



PLANNING AND DEVELOPMENT COMMITTEE

Date: Monday, 12 August 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, G Snell, C Veres and A Wells

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. 24/00387/FPH - THE BARN, STEBBING FARM, FISHERS GREEN

To consider retention of car port.
3 – 18

3. 24/00064/FPM - 18 - 24 ELLIS AVENUE

To consider demolition of existing 2no. dwellings and erection of two storey building comprising 11no. dwellings, vehicle access, communal gardens, parking area, bin store, cycle store and ancillary works.
19 – 56

4. 24/00419/FP - 463 - 467 CANTERBURY WAY

To consider proposed re-roofing to main building, replacement guttering, downpipes, fascias, external doors and windows and replace balustrading to existing balconies.
57 – 68

5. 24/00418/FP - 99 - 103 CANTERBURY WAY

To consider proposed re-roofing to main building, replacement guttering, downpipes, fascias, external doors and windows and replace balustrading to existing balconies.
69 – 80

6. 24/00281/FP - 1-14 CAVALIER COURT

To consider replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters, downpipes, external balustrading.

81 – 92

7. INFORMATION REPORT - DELEGATED DECISIONS

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

93 – 102

8. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

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

103 – 112

9. URGENT PART I BUSINESS

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

10. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

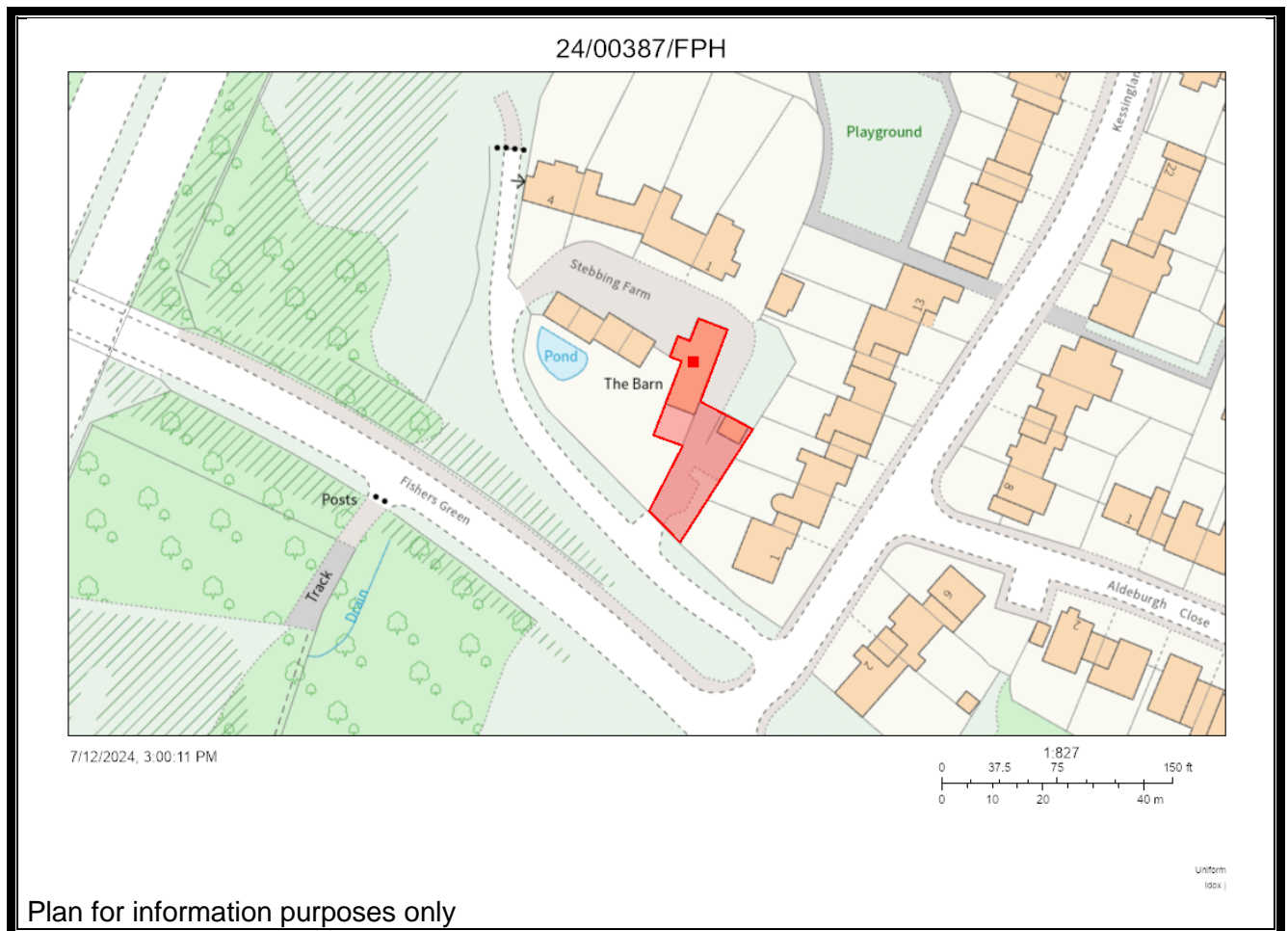
1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by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

11. URGENT PART II BUSINESS

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

Meeting:	Planning and Development Committee	Agenda Item:
Date:	12 August 2024	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	07702 874529

Application No:	24/00387/FPH
Location:	The Barn, Stebbing Farm, Fishers Green, Stevenage
Proposal:	Retention of carport
Drawing Nos.:	Site Location Plan, Site Layout Plan, Elevation
Applicant:	Dr Carl O'Brien
Date Valid:	10 June 2024
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

1.1 The application site is a detached barn conversion at Stebbing Farm located off Fishers Green Road. It is situated within the curtilage of Stebbing Farm Farmhouse, a Grade II* listed

building in what was originally the farmyard. This application seeks planning permission for the retention of a carport on a plot of land belonging to The Barn. The plot of land measures approximately 6.5m by 12.8m and is contained by a 2-metre high brick wall. The plot currently contains the car port with parking for two cars and a garden shed.

2. RELEVANT PLANNING HISTORY

- 2.1 2/0040/90/FP – Conversion of timber barn to house, detached double garage, raise height of eastern boundary wall to 2 metres granted planning permission 12 February 1993.
- 2.2 2/0041/90/LB – Works to convert barn within curtilage of a listed building to dwelling house involving re-roofing, re-cladding, insertion of doors, windows and ancillary alterations beyond granted listed building consent 12 February 1993.
- 2.3 08/00454/FP – Replacement shed granted planning permission 2 October 2008.
- 2.4 15/00065/FPH – Replacement of velux window with dormer window granted planning permission 8 May 2015.

3. THE APPLICATION

- 3.1 This application seeks planning permission for the retention of a timber framed carport with a low pitch pyramidal roof clad in slate. The carport is sited to the south of the garden shed adjacent to the eastern boundary with No. 3 Kessingland Avenue, the back garden of which faces onto the application property. The carport is supported by four timber posts and measures 3.6m in height (maximum ridge height), with an eaves height of 2.4m. Measured from the application property, the rear post is 78cm from the boundary, the middle post is 58cm and the front post is 37cm from the boundary wall, respectively.
- 3.2 This application was called-in by Councillor Jackie Hollywell to the Planning and Development Committee for a decision. This is due to concerns about the structure being visible from neighbouring properties in Kessingland Avenue and the highway.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letter and the erection of a site notice, 12 objections have been received from Nos. 1, 3, 4, 5, 7 and 9 Kessingland Avenue and two representations of support from Nos. 1 and 3 Stebbing Farm. It should be noted that 5 of the objections have been received from the owner of No.5 Kessingland Avenue (one of which is co-signed with the owners of No.3). Three of the objections have been received from the owner of No.3 Kessingland Avenue, one of which is co-signed with the owners of No.5 and one has been submitted on behalf of the owners of No.3 by a planning consultant. One of the objections is from an address in Ware, outside of the town. A summary of the objections received are as follows:

- Ruins neighbour amenity and should be removed or lowered in height.
- Carport dominant and out of proportion when viewed from No.3 Kessingland Ave.
- Roof tiles do not match those on The Barn.
- Should Listed Building Consent be sought as well?
- Looks prominent and out of place when viewed from No.5 Kessingland Ave.
- No prior consultation with neighbours to minimise impact.
- Is guttering to be fitted and drainage considered?

- Plan fails to show the Access IN Road used by all residents of Stebbings Farm. Unless ownership of road has changed, it was never with The Barn.
- Plan does not show the dividing wall directly to the side of the Carport which divides the owner's land from that acquired by a previous owner, a strip which leads to the front fence and which was previously partly block paved to provide extra parking.
- The carport is actually inset from the boundary of No. 5 and overlooks far more of the garden of No. 3.
- The oak beams of the carport may be in keeping with the internal structure of The Barn, but do not reflect the outside appearance and character of any of the existing buildings.
- The height of the carport is not shown clearly on the carport plan.
- The position of the building and its closeness to the boundary wall, its height, its roof make up and its general structure as well as the mis-matching bricks on top of the wall has meant that the erection of the carport has, particularly for the occupants of No 3 Kessingland Avenue, changed completely the visual outlook and the garden ambiance for the people living in the houses facing the erected car port.
- Query over type of roof tiles used due to sharp knife used to cut them.
- The Carport will be more visible in the Autumn from the farm gate when the trees have lost their leaves.
- Carport extremely close to boundary with Nos. 1 and 3 Kessingland Avenue, is this in keeping? Are there limitations on height and width?
- Carport not in keeping within the curtilage of the Grade II* Listed Stebbings Farm neither in design, colour or construction.
- The front elevation plans fail to include the dimensions of the huge 20 degree pitched roof that already sits on a 2.5 metre structure, which in itself is large and overpowering.
- Imposing structure that dominates the elderly residents of No. 3 Kessingland Avenue's beautifully kept garden.
- Misdated communications sent to select Kessingland Avenue residents.
- Had this exact application been made fairly, fully, correctly and prior to any works starting in the first place, there is no way it would have been given permission without some compromise. Negotiations with the Kessingland Avenue neighbours should continue i.e. lowering of the roof considerably or the structure removed in its entirety.
- The provided elevation plans fail to provide any scale.
- Only a single elevational drawing of the building has been submitted; full elevational details of the building should be required, with an identified scale, and scale bar, to ensure that the building in situ matches the drawings submitted.
- The Barn should be considered a curtilage listed building, and the car port would sit within their settings.
- The carport would appear as a discordant and alien feature, appearing as a contrived addition rather than taking a design led approach which responds positively to the site's context and position.
- The siting of the proposal to the front of the barn, which fails to respect or respond to the historic layout and form of the Listed Curtilage as an agricultural compound, urbanising the site and furthering the harmful appearance of a residential curtilage.
- The proposal is considered to result in less than substantial harm to the setting of the Listed Buildings.
- The proposal does not include any heritage statement which describes the significance of the heritage asset, or the impacts that the proposal has on the heritage asset; as such, it is considered that the application is invalid, and fails to properly recognise the impacts of the proposal on the Grade II* Listed Buildings in line with NPPF requirements, and the validation requirements of Stevenage Borough Council.
- The proposal would result in heritage harm and would not offer any mitigating public benefits to outweigh this harm.
- The proposal is considered to result in a significant overbearing and enclosing impact, which has significant and unacceptable residential amenity impacts on the residents of No. 3 Kessingland Avenue.

