown as retained on the approved plans. The tree protection measures shall be implemented prior to development commencing and remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.
- 15 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance.

- 16 Prior to the first occupation of the first unit hereby permitted, the bird boxes and bat bricks or boxes as specified in the Ecological Impact Assessment by Morgan & Stuckey dated 28.06.2024 shall be erected accordingly and thereafter permanently retained and maintained.
REASON:- To provide suitable roosting and nesting opportunities for bats and birds as an ecological enhancement of the site.
- 17 Prior to the first occupation of the first unit hereby approved the parking, turning, and servicing areas shown on drawing number 6958-(P)104-01 shall be provided, marked out and hard surfaced ready for use and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
- 18 Prior to the first occupation of the first unit hereby permitted, the parking spaces shown on approved plan 6958-(P)104-01 shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development.
- 19 Prior to the first occupation of the first unit hereby permitted, details of the required 24 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facilities shall thereafter be implemented in accordance with the approved details and maintained for the lifetime of the development.
REASON:- To ensure there is sufficient secure cycle parking provision in order to encourage a mode shift from the private car.
- 20 Prior to the first occupation of the first unit hereby permitted, the general waste and recycling stores and plant areas associated with the development shall be implemented in accordance with the details shown on approved plan 2023/P0221-001-G and retained and maintained accordingly for the lifetime of the development.
REASON:- To ensure the storage areas are acceptable and are of sufficient size to accommodate the number of bins which are required for this development.
- 21 Prior to the first occupation of the first unit hereby permitted, the eastern facing window of bedroom 1 to apartment 9 shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level and shall be retained in that form for the lifetime of the development.
REASON:- To safeguard the privacy of the occupiers of adjoining properties.
- 22 Prior to the first occupation of the first unit hereby permitted, all eastern side elevations of all terraces and balconies shall be fitted with obscurely glazed panels to a height of 1.8m. The obscure glazing shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure adequate levels of privacy for neighbouring properties.
- 23 Notwithstanding the details shown on the approved plans, no access shall be provided to any additional areas of flat roof by way of windows, doors or staircases and nor shall they be used as a balcony or sitting out area.
REASON:- To protect the amenities and privacy of the occupiers of adjoining properties.

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

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

INFORMATIVE

- 1 **Public Information on Planning Applications**

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

- 2 **Community Infrastructure Levy**

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

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

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

- 3 **Building Regulations**

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

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

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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

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

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

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

4 **Party Wall etc. Act 1996**

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

5 **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority; and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>

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

10. 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, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Practice Guidance.

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Meeting: Planning and Development
Committee

Agenda Item:

Date:

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 : 24/00469/FPH
Date Received : 08.07.24
Location : 7 Milestone Close Stevenage Herts SG2 9RR
Proposal : Erection of single storey front extension
Date of Decision : 16.10.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed single storey front extension, by virtue of its design, scale, massing and location in relation to the surrounding street scene would be over dominant, incongruous and detrimental to the architectural form of the original dwelling and to the character, appearance and visual amenities of the surrounding scene. The proposal is therefore contrary to the Council's Design Guide SPD (2023), Policies GD1 and SP8 of the Stevenage Borough Local Plan (2019), the National Planning Policy Framework (2023) and associated National Planning Policy Guidance.

2. Application No : 24/00476/COND
Date Received : 09.07.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 6 (Drainage timeframe strategy) attached to planning permission reference number 22/00781/RMM Country Park
Date of Decision : 05.11.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

3. Application No : 24/00482/FPH
Date Received : 11.07.24
Location : 219 Broadwater Crescent Stevenage Herts SG2 8ES
Proposal : Single storey front and rear extension
Date of Decision : 15.11.24
Decision : **Planning Permission is GRANTED**
4. Application No : 24/00521/FP
Date Received : 22.07.24
Location : Monkswood Retail Park Elder Way Stevenage Herts
Proposal : Erection of 3 no. lighting columns for Electric Vehicle (EV) hub.
Date of Decision : 16.10.24
Decision : **Planning Permission is GRANTED**
5. Application No : 24/00565/FP
Date Received : 09.08.24
Location : 29 - 31 Orchard Road Stevenage Herts SG1 3HE
Proposal : Variation of Condition 1 (approved plans) attached to planning permission 21/00819/FP to amend the approved plans
Date of Decision : 18.11.24
Decision : **Planning Permission is GRANTED**
6. Application No : 24/00566/FP
Date Received : 09.08.24
Location : 50 High Street Stevenage Herts SG1 3EF
Proposal : Change of use of first and second floor accommodation from offices to residential to create 2no. flats and external alterations to building
Date of Decision : 07.11.24
Decision : **Planning Permission is GRANTED**

7. Application No : 24/00576/FP
Date Received : 12.08.24
Location : 19 Stoney Croft Stevenage Herts SG1 3TW
Proposal : Change of use from public amenity land to private residential garden and creation of hardstanding to park two cars
Date of Decision : 14.11.24
Decision : **Planning Permission is GRANTED**
8. Application No : 24/00591/FP
Date Received : 20.08.24
Location : Ken Brown Motors Shephall Way Stevenage Herts
Proposal : Erection of a temporary workshop, ancillary to existing operations
Date of Decision : 22.10.24
Decision : **Planning Permission is GRANTED**
9. Application No : 24/00600/FP
Date Received : 22.08.24
Location : 209 Vardon Road Stevenage Herts SG1 5PY
Proposal : Conversion of existing four bed HMO to 2no. one bedroom flats with a single-storey rear extension and associated works.
Date of Decision : 16.10.24
Decision : **Planning Permission is GRANTED**
10. Application No : 24/00603/FPH
Date Received : 23.08.24
Location : 82 Faraday Road Stevenage Herts SG2 0BB
Proposal : Retrospective planning permission for retention of existing outbuilding.
Date of Decision : 15.10.24
Decision : **Planning Permission is GRANTED**

11. Application No : 24/00604/FPH
Date Received : 24.08.24
Location : 34 Cromwell Road Stevenage Herts SG2 9HU
Proposal : Erection of pitched roof to existing two storey side extension.
New window to front elevation.
Date of Decision : 21.10.24
Decision : **Planning Permission is GRANTED**
12. Application No : 24/00605/FPH
Date Received : 27.08.24
Location : 17 Foster Close Stevenage Herts SG1 4SA
Proposal : Erection of two storey side extension, single storey front porch,
single storey rear extension and garage conversion.
Date of Decision : 22.10.24
Decision : **Planning Permission is GRANTED**
13. Application No : 24/00608/FP
Date Received : 28.08.24
Location : Stevenage Circuits Ltd Caxton Way Stevenage Herts
Proposal : Change of use from light industrial (Use Class E(g)(iii)) to vehicle
repair business (use class B2) and with associated external
alterations
Date of Decision : 21.10.24
Decision : **Planning Permission is GRANTED**
14. Application No : 24/00609/FPH
Date Received : 28.08.24
Location : 10 Hillside Stevenage Herts SG1 1PX
Proposal : Alterations to front porch to enclose area under existing roof with
brick construction and new front door
Date of Decision : 05.11.24
Decision : **Planning Permission is GRANTED**

15. Application No : 24/00610/FP
Date Received : 29.08.24
Location : 72 Barnwell Stevenage Herts SG2 9SN
Proposal : Change of use to supported living care home (use class C2).
Date of Decision : 24.10.24
Decision : **Planning Permission is GRANTED**
16. Application No : 24/00614/CLPD
Date Received : 30.08.24
Location : 15 Glenwood Close Stevenage Herts SG2 9QT
Proposal : Lawful Development Certificate (Proposed) for dormer window in rear roof slope and three front roof lights.
Date of Decision : 22.10.24
Decision : **Certificate of Lawfulness is APPROVED**
17. Application No : 24/00628/FP
Date Received : 03.09.24
Location : 110 - 128 Durham Road Stevenage Herts SG1 4HY
Proposal : Installation of perimeter edge guard railing to flat roof areas.
Date of Decision : 25.10.24
Decision : **Planning Permission is GRANTED**
18. Application No : 24/00629/FP
Date Received : 03.09.24
Location : 141 - 159 Durham Road Stevenage Herts SG1 4JW
Proposal : Installation of perimeter edge guard railing to flat roof areas.
Date of Decision : 25.10.24
Decision : **Planning Permission is GRANTED**