- 4.2 Two representations of support have been received from the owners of Nos. 1 and 3 Stebbing Farm:
- Structure is well and thoughtfully designed, in keeping with the existing buildings and enhances the curtilage of the listed building.
 - The car port that has been erected is very much in keeping with the properties in Stebbing Farm, it has been sympathetically and beautifully built with top quality materials.
- 4.3 The aforementioned is not a verbatim 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 BEAMS (Council's Heritage Consultant)

- 5.1.1 The barn is a former farm building, subsequently converted to residential use. It lies to the south of Stebbing Farmhouse (a grade II* listed building) but is now in separate ownership. The Barn was converted to residential use in 1993 whilst in the ownership of Stebbing Farmhouse (which was added to the statutory list in 1976) and was ancillary to the principal listed building at the time the building was listed. As such, the barn was, and still should be, considered a curtilage listed building. Listed building consent would be required for any alterations to the barn itself, whilst planning permission would be required for any development within its curtilage. The area surrounding Stebbing Farm is now built up with modern housing, its former rural setting has been lost.
- 5.1.2 The application is for construction of a car port (already erected) within the garden and adjacent to the driveway, to the east of The Barn. The car port has an oak frame, is open sided with a low pitch pyramidal roof clad in slate.
- 5.1.3 Whilst the roof form / material does not relate well to that of The Barn (which has a traditional pitch roof, clad in clay tile), the car port is set back from the road, part concealed by planting and its low pitch roof does help to limit its visual prominence as seen from the road. It reads as a subordinate structure to the barn and its wider setting is now suburban in character.
- 5.1.4 The car port is not visible from Stebbing Farmhouse (the grade II* listed building). As such the setting (and significance) of Stebbing Farmhouse (designated heritage asset) is preserved. BEAMS also takes the view that the due to the relatively modest nature of the proposed carport, the setting and significance of the curtilage listed, The Barn, is preserved.

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-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.

6.2.4 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.

6.2.5 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).

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

6.3 Planning Practice Guidance

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

6.4 National Design Guide

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

6.5 Stevenage Borough Local Plan

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

Policy SP8: Good Design

Policy SP13: The Historic Environment

Policy GD1: High Quality Design

Policy NH9/8: Areas of archaeological significance (Fishers Green)

- 6.5.2 The wording for the above policies within the Local Plan Review document has not changed.

6.6 Supplementary Planning Documents

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

Stevenage Design Guide SPD (2023)

6.7 Community Infrastructure Levy

- 6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would not be liable for CIL as it is a householder application.

7. APPRAISAL

- 7.1.1 The main issues for consideration in the determination of this application are the impact of the carport on the character and appearance of the area, the impact on the setting of The Barn, which is curtilage listed, the impact on the amenities of neighbouring occupiers and the car parking provision.

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

7.2 Impact on the Character and Appearance of the Area

National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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

- 7.2.4 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.

Supplementary Planning Document

- 7.2.5 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.
- 7.2.6 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.

7.2.7 In terms of visual impact on the public realm, whilst the roof form and tiles do not relate well to that of The Barn (which has a traditional pitch roof, clad in clay tile), the car port is set back from the road, part concealed by planting and its low pitch roof does help to limit its visual prominence as seen from the road. Viewed from the access up the driveway, it relates well to the brick wall and adjacent timber shed in terms of appearing as a collection of subordinate outbuildings related to The Barn.

7.2.8 The low pitch pyramidal roof clad in slate tiles has been chosen to reduce the height of the structure. The applicant has advised matching clay tiles would have required a steeper pitch, increasing the overall height. It is considered the siting, height and roof design of the carport does not harm the character and appearance of the wider neighbourhood when viewed from the highway and is considered acceptable in this regard.

7.3 Impact on setting of The Barn (curtilage listed)

7.3.1 The NPPF sets out policies for conserving and enhancing the historic environment at Section 16. This indicates at paragraph 201 that local planning authorities should consider the significance of any heritage assets affected by a proposed development, including any contribution made by their setting. The designated assets identified as potentially most affected by this proposal are the curtilage listed application property 'The Barn' and the grade II* listed Farmhouse.

7.3.2 The barn is a former farm building, subsequently converted to residential use in 1993. It lies to the south of Stebbing Farmhouse (a grade II* listed building) but is now in separate ownership. The Barn was converted to residential use whilst in the ownership of Stebbing Farmhouse (which was added to the statutory list in 1976) and was ancillary to the principal listed building at the time the building was listed. As such, the barn was and still should be, considered a curtilage listed building. Listed building consent would be required for any alterations to the barn itself, whilst planning permission would be required for any development within its curtilage. As the car port is not attached to the Barn, listed building consent is not required. The area surrounding Stebbing Farm is now built up with modern housing, and its former rural setting has been lost.

7.3.3 Regarding listed buildings, S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.3.4 Case Law has determined that in this context 'preserve' is taken to mean 'to do no harm'. The NPPF requires 'great weight' to be given to conserving the significance of designated heritage assets (paragraph 205). This is regardless of whether any harm may be 'substantial harm' or 'less than substantial harm' (paragraph 205). Any harm should require 'clear and convincing' justification (paragraph 206). If a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (paragraph 207).

7.3.5 In undertaking that balancing, Case Law has confirmed that the presumption to preserve in the 1990 Act is a strong one and must be given 'considerable importance and weight'. For instance, less than substantial harm is not a less than substantial planning issue. However, that presumption is not irrefutable and can be outweighed by circumstances important enough to justify it. A decision maker that has followed the processes set out in the NPPF can be considered to have discharged their duties under the 1990 Act. The balancing, however, is not 'equal' the presumption to preserve must come first.

- 7.3.6 Advice has been sought from the Council's heritage consultant (BEAMS), who confirmed the carport reads as a subordinate structure to The Barn and its wider setting is now suburban in character. The carport is not visible from Stebbing Farmhouse (the grade II* listed building). As such the setting (and significance) of Stebbing Farmhouse (designated heritage asset) is preserved. BEAMS also takes the view that due to the relatively modest nature of the carport, the setting and significance of the curtilage listed, The Barn, is preserved. Officers agree with this assessment.
- 7.3.7 The representation submitted on behalf of the owners of No.3 Kessingland Avenue by a planning consultant states the application should be accompanied by a heritage statement which describes the significance of the heritage asset, or the impacts that the proposal has on the heritage asset for the application to be valid. Paragraph 200 of the NPPF also recommends this.
- 7.3.8 The planning authority does not have a local validation list and instead relies on national requirements when validating applications. Paragraph: 022 Reference ID: 14-022-20140306 of the National Planning Practice Guidance Notes sets out the national information requirements for planning applications. It states a heritage statement is not required to validate a planning application. It is therefore considered the application is valid without one. Notwithstanding this, the local planning authority has followed the processes set out in the NPPF and can be considered to have discharged its duties under the 1990 Act in respect of assessment of heritage impact, including seeking the advice of an independent heritage consultant.
- 7.3.9 The application site is also located within the Fishers Green area of archaeological significance within the Local Plan, where policy NH9 states where a development proposal affects an area of archaeological significance or has the potential to affect important archaeological remains on adjoining sites, developers will be required to submit the results of an archaeological field evaluation. The supporting policy justification advises small-scale infill development, such as domestic extensions, and other minor works will pose little or no threat to any remains and homeowners will rarely be expected to secure archaeological recording. Policy NH9 of the Local Plan Review document continues to designate the site as falling within the Fishers Green area of archaeological significance with no change to the policy wording.
- 7.3.10 Given the carport frame has not required foundations to be dug and largely sits on top of existing ground, it is considered the structure poses little or no threat to any remains and would not therefore require archaeological recording.

7.4 Impact upon Neighbouring 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. This includes 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.

Supplementary Planning Document

- 7.4.3 Appendix C of the Design Guide SPD states that the Council will assess proposals for residential extension in terms of their impacts on privacy, outlook, and natural light.

- 7.4.4 The neighbours living on Kessingland Avenue with rear gardens backing onto the The Barn have raised several concerns about the impact the carport has on their amenity. The concerns are best summed up by comments received from the owner of No.1:

“The position of the building and its closeness to the boundary wall, its height, its roof make up and its general structure as well as the mis-matching bricks on top of the wall has meant that the erection of the carport has, particularly for the occupants of No 3 Kessingland Avenue, changed completely the visual outlook and the garden ambiance for the people living in the houses facing the erected car port”.

- 7.4.5 The main criticism is that the carport is too high and overbearing when viewed from the rear rooms and gardens of the houses on Kessingland Avenue, in particular No.3 which is most affected. During a site visit to No.3, the carport was observed from the rear conservatory and garden. Whilst it has a visual impact on the occupiers of this property i.e. they can see it, it is not considered that its height or design cause harm to outlook, light or privacy which are material considerations in terms of amenity. A change to, or loss of a view from a dwelling is not a material planning consideration.

- 7.4.6 The car port is sited approximately 12m from the rear elevation of the conservatory of No.3 and it is considered this is sufficient distance for its height not to result in a significant overbearing and enclosing impact that would justify a refusal of planning permission. The owner of No.3 would disagree; however, it is officers’ professional judgement that there is no loss of amenity to No.3 or any other dwelling backing onto The Barn, only a change of view.

- 7.4.7 Given the above assessment, it is considered the carport does not have a detrimental impact on the amenities of neighbouring residential properties. As such, the structure accords with the policies in the adopted Local Plan (2019), the Council’s Design Guide SPD (2023), the NPPF (2023) and PPG.

7.5 Parking Provision

National Planning Policy Framework and Planning Practice Guidance

- 7.5.1 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

- 7.5.2 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.
- 7.5.3 The carport has been built to provide cover for the two parking spaces which serve The Barn and has not resulted in any loss of parking provision for this dwelling. The existing parking arrangements are considered acceptable.

7.6 Biodiversity Net Gain

- 7.6.1 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.
- 7.6.2 This is subject to exemptions, an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015). Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted.
- 7.6.3 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply. In their statement, it sets out that a householder application means an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

7.7 Other Matters

Drainage

- 7.7.1 The applicant has confirmed that guttering will not be added to the eaves. Rainwater runoff drains into an existing drainage gully at the base of the carport.

Application Drawings

- 7.7.2 The representation submitted on behalf of the owners of No.3 Kessingland Avenue by a planning consultant states the provided elevation plan fails to provide any scale. Front elevation drawing ref. A0.100 includes a scale bar and is drawn at scale 1:50 at A3. The criticism that only a single elevational drawing of the building has been submitted is also

made. The plan shows a 3D frame of the building and the front elevation. This is considered sufficient to enable an assessment that the building in situ matches the drawings submitted.

7.7.3 Paragraph 023 Reference ID: 14-023-20140306 of the National Planning Practice Guidance Notes states as a minimum, applicants will need to submit a 'location plan' that shows the application site in relation to the surrounding area. Additional plans and drawings will in most cases be necessary to describe the proposed development, as required by the legislation (see article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015. These may be requested by the local planning authority through their local list of information requirements, where it is reasonable to do so.

7.7.4 Any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions. The application is accompanied by a site location plan drawn to scale with the direction of north shown. Also included is a proposed site plan showing the footprint of the carport drawn to scale with the direction of north shown. As stated above, a scaled elevational drawing is also provided with a scale bar. It is considered these plans meet the national requirements and the application is valid.

Community Infrastructure Levy

7.7.5 As indicated above, 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	

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

7.7.7 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application. This application would not be CIL liable as it is for householder development.

Equality, Diversity and Human Rights

- 7.7.8 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.7.9 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.
- 7.7.10 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.7.11 It is considered that the decision has had regard to this duty. The carport provides a shelter for the parking of motor-vehicles, so has no direct impact in terms of persons with protected characteristics. It has a level access in terms of where it has been positioned and the posts do not cause obstructions. A person with a wheelchair / using a buggy would not be hindered by the carport. 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 In conclusion, the carport is considered to be in accordance with the development plan taken as a whole and there are no other material considerations which warrant a decision other than in accordance with the development plan.

9. RECOMMENDATIONS

- 9.1 That retrospective planning permission be GRANTED subject to the following conditions and informatives:
- 1 The development hereby permitted shall be retained in accordance with the following approved plans:
Elevation A0.100; Site Location Plan; Site Layout Plan;
REASON:- For the avoidance of doubt and in the interests of proper planning

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

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

INFORMATIVE

1 **Public Information on Planning Applications**

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

2 **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).

3 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as application is for householder permission.

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 which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

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.

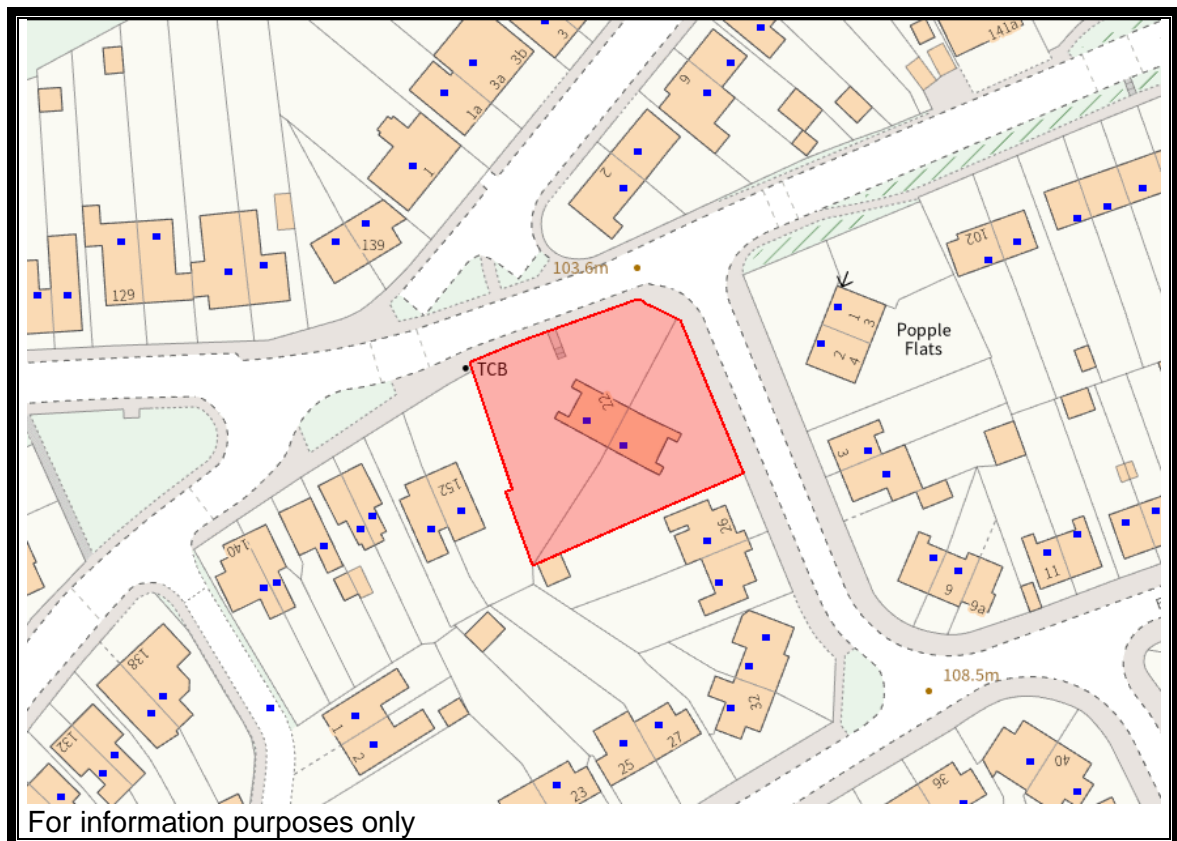
More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, the Impact of Development on Biodiversity adopted March 2021.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy Guidance.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	12 August 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00064/FPM
Location :	18 – 24 Ellis Avenue, Stevenage
Proposal :	Demolition of existing 2no. dwellings and erection of two storey building comprising 11no. dwellings, vehicle access, communal gardens, parking area, bin store, cycle store and ancillary works.
Drawing Nos.:	2023/P0221-LP-B; 2023/P0221-010-A; 2023/P0221-CP-B; 2023/P0221-012-D; 2023/P0221-013-A; Arboricultural Impact Assessment Plan; Tree Constraints Plan; 2023/P0221-011-D; 2023/P0221-001-G; 2023/P0221-C001-D;
Applicant :	Stevenage Borough Council
Date Valid:	1 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises a pair of semi-detached dwellings on a large corner plot at the junction of Ellis Avenue and Walkern Road. Just to the west of the site is the vehicular junction of Walkern Road and Letchmore Road. Opposite the site to the north is the southern end of Weston Road which terminates as a no-through road. To the east of the site on the other corner plot of Ellis Avenue and Walkern Road is a two-storey building comprising 4no. flats.
- 1.2 The area is generally characterised by single family dwellings formed within terraced and semi-detached dwellings. There are also a limited number of detached dwellings which form part of the overall grain of development in the area. In terms of design and materials, there is no uniformity to this area, with examples of red brick, buff brick, painted render, dual pitched roofs, hipped roofs, front dormer windows and gable features and mock-Tudor detailing.

2. RELEVANT PLANNING HISTORY

- 2.1 None

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the demolition of the existing semi-detached dwellings and their replacement with a two-storey building comprising 11no. flats with associated vehicle access, communal gardens, parking area, bin store, cycle store and landscaping.
- 3.2 The application comes before the committee as it is a major residential development, and the Council are also the applicant. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

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

- 12 Gilders, Sawbridgeworth;
- 26 Ellis Avenue; and
- 28 Ellis Avenue.

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

- Up to 6 swift bricks should be secured via condition;
- Very concerned about excavation works close to shared boundaries with other houses;
- Will be obtrusive to light and privacy;
- Car parking is an issue in this area and will be exacerbated;
- Location of bin store will cause issues with smells and pests to neighbouring properties;
- Water pressure is low here, more dwellings will make this worse;
- Not in keeping with the area as not family houses;
- Noise and dust from construction;
- Damage to neighbouring properties from construction.

- 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 Affinity Water

5.1.1 No comments to make about this application.

5.2 Thames Water

5.2.1 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

5.3 Herts County Council as Lead Local Flood Authority (LLFA)

13th February 2024:

5.3.1 We are supportive of the proposals in principle however recommend that further information is provided before approving the application. At present, site-specific infiltration tests have not been conducted and the viability of infiltration is not confirmed. We would accept if the applicant provided a backup "Plan B" design (with supporting calculations) to discharge to the existing Thames Water surface sewer greenfield runoff rates, as suggested by the Drainage Strategy in section 4.2.6. This should be supported by evidence of a pre-development enquiry from Thames Water confirming they would accept discharge to their local network. Ground conditions including groundwater levels should still be determined. If this could be provided, we would recommend infiltration testing is conditioned on the basis there is a viable backup in case the test results are not conducive to the design.

5.3.2 We welcome the drainage calculations submitted in support of the design however recommend updated calculations are provided with amended parameters. We note that FFLs are set at 104.7mAOD. We recommend that FFLs are set at least 300mm above all sources of flood risk or 150mm above finished ground levels, whichever is more precautionary. Thresholds should be raised and slope away from the building. We recommend that further consideration is given to the choice of SuDS on site. We do not object to the use of underground cellular attenuation in this instance however suggest that further above-ground SuDS could be included.

3rd May 2024:

5.3.3 Evidence of a pre-development enquiry as per from Thames Water has not yet been submitted. We recommend that further consideration is given to the choice of SuDS on site. We do not object to the use of underground cellular attenuation in this instance however suggest that further above-ground SuDS could be included.

24th June 2024:

5.3.4 The applicant has now provided evidence of a Thames Water pre-planning enquiry, confirming they would accept the proposed rate. It is noted that Thames Water have expressed a preference of a rate restricted to 1.0 l/s instead of the proposed 2.3 l/s. No further information required. We thank the applicant for providing updated drainage calculations in accordance with our previous comments.

5.3.5 The applicant has updated the design and provided calculations to demonstrate the system can account for a 1 in 100 year + 40% climate change storm followed by a 1 in 30-year event.

No further information required. The application has discussed the use of further SuDS and suggests this could be investigated as part of detailed design. We are happy with this approach and no further information is required. Accordingly, we recommend the application is approved subject to conditions.

5.4 Herts County Council Minerals and Waste Policy Team

- 5.4.1 No objection. Will require a site waste management plan, to be secured via a condition if permission is granted.

5.5 Herts Police Crime Prevention Design Service

15th February 2024:

- 5.5.1 I checked the crime figures for a zone about 100m round from the site over the period January 2022 to December 2023. During this period there were eighty-two crimes recorded. Of these, thirteen involved anti-social behaviour (ASB), there were thirty-nine assaults, six vehicle related crimes, six criminal damages, two burglaries, and one theft of bicycle.

- 5.5.2 I have substantive concerns regarding the parking provision for this development. The applicant has chosen to situate all the parking in a rear parking court, accessed by an undercroft entrance. Whilst this can reduce the number of vehicles that park on the street it also comes with other problems. The parking area has poor natural surveillance opportunities as there are only five active rooms overlooking the car park. In addition, the rear parking court could become a crime generator either due to vehicle crime or becoming a site for ASB. To reduce this, I would recommend that an electronic gate, that is suitably accredited to the Gate Safe scheme, and fitted with a suitable access control system is fitted at the front of the undercroft and has a suitable entrance from the highway.

- 5.5.3 I also have concerns regarding unauthorised access to the building and would therefore recommend that it be fitted with an audio/visual access control system that is third party certified. Secured by Design (SBD) is a proven method of crime prevention that reduces the opportunities to commit crime. Burglaries can be reduced by over seventy percent, whilst ASB and vehicle crimes can be reduced by over twenty-five percent. In addition to the reductions in crime SBD also fulfils the requirement of Approved Document Q of Building Regulations and is proven to assist in the reduction of the carbon footprint of the site over its lifetime, thereby making the development more sustainable.

5th June 2024:

- 5.5.4 Thank you for notifying me of the revised consultation for this application. I have studied the amended plans and the comments from the applicant. I can now state that the Police CPDS will support this application. I also look forward to working with the applicants to ensure that this application achieves accreditation to the Police preferred minimum security standard that is Secured by Design.

5.6 Herts County Council as Highways Authority (HA)

22nd February 2024:

- 5.6.1 Refusal: the application has failed to demonstrate a satisfactory policy and design-led approach to the vehicle access and parking as well as accessibility for all pedestrians of the proposed development contrary to Hertfordshire's Local Transport Plan (LTP4) and also contrary to the principles of sustainable development contained in the NPPF. Whilst the applicant is proposing a sliding gate at the proposed vehicle access, it should be set back by at least 5.5m from the back of the footway, this would ensure vehicles waiting for permission to access/gates to open do not obstruct pedestrian and vehicle traffic along Ellis Ave. No details of electric vehicle charging provisions has been provided.