19. Application No : 24/00630/FP
Date Received : 03.09.24
Location : 180-196 Durham Road Stevenage Herts SG1 4JA
Proposal : Installation of perimeter edge guard railing to flat roof areas.
Date of Decision : 25.10.24
Decision : **Planning Permission is GRANTED**
20. Application No : 24/00631/FP
Date Received : 03.09.24
Location : 206 - 222 Durham Road Stevenage Herts SG1 4JB
Proposal : Installation of perimeter edge guard railing to flat roof areas.
Date of Decision : 25.10.24
Decision : **Planning Permission is GRANTED**
21. Application No : 24/00633/FP
Date Received : 03.09.24
Location : 296 - 314 Canterbury Way Stevenage Herts SG1 4DT
Proposal : Installation of perimeter edge guard railing to flat roof areas.
Date of Decision : 25.10.24
Decision : **Planning Permission is GRANTED**
22. Application No : 24/00634/FP
Date Received : 03.09.24
Location : 374-394 Canterbury Way Stevenage Herts SG1 4DY
Proposal : Installation of perimeter edge guard railing to flat roof areas.
Date of Decision : 25.10.24
Decision : **Planning Permission is GRANTED**

23. Application No : 24/00636/AD
Date Received : 04.09.24
Location : Cineworld Multiplex Cinema 4 Stevenage Leisure Park Kings Way Stevenage
Proposal : 1 no. non-illuminated fascia sign
Date of Decision : 25.10.24
Decision : **Advertisement Consent is GRANTED**
24. Application No : 24/00637/TPTPO
Date Received : 04.09.24
Location : Ross Court Stevenage Herts SG2 0HW
Proposal : Crown lift to 4no. Scots Pine (T72, T73, T50 and T53) and 1no. Norway Maple (T77), and fell 2no. dead Scots Pine (T73 and T51) protected by Tree Preservation Order 19.
Date of Decision : 25.10.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
25. Application No : 24/00640/FP
Date Received : 04.09.24
Location : John Henry Newman School Hitchin Road Stevenage Herts
Proposal : Replacement of an Artificial Turf Pitch (ATP) into a 3G Artificial Turf Pitch (3G ATP) with associated features
Date of Decision : 18.10.24
Decision : **Planning Permission is GRANTED**

26. Application No : 24/00643/FPH
Date Received : 05.09.24
Location : 23 Dryden Crescent Stevenage Herts SG2 0JQ
Proposal : Part single-storey, part two-storey side extension following demolition of garage
Date of Decision : 30.10.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The proposed two-storey side extension, by virtue of its proximity to the rear elevations of No.25, No.27 and No.29 Dryden Crescent fails to meet the required minimum back to back separation distance as laid out in Appendix C of the Council's adopted Design Guide (2023) and would therefore result in an imposing structure that would have an unacceptable impact on the outlook for the occupiers of these neighbouring properties, having a harmful and overbearing impact on their rear habitable room windows. The proposal is therefore contrary to the Council's Design Guide SPD (2023), Policies GD1 and SP8 of the Stevenage Borough Local Plan (2019), the National Planning Policy Framework (2023) and associated National Planning Policy Guidance.

27. Application No : 24/00645/FPH
Date Received : 06.09.24
Location : 3 Rusling Way Stevenage Herts SG1 5BX
Proposal : Conversion of part of existing garage to habitable accommodation
Date of Decision : 30.10.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

Planning Permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Document January 2020 for a 4 bedroom property. The proposal would therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Car Parking Standards SPD (2020), the National Planning Policy Framework (2021) and associated National Planning Policy Guidance.

28. Application No : 24/00646/TPTPO
Date Received : 06.09.24
Location : 6 Chestnut Walk Stevenage Herts SG1 4DD
Proposal : Re pollard Lime Tree (T7) protected by Tree Preservation Order 85
Date of Decision : 17.10.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