5.6.2 A new stepped access off Walkern Road is shown, pedestrian route to the development access must also consider the needs of those with small children, pushchairs, and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters (Equalities Act). The gradient of the access road should be level with the public highway, alternatively it has been recommended to be a minimum 1:20 (5%) for the first 12 metres. This gradient is to avoid grounding of vehicles using the access to the new development from Ellis Avenue.

16th April 2024:

5.6.3 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 subject to conditions relating to detailed technical plans, vehicular access arrangements, construction management plan, cycle storage, EV charging. We also request s.106 contributions in line with our June 2021 toolkit for sustainable transport which equates to £6,826 per dwelling resulting in a contribution of £75,086.00.

5.7 SBC Arboricultural and Conservation Manager

5.7.1 I have no concerns or objections from an Arboriculture viewpoint.

5.8 UK Power Networks

5.8.1 While we have no objections, please can the below points be noted: We may have Electrical equipment within the boundaries including underground cables. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

5.9 SBC Environmental Health

5.9.1 No objections subject to conditions relating to noise and ventilation.

5.10 East of England Ambulance

5.10.1 No comments received.

5.11 Herts Fire and Rescue

5.11.1 No comments received.

5.12 SBC Parks and Amenities

5.12.1 No comments received.

5.13 Herts and Middlesex Wildlife Trust

5.13.1 No comments received.

5.14 HCC Growth and Infrastructure Unit

5.14.1 No comments received.

5.15 SBC Waste Storage

5.15.1 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 Adopted Local Plan (2019)

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

Policy SP1: Climate Change
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Flooding, and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT4: Transport assessments and travel plans;
Policy IT5: Parking and access;
Policy HO1: Housing allocations;
Policy HO5: Windfall sites;
Policy HO6: Redevelopment of Existing Homes
Policy HO7: Affordable housing targets;
Policy HO8: Affordable housing tenure, mix and design;
Policy HO9: House types and sizes;
Policy HO11: Accessible and adaptable housing;
Policy GD1: High quality design;
Policy FP1: Sustainable drainage;
Policy FP2: Flood risk management;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland;
Policy GD2: Design Certification;
Policy CC1: Energy efficiency;
Policy CC2: Heating and cooling;
Policy CC3: Water efficiency;
Policy CC4: Energy Infrastructure;
Policy CC5: Carbon sinks;
Policy CC6: Green roofs and walls;
Policy CC7: Digital connectivity;
Policy CC8: The green economy;

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)
Impact of Biodiversity on Developments 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

- 7.1.1 The main issues for consideration in the determination of the application are its acceptability in land use policy terms, Impact on visual amenity, Impact on residential amenities, parking provision, means of access and highway safety, impact on the environment, development and flood risk, and ecology, biodiversity, and protected species.
- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Principle of Development

Provision of Housing

- 7.2.1 The National Planning Policy Framework (NPPF, 2023) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019) and is not allocated for residential development within the Local Plan. As such, the site is therefore regarded as a ‘windfall site’.
- 7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council’s aim of delivering a number of homes which fall outside the designated sites.
- 7.2.4 Policy HO5 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. Policy HO5 is being reviewed as part of the Local Plan review that is currently out to public consultation. However, the existing policy as set out in the adopted Local Plan (2019) carries greater weight at this time, and as such the application will be assessed against the existing Policy HO5 rather than the emerging Policy HO5.

- 7.2.5 The application site currently comprises a pair of semi-detached dwellings and their associated private residential gardens. The proposal will result in a larger footprint of building and could only be considered as a partial redevelopment of previously developed land and therefore only partially complies with criterion (a) of Policy HO5.
- 7.2.6 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is located close to an established bus route, with a bus stop on Ellis Avenue. A number of primary and secondary schools and large areas of public open space are within a 10–15-minute walk of the site. The historic Old Town High Street is a 10–15-minute walk and the town centre is an approximate 20-minute walk. As such, the application site is considered to have an excellent level of access to local facilities and alternative forms of travel to the private car and therefore deemed to be within a very sustainable location.
- 7.2.7 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.
- 7.2.8 It is possible that the development could have a detrimental impact on neighbouring properties but if this were the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.
- 7.2.9 Paragraph 60 of the NPPF (2023) states that to support the Government's objective of significantly boosting housing supply, it is important that a sufficient amount, and variety, of land comes forward where it is needed, that the needs of groups with specific housing requirements are met, and that land with permission is developed without unnecessary delay. In addition, para 60. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. As such, the proposed development would contribute to the aim of boosting housing supply without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide 11 dwellings (a net gain of 9 dwellings), of which 3 would be affordable housing, and there would be some economic benefit during the construction phase, and future occupiers would contribute to local services and facilities. Given the quantum of development, and the provision of affordable housing, it is considered that these benefits would be fairly reasonable and therefore attracts great weight in favour of the proposal.
- 7.2.10 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.

7.2.11 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.

7.2.12 The provision of 11no. one- and two-bedroom flats therefore accords with Policy HO9.

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

- (g) promote journeys by bus, train, bike and foot and reduce the need to travel;
- (j) Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
- (k) Produce places and spaces that enable people to live a healthy lifestyle;

The proposal meets these criteria as mentioned previously in this response.

7.3 Affordable Housing and Planning Obligations

7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 3 affordable units.

7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:

- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
- b) Meets the requirements of Policy HO9 (House types and sizes);
- c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- d) Will remain at an affordable price for future eligible households.

7.3.3 In addition to the above, paragraph 65 of the NPPF stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.

7.3.4 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first-time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.

7.3.5 First Homes are a specific kind of discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);

- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

7.3.6 First Homes are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The eligibility criteria for a First Home in Stevenage (in accordance with Schedule 6ZA of the Finance Act 2003) as set out in the Council’s First Homes Policy Position Statement May 2024 is as follows:

- (a) be a first time buyer;
- (b) have a combined income not exceeding £80,000 in the tax year immediately preceding the year of purchase;
- (c) have a mortgage or home purchase plan to fund a minimum of 50% of the discounted purchase price.

7.3.7 Further to the above, in recognition of the unique nature of their circumstances, members of the Armed forces, the divorced or separate spouse or civil partner of a member of the Armed Forces, the spouse of civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the armed forces would be exempt from any local connection testing restrictions.

7.3.8 In regard to affordable housing delivery, the Council’s five-year land supply includes the provision of a number of affordable housing units. Table 1 below illustrates the forecast for affordable housing delivery 2011-2031. At present, the Council can demonstrate a delivery of 1,205 affordable units between 2011 and March 2031:

Deliverable Housing	No. of Homes	Comments
Total Number of Affordable Units Dwellings for Sites with Detailed Planning Permission	659	NPPF Part A
Total Number of Dwellings for Sites with Outline Permission	546	NPPF Part B
Total Identified Supply 2011- 2031	1,205	
Total Delivered 2011 – April 2024	449	Smartherts
Total Required 2011 – 2031 based on (SP7) 30% new homes elsewhere	2,280	(114 Annual Requirement x 20yr Plan Period)
Total Shortfall	626	

7.3.9 This means we will need to provide 626 units over the remaining plan period to meet local need. However, in May 2022 the HDT Action Plan showed a shortfall requirement of 900 units. The most recent data demonstrate a reduction in this shortfall between May 2022 to May 2024 of 274 affordable housing units. This is partly due to the delivery of 154 units between the same period and an additional 120 units secured by way of new planning applications which meet the NPPF definition of affordable units. The Council is confident that new schemes coming forward over the remaining plan period (2024 – 2031) will continue to support a delivery target of 2,280 required during the 2011 – 2031 period based on a higher policy requirement of 30%. The above figures are based on a policy requirement of 30% of new homes elsewhere. Should new schemes provide affordable units on previously developed sites the total requirement of 2,280 would be reduced to 25% as appropriate.

7.3.10 This is also reflected in the appeal decision letter for Land West of Lytton Way appeal with respect to the under delivery of affordable homes whereby the inspector states (para. 87) and quote

“I have been referred to other schemes which have been granted planning permission or it has been resolved that planning permission should be granted. In these schemes, for one reason or another, affordable housing provision has been lower than the expected policy figure of 20%. Indeed 52 homes would equate to over 17% of the affordable housing that has been delivered thus far in the Local Plan period. In these circumstances of poor delivery of affordable homes and with sizeable unmet need for such housing, I give the provision of affordable housing significant weight”.

7.3.11 The proposed development is seeking to deliver 11no. dwellings, which, taking into account the existing pair of semi's, is a net gain of 9 dwellings. Accordingly, the overall provision of affordable housing is 2.25 units. The applicant is proposing 3 units. These are to be broken down as follows:

- 70% affordable rent – 2 units
- 25% First Homes – 1 unit
- 5% to be determined by the Council's Housing Development Team – zero units.

7.3.12 The affordable housing provision will be secured via a Section 106 agreement. The triggers with how the affordable housing would be delivered would also be dealt with as part of the Section 106 agreement as well. As a consequence, if planning permission were to be granted for this development, the level of affordable housing the development would provide is deemed to be a significant benefit. Moreover, there is currently an identified shortfall of 626 affordable homes (providing the sites with permission come forward for delivery) which still have to be delivered up to end of the Local Plan period.

7.3.13 Financial contributions are also required in line with the Developer Contributions Supplementary Planning Documents (2021). In this regard, only a contribution to be made towards the Local Training Fund if target employment of Stevenage residents is not met as follows:

- £4,000 per number of targeted jobs not filled by Stevenage residents;
- £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students; and
- £250 per apprenticeship position as an administrative fee towards the brokerage system to fill apprenticeship positions;
- If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, and the resultant lack of suitable opportunity to provide apprenticeships, they should pay a lesser fee of £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.

7.3.14 These targets do not add a requirement for additional jobs that would add a financial burden to the developer or contractor. The targets merely add a requirement that a portion of the jobs will be targeted to local residents. The in-lieu payments do not add a significant financial burden to the developer or contractor and will only be required if the developer or contractor does not meet the employment targets.

7.3.15 The Developer Contributions SPD (2021) also has a requirement for fees to be paid to cover the monitoring of legal agreements. This cover requesting payments, ensuring transfer and/or expenditure of money and keeping/publishing records of contributions in line with regulations. The Council will seek 2.5% of the value of contributions being monitored with a minimum fee of £750.00 and a cap of £25,000.00. This is considered a fair cost that will reflect the value of the legal agreement and will not affect the viability of a scheme being delivered.

7.3.16 In terms of Biodiversity Net Gain, where a development cannot provide a 10% net gain on site, a financial contribution would be required. This is discussed in more detail later in this report, but for the purposes of developer contributions it should be noted that the development is providing 109.61% net gain on site and as such no financial contributions are required in this regard.

7.3.17 Herts County Council (HCC) as highways authority have requested strand 2 contributions of £75,086.00. It is expected that they will also require their standard £6,000.00 towards Travel Plan monitoring, which is usually sought on all schemes of this nature, although this was not included in their initial consultation response. Council officers will seek clarification on this prior to the formulation of the s.106 legal agreement.

7.3.18 The applicant does not agree to the financial contribution sought by HCC for the strand 2 contributions. Strand 2 relates to mitigation works that address the wider cumulative impact of developments for which the development itself is not solely responsible for but does derive a benefit from. Whilst the applicant does not dispute there is a need to support and finance highway improvements, the financial contribution which has been sought does not accord with Regulation 122 of the Community Infrastructure Levy (CIL) 2010 (as amended). For reference, Regulation 122 states:-

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

7.3.19 The financial contribution needs to be necessary such as funding a key piece of infrastructure or developing services to support the development. HCC's request simply states, "improving sustainable transport facilities and services for passenger transport users". As such, they have failed to provide evidence of how the contribution is necessary to making the development acceptable.

7.3.20 Further, most of the highway network in this area of the Town is highly restricted in terms of space due to the presence of residential dwellings immediately adjacent the highway on both sides. As such, the Council fails to see how the highway network could be improved for sustainable travel uses (such as cycling) in this area.

7.3.21 The Council continues to support the aspirations of the LCWIP, however, the contribution sought is considered unjustifiable as the development proposed will not result in a significant demand for such provisions.

7.3.22 As it stands, the Council does not feel that the contributions sought are compliant with the CIL Regulations (Reg 122), and so we do not currently support HCC's request. However, should negotiations be on-going, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair and Vice Chair 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.

7.3.23 The applicant has agreed to pay all monies sought through the signing of a S106 legal agreement.

7.4 Visual Impact of the Development

National Planning Policy Framework and Planning Practice Guidance

7.4.1 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.

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

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

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

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

Development Plan

7.4.4 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.

Supplementary Planning Document

7.4.5 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.

7.4.6 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.

Appraisal

- 7.4.7 The application site is located within a residential area. As mentioned in section 1 of this report, there is very little uniformity in this area in terms of design and materials; there are red bricks, buff bricks, rendered and painted elements, mock Tudor styling, hipped roofs, dual pitched roofs, front dormers and gablet features.
- 7.4.8 The proposed building will be two-storeys and similar in height to the adjacent dwellings. It will be constructed in red brick with a hipped tiled roof. There are gablet features on the front elevation facing Walkern Road whilst the side elevation on Ellis Avenue features mews style accommodation with the vehicular access to the site underneath one of the flats. The use of brick quoins, banding and arched brickwork detailing above the ground floor fenestration in combination with the use of Juliette windows, helps to add variety and interest to overall architectural design and built form. In addition, the use of a timber framed entrance feature which in combination with the overall brick detailing, creates a building more in keeping with the late Victorian and early 20th century properties which form part of the overall fabric of this part of the Old Town.
- 7.4.9 It is acknowledged that flatted developments are not common in this area of the Old Town and consequently the proposed development could be considered as not in keeping with the prevailing grain of development. However, as previously outlined in this report, there is a shortfall and under supply of one- and two-bedroom dwellings for the increasing demographic of young singles and couples in the town who are in need of their own independent housing. The applicant has submitted a scheme that, whilst being a flatted development, does not have the traditional appearance of a flat block. It has been designed to be of similar height to the surrounding houses, with a hipped roof that respects the design characteristics of dwellings in the immediate area.
- 7.4.10 The building is L-shaped and the northern frontage on Walkern Road follows the rough building line of other properties on this frontage. The eastern side on Ellis Avenue sits in line with the properties at No.26 and 28 and also does not project their rear elevations. In this regard, the proposed development does not appear overly dominant in either street scene and sits well within its context in terms of scale, design, and materials.
- 7.4.11 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, and, as it was not in place at the time of submission of the application, it would not be appropriate to seek the re-design of the development to achieve these standards.
- 7.4.12 Overall, the proposed development would be acceptable in design, scale and massing and with the use of high-quality materials, it would have an acceptable appearance in the street scene and therefore not unduly harm the visual amenities of the area.

7.5 Impact on Neighbouring Residential Amenity

National Planning Policy Framework and Planning Practice Guidance

- 7.5.1 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. This includes 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

7.5.2 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.

Supplementary Planning Document

7.5.3 Appendix C of the Design Guide SPD states that the Council will assess proposals for residential extension in terms of their impacts on privacy, outlook, and natural light.

Outlook and Amenity

7.5.4 In relation to the impact of the proposed development on existing residential amenity, the most affected properties would be 139 Walkern Road and 1, and 2 Weston Road to the north; 152 Letchmore Road to the west; 1-4 Popple Flats, Ellis Avenue and 3 Ellis Avenue to the east; and 26 Ellis Avenue to the south.

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

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

7.5.6 In this regard, the properties to the north would have a separation of between 15m and 35m with the proposed development. They would have a front-to-front orientation which has no minimum separation distance. Accordingly, the separations as mentioned are considered acceptable to protect neighbouring amenity and outlook.

7.5.7 The properties to the east in Ellis Avenue would have a separation of between 20m and 24m in a side to front and side to side orientation. As above, there are no minimum separations for these orientations and the distances measured are considered acceptable to protect neighbouring amenity.

7.5.8 The neighbour to the west would be approximately 10m to the closest elevation and approximately 30m to the other elevation. The closest elevation is a side elevation and contains two windows at first floor serving kitchens which are not habitable rooms and are denoted on the plans to be obscurely glazed. Given this, the distance of 10m is considered acceptable when there are no minimum side to side separations. With regards to the other elevation, this is a rear elevation and at 30m away, far exceeds the minimum 15m back to side separation.

- 7.5.9 With regards to the neighbour to the south, 26 Ellis Avenue, this property is approximately 5m from the proposed building. However, this is a side-to-side orientation of which there is no minimum separation and is standard to have side to side very close together. Notwithstanding this, there are no windows in the first-floor side elevation of the proposed development so no loss of amenity would occur in this regard.
- 7.5.10 It is noted that the proposed development would have rear elevation habitable windows overlooking the rear garden of No. 26 to the south. However, these windows would be approximately 18m from the rear garden boundary which is considered an acceptable distance and much greater distance than windows on existing neighbouring properties which would already have a view into this property's garden (their attached neighbour at No.28 and properties in Letchmore Road). Accordingly, it is not considered that this neighbour would suffer a loss of amenity to a scale commensurate with a refusal of permission on this basis.

Daylight and Sunlight

- 7.5.11 The proposed building is two-storey and, at 9.6m high, is approximately 0.5m higher than the existing dwellings on site and is of a similar height to the surrounding two-storey dwellings. As such, whilst no daylight and sunlight assessment has been provided with the application, it is not considered that the proposed building would worsen any existing impacts owing to the fact the buildings are all of a very similar height, the separation distances are acceptable, and the building does not breach existing building lines.

7.6 Impact Upon Amenities of Future Residents

Private Amenity Space

- 7.6.1 In respect to private amenity space, section H (Homes and Buildings) of the Design Guide SPD (2023) requires that all dwellings, including flatted developments, should have private amenity space with an exception granted to flats in central locations where public open space is easily accessible. There is a requirement to provide 50sqm for the first 5 units and an additional 10sqm for every additional unit. Garage courts, parking areas and bin storage areas are not considered as part of the useable garden amenity requirements. Accordingly, this development is required to provide 110sqm of private amenity space.
- 7.6.2 The development proposes natural landscaping around the perimeter of the building on all sides and a larger area within the site adjacent to the communal car parking area. None of these areas are considered to be particularly useable as social or recreational space as they are either not large enough, not private, or located close to car parking areas. In this regard, the proposal is considered contrary to policy which must be weighed against the public benefits of the scheme, which will be considered in the conclusion of this report, but is worth noting here that being one- and two-bedroom flats, it is not expected that the development would house families with a need for secure private space for young children to play and the site is located approximately 200m from an extensive area of public open space in Letchmore Road which also contains a children's play area.

Living Space Standards

- 7.6.3 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards (NDSS). Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.
- 7.6.4 The submitted plans show that all units meet the overall floor space standards, and all bedrooms meet the minimum floor space requirements.

7.6.5 The proposed development is therefore considered contrary to Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2023) and planning practice guidance due to the substandard level of private amenity space and must be weighed against the public benefits of the scheme, which will be considered in the conclusion of this report.

7.7 Car Parking, Cycle Provision, and highway implications

National Planning Policy Framework and Planning Practice Guidance

7.7.1 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

7.7.2 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

7.7.3 The Council's Parking Provision and Sustainable Transport SPD (2020) requires 2-bedroom units to have 1.5 spaces and 1-bed units to have 1 space. The proposed development therefore has a requirement to provide 14.5 spaces, rounded up to 15 spaces.

7.7.4 The submitted plans show that only 13 spaces will be provided within the site, although the applicant has shown 2 spaces on the highway in an off-street communal parking bay. These two spaces cannot be counted as they are general public spaces and not within the defined application site. therefore, the site has a deficit of 2 spaces and is not located within a residential accessibility zone where reductions in provision could be applied. Accordingly, the proposed development fails to accord with the Parking Provision SPD and Policy IT5 of the Local Plan and must be weighed against the public benefits of the scheme, which will be considered in the conclusion of this report.

7.7.5 Whilst the application fails to provide the required provision, the site is located within a sustainable location and travel by non-car modes of transport should be encouraged as much as possible. As discussed in previous sections of this report, there are shops, schools and

recreational areas all within easy walking distance of the site and it is located on a bus route, therefore travel by car can easily be substituted by other sustainable modes of transport.

7.7.6 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 and that the deficit is only 2 spaces, 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. Ellis Avenue is not overly congested and there are off-street parking bays along the road. Where there are no bays, there are parking restrictions such that vehicles could not park on the street and cause congestion or highway safety issues. On balance therefore, the deficit of 2 spaces is considered acceptable in this instance in this location.

7.7.7 Visitor spaces are required at a standard of 0.25 spaces per dwelling, so 11 units will require 2.75 spaces, rounded up to 3 spaces. However, as the parking is unallocated then additional visitor spaces would not need to be provided.

Disabled Spaces

7.7.8 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 and should be incorporated within the provision and not necessarily in addition to it. There is a requirement for 1 space and the submitted plans show 2 spaces which is acceptable.

EV Charging

7.7.9 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.

Cycle Storage

7.7.10 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. The submitted plans show that there is a cycle storage area within the site which is acceptable.

7.7.11 Herts County Council (HCC) as the Highways Authority have assessed the application, and, whilst they initially raised concerns and recommended refusal, the applicant addressed their concerns and they subsequently removed their objection and confirmed that they did not wish to restrict the granting of planning permission.

7.7.12 Initially, their objections were in relation to car parking spaces not meeting their new standards of 2.7m wide and 5m long, the sliding security gate was too close to Ellis Avenue, the stepped access on Walkern Road was not user friendly for disabled persons, no EV charging points shown on the plans, and the gradient of the access road not shown.

7.7.13 It should be noted that the larger car parking space standards are HCC standards and not the Council's. As the Council is the parking authority, developments need only comply with our standards and not HCC standards which is the case with this application. The sliding security gate has been removed from the plans. EV charging will be secured by condition. The stepped access on Walkern Road is existing and is not planned to be removed or altered as the access from Ellis Avenue is the main access and is disability accessible. The gradient of the access was added to amended plans.