29. Application No : 24/00648/FPH
Date Received : 09.09.24
Location : 111 The Pastures Stevenage Herts SG2 7DF
Proposal : Proposed single storey rear extension, garage conversion, outbuilding, amended vehicle crossover and flue serving wood burning stove
Date of Decision : 01.11.24
Decision : **Planning Permission is GRANTED**
30. Application No : 24/00659/COND
Date Received : 11.09.24
Location : 10A And 10B Burwell Road Stevenage Herts SG2 9RF
Proposal : Discharge of condition 16 (Climate Adaptation Measures) attached to planning permission 22/00437/FPM
Date of Decision : 29.10.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
31. Application No : 24/00662/NMA
Date Received : 12.09.24
Location : SG1 Development Site Town Centre Stevenage
Proposal : Non material amendment to reserved matters approval 19/00743/FPM to amend Condition 2 (Approved Plans for Phases 1A and 1K) and replace them with revised drawings for Phase 1A.
Date of Decision : 17.10.24
Decision : **Non Material Amendment AGREED**
32. Application No : 24/00665/FPH
Date Received : 12.09.24
Location : 1 Walden End Stevenage Herts SG1 1UA
Proposal : Single storey side extension and replacement roof tiles.
Date of Decision : 06.11.24
Decision : **Planning Permission is GRANTED**

33. Application No : 24/00675/FP
Date Received : 17.09.24
Location : 374 - 386 York Road Stevenage Herts SG1 4EL
Proposal : Addition of perimeter edge guarding to flat roofs
Date of Decision : 14.11.24
Decision : **Planning Permission is GRANTED**
34. Application No : 24/00676/AD
Date Received : 18.09.24
Location : 86 Queensway Town Centre Stevenage Herts
Proposal : 1no. Internally illuminated Fascia Sign
Date of Decision : 11.11.24
Decision : **Advertisement Consent is GRANTED**
35. Application No : 24/00677/FPH
Date Received : 18.09.24
Location : 11 Briardale Stevenage Herts SG1 1TP
Proposal : Single storey rear extension and front porch
Date of Decision : 12.11.24
Decision : **Planning Permission is GRANTED**
36. Application No : 24/00678/COND
Date Received : 18.09.24
Location : Glaxo SmithKline Research And Development Ltd Gunnels Wood Road Stevenage Herts
Proposal : Partial discharge of conditions 8 (construction management plan) and 10 (site waste management plan) attached to planning permission reference number 23/00293/FPM for part of the detailed area.
Date of Decision : 18.10.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

37. Application No : 24/00679/FPH
Date Received : 19.09.24
Location : 73 Barham Road Stevenage Herts SG2 9HY
Proposal : Proposed roof alteration to existing ground floor extension and original building.
Date of Decision : 12.11.24
Decision : **Planning Permission is GRANTED**
38. Application No : 24/00684/FPH
Date Received : 23.09.24
Location : 94 Collenswood Road Stevenage Herts SG2 9HD
Proposal : Single storey extension of front porch.
Date of Decision : 15.11.24
Decision : **Planning Permission is GRANTED**
39. Application No : 24/00687/NMA
Date Received : 26.09.24
Location : 65 Walkern Road Stevenage Herts SG1 3RB
Proposal : Non material amendment to planning permission 23/00545/FPH for amendments to windows and doors.
Date of Decision : 16.10.24
Decision : **Non Material Amendment AGREED**
40. Application No : 24/00692/FPH
Date Received : 27.09.24
Location : 151 Hydean Way Stevenage Herts SG2 9YA
Proposal : Single storey front extension
Date of Decision : 20.11.24
Decision : **Planning Permission is GRANTED**

41. Application No : 24/00693/HPA
Date Received : 27.09.24
Location : 151 Hydean Way Stevenage Herts SG2 9YA
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 5.00 metres, for which the maximum height will be 2.80 meters and the height of the eaves will be 2.64 meters
Date of Decision : 07.11.24
Decision : **Prior Approval is REQUIRED and REFUSED**
The proposed single storey rear extension by reason of its overall size, height and length of projection in relation to the adjoining properties at No.149 and No.153 Hydean Way would constitute an un-neighbourly and over-dominant form of development, resulting in an unacceptable loss of amenity. Consequently, the proposal fails to accord with Section 4 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and therefore, Prior Approval is Required and Refused.
42. Application No : 24/00695/COND
Date Received : 01.10.24
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Discharge of Condition 10 (Materials) attached to planning permission reference number 22/00468/FPM
Date of Decision : 19.11.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
43. Application No : 24/00702/TPCA
Date Received : 02.10.24
Location : Priory Cottage Rectory Lane Stevenage Herts
Proposal : Reduce Yew Tree by approximately 1m all round to continue as a topiary ball
Date of Decision : 08.11.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