Highway Safety

- 7.7.14 The application was accompanied by a Transport Statement. In regard to trip generation, the existing site comprises 2no. four bedroom dwellings with no parking facilities; as such there is no data readily available for calculating existing trip generations and so a first principles approach of five trips per day per unit (total 10 trips) has been used. Using the TRICS (Trip Rate Information Computer System) database, the proposed development could potentially generate 19 trips per day, an increase of 9 trips.
- 7.7.15 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 database. HCC Highways have raised no concerns or objections in this regard.
- 7.7.16 The site is very well served with public footpaths along Ellis Avenue, Walkern Road, Letchmore Road and beyond. Additionally, these footpaths provide easy access to the town's cycle network including along Grace Way, North Road, Martins Way and Fairlands Way.
- 7.7.17 The Highways Authority have requested a financial contribution of £75,086.00 (£6826 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, should negotiations be on-going, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman 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.
- 7.7.18 The highways authority have assessed the application and raised no concerns regarding highway safety or impacts on the local highway network. They have requested a condition regarding visibility splays for the access and this is agreed. They have also requested that a condition is imposed should permission be granted that requires the submission of a Construction Management Plan (CMP) prior to commencement of development. The CMP would require full details of the construction vehicle numbers, parking arrangements, traffic management and storage compounds amongst other things, to be submitted and approved by HCC Highways before the development can commence. In this regard, suitable mitigations can be put in place to minimise impacts on local residents. Failure to comply with the requirements of the CMP can be dealt with through the Council's enforcement powers where necessary.
- 7.7.19 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.

7.8 Impact on the Environment

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

conditions imposed would require a remediation strategy to be submitted for approval in the event that contamination is identified during the construction phase of development.

Groundwater

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

Air Quality

- 7.8.4 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).
- 7.8.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the CMP which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.8.6 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO₂ emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

- 7.8.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.8.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the CMP. Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.
- 7.8.9 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Borough Council's Environmental Health department.

Light Pollution

- 7.8.10 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.

- 7.8.11 Turning to the operational side of the development, the dwelling would be set back from the main highways and therefore any external lighting is not considered to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties.
- 7.8.12 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

7.9 Development and Flood Risk

- 7.9.1 The application site is not located within a Flood Zone or a Source Protection Zone. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy (SuDS).
- 7.9.2 In the emerging local plan partial review and update, flood risk and drainage policies are significantly revised. The existing policy FP1 is replaced by a new sustainable drainage policy, which places an emphasis on the use of the most sustainable SuDS features and methods of surface water discharge. Meanwhile, existing policies FP2 and FP3 are combined into a new, more comprehensive flood risk policy, which largely reflects national flood risk policies but also seeks to protect watercourses and flood defences. Having regard to paragraph 48 of the NPPF, this emerging version of the policy is afforded limited weight in the assessment of the application.
- 7.9.3 The developer proposes to provide a network of new pipes around the proposed building and utilise the existing foul drainage sewer in Ellis Avenue. The 11 properties will generate a peak discharge of approximately 0.5l/s. Thames Water have raised no objections or concerns in this regard.
- 7.9.4 The Sustainable Drainage (SuDS) Hierarchy has been considered to establish the most practicable and sustainable methods of drainage for the site. As the property will have pitched roofs, green or blue roofs are not possible and have been discounted from consideration. The next option on the hierarchy is the use of soakaways and this is the proposed method to be employed. It is proposed to use permeable paving and soakaways.
- 7.9.5 Herts County Council as the Lead Local Flood Authority (LLFA) have assessed the application, and, following negotiations and updated reports, they have confirmed that they have no concerns or objections to the development subject to the imposition of suitably worded conditions.
- 7.9.6 Emerging Policy CC6 will require developments to incorporate green roofs and green walls unless there are clear and convincing reasons for not doing so. Biosolar roofs will also be strongly supported. As this Policy is being introduced through the Local Plan review, it currently carries little weight and it would not be appropriate to seek a re-design of the development, including the SuDS to now include green roofs.

7.10 Trees and Landscaping

- 7.10.1 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.

7.10.2 The site contains no trees although there are pockets of shrub landscaping around the site and therefore these policies are not applied.

7.10.3 The submitted site layout plan indicates a large amount of landscaping will be provided around the site, although at this stage no detailed landscaping plans have been drawn up. The Council's Arboricultural Manager has raised no concerns. Full landscaping details can be secured via a suitably worded condition.

7.11 Biodiversity, Ecology and Protected Species

7.11.1 The Environment Act received royal ascent in 2021 within the legislation is the requirement for proposals to bring about a positive net gain on biodiversity. The regulations which make a 10% net gain a statutory requirement (with a standard condition) had not come into effect at the time of submission. The requirement and the ways in which this gain is measured apply to planning applications for major development submitted after the regulations came into force on 12 February 2024. For major applications submitted before this date, the Regulations comprised transitional arrangements whereby local policy will remain the starting point for determination, together with other material considerations.

7.11.2 National and local policy still require the scheme to demonstrate an overall gain. Policy SP12 requires new development to 'mitigate or, as a last resort, compensate for the loss of green infrastructure or assets of biodiversity importance' and 'only grant permission if an adequate assessment of priority habitats and species has been undertaken'. The implementation of this policy is supported by the "Impact on Biodiversity SPD" adopted in 2021.

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

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

7.11.5 The trees in neighbouring gardens have potential for nesting birds although no evidence of old nests were found. If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged. Bird Nesting opportunities will be incorporated into the site with two boxes suitable for Swift (*Apus apus*) added to the western wall of the replacement building. These can be secured via condition.

7.11.6 None of the trees in the area have bat roosting potential. It is recommended that any external lighting is directed away from trees to minimise any potential impacts on foraging or commuting bats. In order to provide increased roosting opportunities for bats in the replacement building, a minimum of two built in (Schwegler 1FR or equivalent) bat boxes will be installed in the

western walls of the new building. These boxes will be mounted at eaves level and at a minimum height of 4m above ground level. These can be secured via a condition.

7.11.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be a 109% net gain. As such, there is no requirement for financial contributions in this regard and the proposal is considered to substantially exceed the requirements of Local and National Policy and is therefore acceptable in this regard.

7.12 Other Matters

Sustainable construction and climate change

7.12.1 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.

7.12.2 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 should only be afforded limited weight in the assessment of this application.

7.12.3 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.

7.12.4 The accompanying Design and Access Statement sets out that the development will be low maintenance with all new elements being insulated in compliance with, or exceeding, the requirements under Building Regulations Part L1. Domestic heating is currently proposed or anticipated to be via the use of energy efficient boilers, internal radiators and the final appropriate methods will be selected once reviewed (alongside SAPs) at building control stage and appropriate selections and/or adjustments made. Ventilation is currently anticipated as

being via natural means of opening windows and trickle vents with mechanical extractors for bathroom/WC. Emerging policy CC6 requires the use of green and blue roofs, however, this policy carries little weight at present and was not proposed at the time this development was designed and therefore these types of roofs have not been included and it is not considered appropriate to request a re-design of the development to meet policy standards of, at present, un-adopted policies. The same applies for other new emerging climate change/design policies.

7.12.5 Whilst the Design and Access Statement indicates that the proposal will comply with existing climate change policies, it is considered appropriate to secure the final, specific details via condition to ensure full compliance.

Waste and Recycling

7.12.6 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The revised site layout plan shows the waste and recycling bins to be within the footprint of the building on the ground floor with entrance/exit doors on either side to facilitate easy access from within the site and out on to Ellis Avenue.

7.12.7 Initially the storage area was located within the communal car parking area at the rear of the site, adjacent to the shared boundary with No.26. Following objections from this property, revised plans were submitted to move the storage area away from their property.

7.12.8 Given the aforementioned, with an appropriate condition in place, suitable refuse and recycle storage facilities can be delivered to meet the criterion set out in the Council's Design Guide SPD (2023).

Community Infrastructure Levy

7.12.9 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	

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

7.12.11 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.

7.13 Equality, Diversity and Human Rights

- 7.13.1 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.
- 7.13.2 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.
- 7.13.3 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.
- 7.13.4 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.
- 7.13.5 In terms of inclusive access, the scheme has been designed to be DDA (Disability Discrimination Act) compliant. In addition, in accordance with Policy HO11: Accessible and Adaptable Housing of the adopted Local Plan (2019), as this is a major scheme at least 50% of all new dwellings will need to be category 2: accessible and adaptable dwellings. The development also comprises of ramped, level access to the car park and ground floor areas of the building.
- 7.13.6 The scheme also seeks to deliver the necessary disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size standards and have been located in an appropriate location in close proximity to the entrance of the main residential 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 development would provide 11 dwellings, making a strong contribution to the aim of boosting housing supply, which in this instance, would be through the partial redevelopment of a sustainable brownfield site to deliver this much needed type of residential dwelling. Further, the proposal would deliver 3 affordable units which is in line with the requirements of Policy HO8 and attracts significant weight in favour of the development. This is due to the under-delivery of affordable housing to date over the Local Plan period. 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 great and therefore attracts significant weight in favour of the proposal.

- 8.3 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and 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.
- 8.4 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.
- 8.5 The car parking provision has been identified as being below the required standards in the Parking Provision SPD and is therefore contrary to policy. However, the site has been determined to be in a sustainable location with good access to public transport and other non-car modes of transport with a good level of public services within easy reach. The public benefit of delivering much needed affordable housing along with the Council failing to meets it 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.
- 8.6 The development has been assessed to be contrary to policy in terms of private amenity space due to a substandard level of provision. However, owing to the nature of the development of one and two bedroom flats, it is not expected that the development would house families with a need for secure private space for young children to play and the site is located approximately 200m from an extensive area of public open space in Letchmore Road which also contains a children's play area. The public benefit of delivering much needed affordable housing 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, it has been established that these are all considered acceptable.
- 8.8 The provision of affordable housing and other developer contributions can be satisfactorily addressed through the use of a S106 Legal Agreement.
- 8.9 In conclusion, whilst the proposal has been assessed to contravene some policies of the Local Plan (2019) through deficits in car parking provision and the land not being fully classified as previously developed brownfield land, it is considered that through the imposition of conditions and financial contributions secured through a Section 106 Legal Agreement that these policy contraventions can be suitably mitigated against. Therefore, taking all the aforementioned into account, 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 and affordable housing, 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 S106 legal agreement to secure/provide contributions towards:-
- Securing the provision of affordable housing;
 - Apprenticeships and construction jobs;
 - Monitoring of Travel Plans;
 - HCC contributions to improving sustainable transport (If they are found to meet Regulation 122 of the CIL Regulations);
 - SBC Section 106 monitoring fee – 2.5% of total financial obligations (capped at £25,000); and
 - HCC Monitoring Fee of £340 per trigger relating to HCC 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:-

General

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
2023/P0221-LP-B; 2023/P0221-010-A; 2023/P0221-CP-B; 2023/P0221-012-D; 2023/P0221-013-A; Arboricultural Impact Assessment Plan; Tree Constraints Plan; 2023/P0221-011-D; 2023/P0221-001-G; 2023/P0221-C001-D;
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 Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.
REASON:- In the interests of the living conditions of neighbouring occupiers and highway safety.
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in the Ecology Report by Turnstone Ecology Ltd dated 31 January 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 On completion, the design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed and ventilators are open, noise levels do not exceed:
- 35 decibels (dB) (LAeq,16h) during the daytime (07:00 – 23:00) within bedrooms and living rooms;
 - 30dB (LAeq,16h) during the night (23:00 – 07:00) within bedrooms;
 - 45 dB (LAFmax) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms
- Where mechanical purge ventilation is required to achieve the above standards with windows closed, this shall be designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling. All schemes for ventilation shall comply with the current edition of Approved Document F to the Building Regulations.
REASON:- To protect the amenity of future occupiers of the development
- 11 At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.
REASON:- To ensure the development will meet the increase in demand for accessible and adaptable units for elderly and disabled residents in accordance with Policy HO11 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019).

Pre-commencement

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

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

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, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

- 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 and associated highway works, dropped kerb, tactile paving, pedestrian visibility splays, etc.

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 demolition and site clearance) until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

REASON:- To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- 15 No development shall take place (including demolition and site clearance) until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy Drainage Strategy prepared by Lanmor Consulting revision 231652/DS/AG/RS/01 Rev B, dated 06 March 2024 and Drawing (reference 231652/DS/01 Rev C, and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority.

REASON:- To ensure that the development achieves a high standard of sustainability and to comply with NPPF and policies of Stevenage Borough Council.

- 16 No development shall take place (including demolition and site clearance) until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no

increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.

REASON:- To prevent flooding and pollution offsite in accordance with the NPPF.

Pre-Slab Level

17 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.

18 No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. 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.

19 No development shall take place above slab level until details of measures to address adaptation to climate change and energy efficiency in line with Policy FP1 of the Stevenage Local Plan (2019) and which should exceed the relevant Building Control Regulations have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details 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.

Prior to Occupation

20 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

REASON:- To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and policies of Stevenage Borough Council.

21 Prior to the first occupation of the first unit hereby permitted the vehicular access and associated visibility splays shall be installed in accordance with the approved plans and thereafter retained and maintained at all times at the position shown.

REASON:- To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 22 Prior to the first occupation of the first unit hereby permitted, the bird boxes and bat bricks or boxes as specified in the Ecology Report by Turnstone Ecology Ltd dated 31 January 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.
- 23 Prior to the first occupation of the first unit hereby approved the parking, turning, and servicing areas shown on drawing number 2023/P0221-001-G 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.
- 24 Prior to the first occupation of the first unit hereby permitted, the parking spaces shown on approved plan 2023/P0221-001-G 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.
- 25 Prior to the first occupation of the first unit hereby permitted, details of the secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facility shall thereafter be implemented in accordance with the approved details.
REASON:- To ensure there is sufficient secure cycle parking provision in order to encourage a mode shift from the private car.
- 26 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.

For the Following Reason:

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

INFORMATIVE

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

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 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 **Hertfordshire County Council as Highways Authority**
Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 6 **Hertfordshire County Council as Highways Authority**
Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 7 **Hertfordshire County Council as Highways Authority**
Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
- 8 **Hertfordshire County Council as Highways Authority**
Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 9 **Hertfordshire County Council as Highways Authority**
Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
- 10 **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>

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.

4. Stevenage Borough Local Plan Partial Review (2024).
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
7. 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:	12 August 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00419/FP
Location :	463-467 Canterbury Way, Stevenage
Proposal :	Proposed re-roofing to main building, replacement guttering, downpipes, fascia's, external doors and windows and replace balustrading to existing balconies
Drawing Nos.:	CDS585(ADC392) 463-467CW-01; CDS585-ADC392-AD-676; CDS585(AD392) 463-467CW-03; CD-ADC392-463-467CW-04;
Applicant :	Mulalley (on behalf of Stevenage Borough Council)
Date Valid:	18 June 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The site comprises a two-storey structure which has garages at ground floor and flats above. The building is constructed of buff coloured brickwork with a low pitched dual pitched roof. The doors and windows are white in a mix of PVCu and timber. The balconies are black framed with obscurely glazed glass panels. Communal parking is available within the cul-de-sac or within the garages below the flats.

2. RELEVANT PLANNING HISTORY

- 2.1 None

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the refurbishment of the building comprising the following:

- New PVCu double glazed windows in white
- New pitched roof covering in Redland Mini Stonewold Slate Grey
- New fascia's, guttering and downpipes.
- New external doors to support rooms in matte grey (RAL 7011)
- New balcony balustrading in black with aluminium panels in grey (RAL 7000)

- 3.2 This application comes before the Planning and Development Committee because the applicant is Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of site notices, no comments were received.

5. CONSULTATIONS

- 5.1. No statutory consultations were required.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 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 currently 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.

6.3 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 Adopted Local Plan (2019)

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

Policy SP8: Good design;
Policy GD1: High quality design;
Policy SP1: Climate Change;
Policy GD2: Design Certification;
Policy CC1: Energy efficiency;
Policy CC2: Heating and cooling;
Policy CC3: Water efficiency;
Policy CC4: Energy Infrastructure;
Policy CC5: Carbon sinks;
Policy CC6: Green roofs and walls;
Policy CC7: Digital connectivity;
Policy CC8: The green economy;

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:
- Stevenage Design Guide Supplementary Planning Document January 2023.

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

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

7.1 Impact on the Character and Appearance of the Area

National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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

- 7.2.4 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.

Supplementary Planning Document

- 7.2.5 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.
- 7.2.6 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.
- 7.2.7 The building is located on the northern side of Canterbury Way, on the left side of the cul-de-sac as you enter. The building is highly prominent in the public domain and can be viewed from a number of public vantage points both within the cul-de-sac and from further afield. There is a small amount of soft landscaping in the form of shrub beds and public amenity grass around the building.
- 7.2.8 The building is constructed of buff coloured brickwork with a tiled roof. Fenestrations are a mix of timber and PVCu and are white. Balconies are black framed with obscurely glazed glass panels. Surrounding properties are two-storey terraced dwellings in buff coloured brickwork with tiled roofs. The general character of Canterbury Way is high uniformity in design, massing, and materials.
- 7.2.9 The proposed replacement materials are generally like for like, although the balcony panels would become grey aluminium panels and the external storage doors at ground floor would become grey aluminium framed doors rather than white timber doors. The white windows will be replaced with white uPVC windows, the new roof tiles will be a dark grey, and the balcony balustrading will be black as existing. They would have an acceptable modern finish. The development would therefore refurbish the buildings without having any significant impact on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Biodiversity Net Gain

- 7.3.1 Biodiversity Net Gain 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. This is subject to exemptions, an exemption applies in relation to planning permission for a development which is below the de minimis threshold, meaning development which:
- 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
 - 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).
- 7.3.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted.

7.3.3 The applicant has confirmed in their statement that if granted planning permission, the general Biodiversity Net Gain Condition (as set out in Paragraph 13 of Schedule of the Town and Country Planning Act (as amended) would not apply as it falls under the temporary exemption for non-major development (was submitted before 2 April 2024). In addition, their statement sets out that the exemption is also applied relating to this development is because it is below the threshold which will not have an impact on a priority habitat, and it will impact less than 25sqm of onsite habitat and less than 5m of linear hedgerow. This is because the development is limited to the existing footprint of the building only. The following informative will also be required to be added to any decision notice should members grant planning permission.

7.4 Other matters

Climate Change

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

7.4.2 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.

7.4.3 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 should only be afforded limited weight in the assessment of this application.

7.4.4 The proposal will improve the energy efficiency of the flats. When retrofitting buildings, they must be PAS2035 compliant which will ensure that the energy demand within the building is significantly reduced.

Equality, Diversity and Human Rights

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

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

- 7.4.7 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
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- 7.4.9 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.
- 7.4.10 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
CDS585(ADC392) 463-467CW-01; CDS585-ADC392-AD-676; CDS585(AD392) 463-467CW-03; CD-ADC392-463-467CW-04;
REASON:- For the avoidance of doubt and in the interests of proper planning.
 - 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 - 3 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.
REASON:- To ensure a satisfactory appearance upon completion of the development.

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

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

INFORMATIVE

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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.

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- 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**

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>

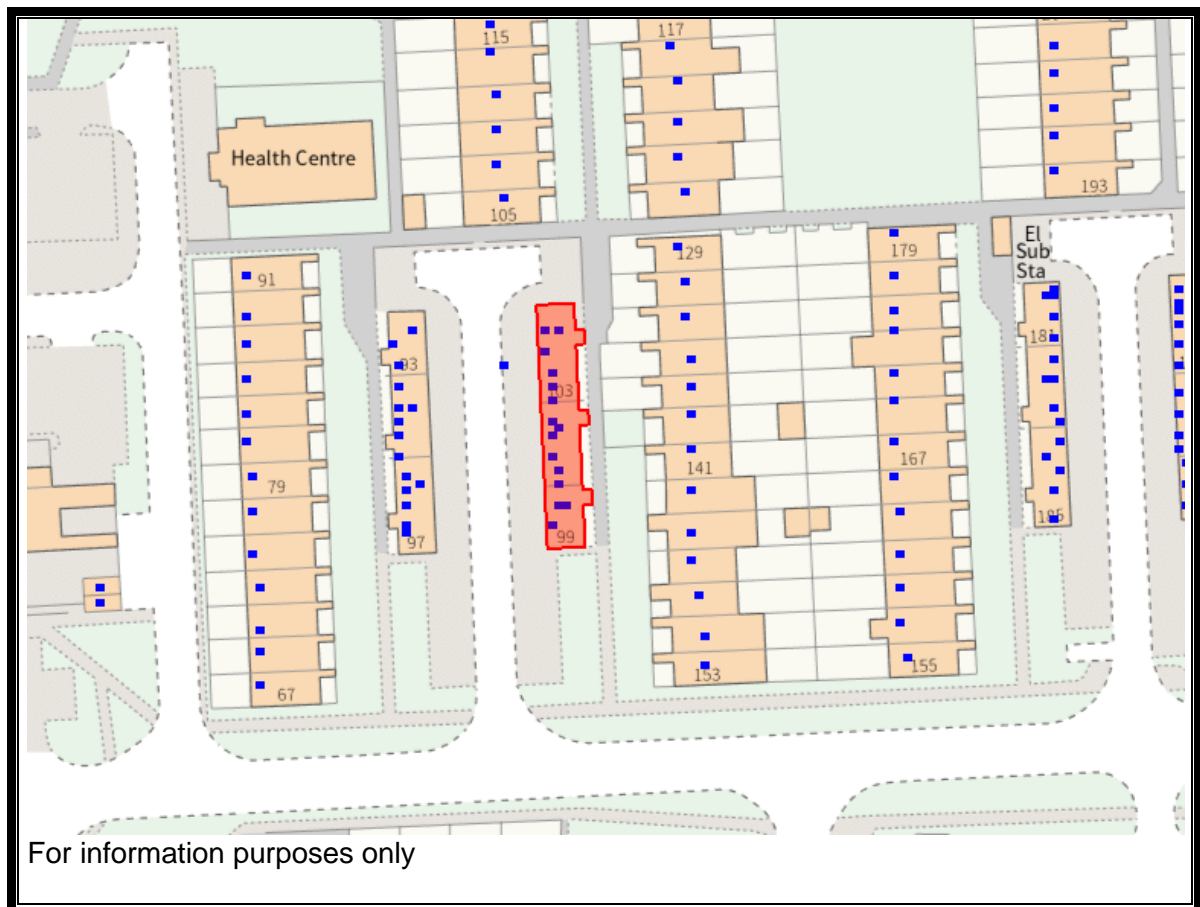
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Stevenage Borough Local Plan Partial Review (2024).
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
7. 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:	12 August 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	24/00418/FP
Location :	99 – 103 Canterbury Way, Stevenage
Proposal :	Proposed re-roofing to main building, replacement guttering, downpipes, fascias, external doors and windows and replace balustrading to existing balconies
Drawing Nos.:	CDS585(ADV392)00-103CW-02 Rev P1; CD585(ADC392)99-103CW-03 Rev P1; CDS585(ADC392)99-103CW-01 Rev P1 Site Location Plan; CDS585(ADC392)99-103CW-04 Rev P1; CDS585(ADC392)-AD-676 Rev P1;
Applicant :	Mulalley (on behalf of Stevenage Borough Council)
Date Valid:	18 June 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The site comprises a two-storey structure which has garages at ground floor and flats above. The building is constructed of buff coloured brickwork with a low pitched dual pitched roof. The doors and windows are white in a mix of PVCu and timber. The balconies are black framed with obscurely glazed glass panels. Communal parking is available within the cul-de-sac or within the garages below the flats.