44. Application No : 24/00709/NMA
Date Received : 04.10.24
Location : 374 Archer Road Stevenage Herts SG1 5QH
Proposal : Non material amendment to 22/00192/FPH to remove chimney, amend windows and roof lights, and amend materials
Date of Decision : 29.10.24
Decision : **Non Material Amendment AGREED**
45. Application No : 24/00710/NMA
Date Received : 04.10.24
Location : The Forum Centre The Forum Town Centre Stevenage
Proposal : Non material amendment to planning permission 22/00923/FPM for minor adjustments made during design development
Date of Decision : 23.10.24
Decision : **Non Material Amendment AGREED**
46. Application No : 24/00711/FP
Date Received : 07.10.24
Location : 18 Bude Crescent Stevenage Herts SG1 2RE
Proposal : Proposed change of use from a 4 bed dwelling (C3a) to a 4 bed childrens' care home (C2 residential institution)
Date of Decision : 12.11.24
Decision : **Planning Permission is GRANTED**
47. Application No : 24/00720/CLPD
Date Received : 09.10.24
Location : 3 Newbury Close Stevenage Hertfordshire SG1 4TE
Proposal : Lawful Development Certificate (Proposed) for a single rear extension following removal of the conservatory
Date of Decision : 14.11.24
Decision : **Certificate of Lawfulness is APPROVED**

48. Application No : 24/00721/NMA
Date Received : 10.10.24
Location : Unit 11A And 11B Roaring Meg Retail Park London Road Stevenage
Proposal : Non material amendment to planning permission 21/00053/FP to reconfigure the mezzanine floorspace
Date of Decision : 31.10.24
Decision : **Non Material Amendment AGREED**
49. Application No : 24/00727/NMA
Date Received : 11.10.24
Location : Car Park Monkswood Retail Park Elder Way Stevenage
Proposal : Non material amendment to planning permission 23/00800/FP to amend condition 1 (approved plans) to reflect changes to the layout.
Date of Decision : 29.10.24
Decision : **Non Material Amendment AGREED**
50. Application No : 24/00729/CPA
Date Received : 15.10.24
Location : 31A Queensway Town Centre Stevenage Herts
Proposal : Change of use of first and second floors from office Use Class (E(c)) to Residential Class (C3) comprising 8no. x 1 bed flats
Date of Decision : 11.11.24
Decision : **Prior Approval is REQUIRED and GIVEN**
51. Application No : 24/00739/NMA
Date Received : 16.10.24
Location : 17 Church Lane Stevenage Herts SG1 3QS
Proposal : Non material amendment to planning permission 23/00923/FPH for the provision of a parapet wall to the rear flank elevation
Date of Decision : 24.10.24
Decision : **Non Material Amendment AGREED**

52. Application No : 24/00745/COND
Date Received : 17.10.24
Location : Autolus Marshgate Stevenage Herts
Proposal : Discharge of condition 3 (Construction Management Plan) attached to planning permission reference number 24/00550/FP
Date of Decision : 15.11.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
53. Application No : 24/00757/COND
Date Received : 25.10.24
Location : 15 Buckthorn Avenue Stevenage Herts SG1 1TT
Proposal : Discharge of condition 3 (Construction Management Plan) attached to planning permission reference 23/00809/FP
Date of Decision : 15.11.24
Decision : **The discharge of Condition(s)/Obligation(s) 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.

Meeting: Planning and Development
Committee

Agenda Item:

Date: 3rd December 2024

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – James Chettleburgh

Lead Officer – Zayd Al-Jawad

Contact Officer – Zayd Al-Jawad

1. APPEALS RECEIVED

- 1.1 23/00824/CLEU, 40A Vinters Avenue. Appeal against the refusal to issue a Lawful Development Certificate for the existing use of the premises as 4no. self-contained studio flats. *To be determined following a Public Inquiry.*
- 1.2 23/00771/ENF, 40A Vinters Avenue. Appeal against the serving of an Enforcement Notice relating to the development under planning permission reference number 23/00824/CLEU.

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 23/00035/ENFAPL, Car park to side of 10 Aintree Way. Appeal against the serving of an Enforcement Notice relating to the erection of a car port.
- 2.3 23/00920/FPM, Land to the west of Lytton Way. Appeal against refusal of planning permission for the variation of condition 1 (approved plans) attached to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

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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