2. RELEVANT PLANNING HISTORY

- 2.1 None

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the refurbishment of the building comprising the following:

- New PVCu double glazed windows in white
- New pitched roof covering in Redland Mini Stonewold Slate Grey
- New fascia's, guttering and downpipes.
- New external doors to support rooms in matte grey (RAL 7011)
- New balcony balustrading in black with aluminium panels in grey (RAL 7000)

- 3.2 This application comes before the Planning and Development Committee because the applicant is Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of site notices, no comments were received.

5. CONSULTATIONS

- 5.1. No statutory consultations were required.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

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

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

6.2 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 currently 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.

6.3 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 Adopted Local Plan (2019)

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

Policy SP8: Good design;
Policy GD1: High quality design;
Policy SP1: Climate Change;
Policy GD2: Design Certification;
Policy CC1: Energy efficiency;
Policy CC2: Heating and cooling;
Policy CC3: Water efficiency;
Policy CC4: Energy Infrastructure;
Policy CC5: Carbon sinks;
Policy CC6: Green roofs and walls;
Policy CC7: Digital connectivity;
Policy CC8: The green economy;

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:
- Stevenage Design Guide Supplementary Planning Document January 2023.

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

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

7.2 Impact on the Character and Appearance of the Area

National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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

- 7.2.4 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.

Supplementary Planning Document

- 7.2.5 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.
- 7.2.6 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.
- 7.2.7 The building is located on the northern side of Canterbury Way, on the left side of the cul-de-sac as you enter. The building is highly prominent in the public domain and can be viewed from a number of public vantage points both within the cul-de-sac and from further afield. There is a small amount of soft landscaping in the form of shrub beds and public amenity grass around the building.
- 7.2.8 The building is constructed of buff coloured brickwork with a tiled roof. Fenestrations are a mix of timber and PVCu and are white. Balconies are black framed with obscurely glazed glass panels. Surrounding properties are two-storey terraced dwellings in buff coloured brickwork with tiled roofs. The general character of Canterbury Way is high uniformity in design, massing, and materials.
- 7.2.9 The proposed replacement materials are generally like for like, although the balcony panels would become grey aluminium panels and the external storage doors at ground floor would become grey aluminium framed doors rather than white timber doors. The white windows will be replaced with white uPVC windows, the new roof tiles will be a dark grey, and the balcony balustrading will be black as existing. They would have an acceptable modern finish. The development would therefore refurbish the buildings without having any significant impact on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Biodiversity Net Gain

- 7.3.1 Biodiversity Net Gain 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. This is subject to exemptions, an exemption applies in relation to planning permission for a development which is below the de minimis threshold, meaning development which:
- 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
 - 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).
- 7.3.2 Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted.

7.3.3 The applicant has confirmed in their statement that if granted planning permission, the general Biodiversity Net Gain Condition (as set out in Paragraph 13 of Schedule of the Town and Country Planning Act (as amended) would not apply as it falls under the temporary exemption for non-major development (was submitted before 2 April 2024). In addition, their statement sets out that the exemption is also applied relating to this development is because it is below the threshold which will not have an impact on a priority habitat, and it will impact less than 25sqm of onsite habitat and less than 5m of linear hedgerow. This is because the development is limited to the existing footprint of the building only. The following informative will also be required to be added to any decision notice should members grant planning permission.

7.4 Other matters

Climate Change

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

7.4.2 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.

7.4.3 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 should only be afforded limited weight in the assessment of this application.

7.4.4 The proposal will improve the energy efficiency of the flats. When retrofitting buildings, they must be PAS2035 compliant which will ensure that the energy demand within the building is significantly reduced.

Equality, Diversity and Human Rights

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

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

- 7.4.7 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.4.8 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
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- 7.4.10 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
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CDS585(ADC392)99-103CW-01 Rev P1 Site Location Plan; CDS585(ADC392)99-103CW-04 Rev P1; CDS585(ADC392)-AD-676 Rev P1;
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).
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REASON:- To ensure a satisfactory appearance upon completion of the development.

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

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

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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.

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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:

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- 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**

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>

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Stevenage Borough Local Plan Partial Review (2024).
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
7. 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:

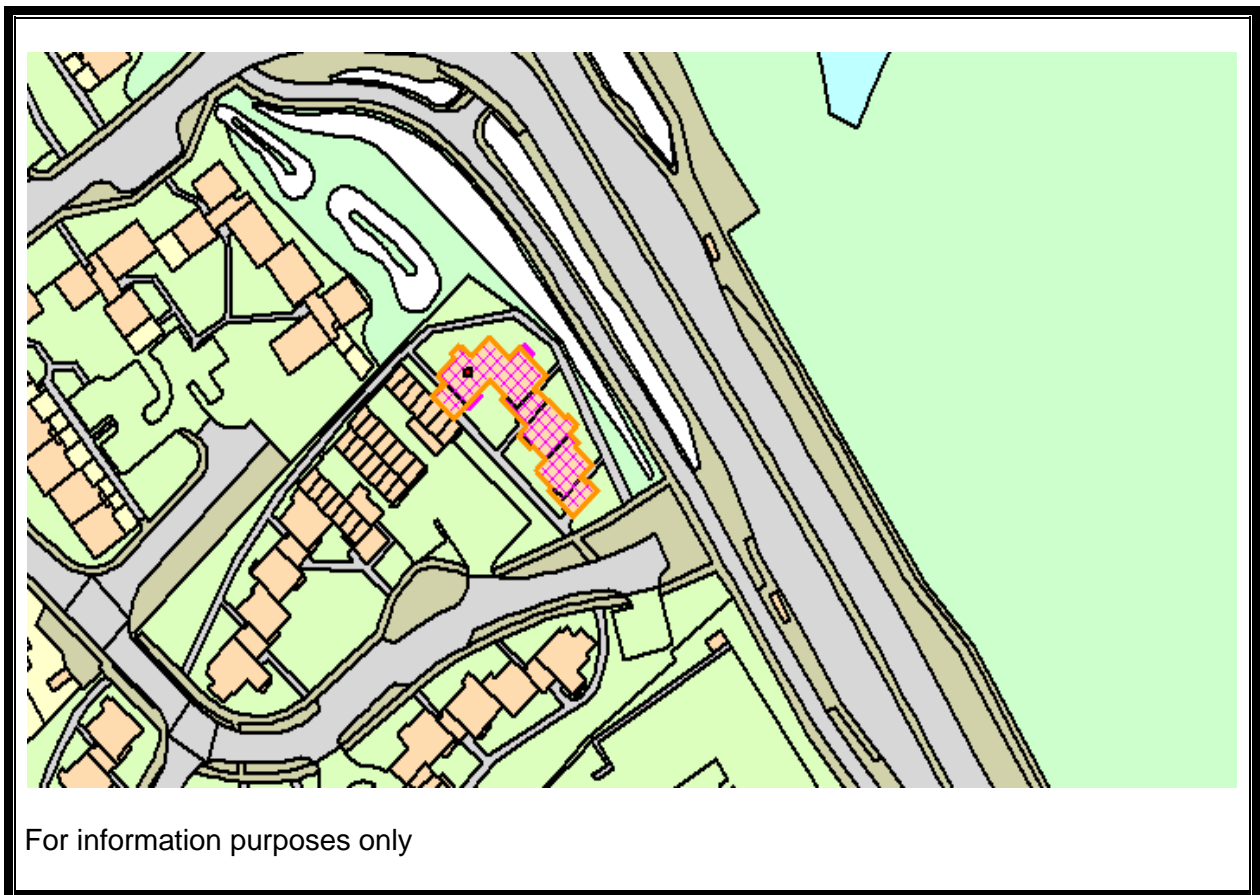
Date: 23 May 2024

Author: Lewis McGann

Lead Officer: Zayd Al-Jawad

Contact Officer: Lewis McGann

Application No :	24/00281/FP
Location :	1-14 Cavalier Court, Ingleside Drive, Stevenage
Proposal :	Replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters, downpipes, external balustrading.
Drawing Nos.:	CD-ADC392-1-14CC-100 P1, CD-ADC392-1-14CC-101 P1, CD-ADC392-1-14CC-200 P1, CD-ADC392-1-14CC-201 P1, CD-ADC392-1-14CC-202 P1, CD-ADC392-1-14CC-203 P1;
Applicant :	Mulalley & Company Ltd (on behalf of Stevenage Borough Council)
Date Valid:	18 April 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises a three storey, staggered terrace block of fourteen flats located on the northern side of the road at the end of Ingleside Drive. Adjacent to the south-west lies Cranbourne Court and the partially concealed, integrated car park it shares with Cavalier Court. Directly on the opposite side of the road to the south lies Knowle Court, whilst to the east runs the A602, Hitchin Road.
- 1.2. The block of flats in question is divided into four distinct main buildings, all of which are constructed of a red brick course with elements of white and brown horizontal cladding. Each main building is roofed with a flat roof and is fitted with white uPVC windows with and steel external doors. Nine of the properties feature a balcony or ground floor patio on their south-western elevation with the remaining five properties featuring a balcony or ground floor patio on their south-eastern elevation. All of the balconies and ground floor patios are finished with black metal balustrading.
- 1.3. The immediate surrounding area is characterised by flat blocks, typically laid out in staggered rows that are generally of a similar age and style to the application site.

2. RELEVANT PLANNING HISTORY

- 2.1 No relevant planning history.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the following works:
 - New white uPVC double glazed windows to replace existing.
 - New iron grey, matt finished, aluminium framed communal entrance doors with associated fittings to replace existing.
 - New white uPVC glazed windows to communal areas to replace existing.
 - New white cladding and associated fittings to flats to replace existing horizontal shiplap cladding.
 - New white cladding and associated fittings to communal areas to replace existing horizontal shiplap cladding.
 - New flat roof covering, uPVC fascia's, gutters and downpipes to replace existing.
 - New steel external doors with digi lock access to support rooms.
 - New black metal external balustrading to balconies and ground floor patios to replace existing.
- 3.2 This application comes before the Planning and Development Committee because the applicant is Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters to neighbouring properties and the erection of a site notice, no comments were received.

5. CONSULTATIONS

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

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

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

6.2 Central Government Advice

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

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

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

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

6.3 Planning Practice Guidance

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

6.4 National Design Guide

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

6.5 Adopted Local Plan (2019)

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

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

6.6 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

Stevenage Design Guide Supplementary Planning Document January 2023.

6.8 Community Infrastructure Levy

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

7. APPRAISAL

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

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

7.2 Impact on the Character and Appearance of the Area

- 7.2.1 In terms of design, paragraph 131 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.2.2 Paragraph 139 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.
- 7.2.3 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns' built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.5 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.6 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and

- their detailing.

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

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

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

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

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

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;
- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

7.2.10 All of the proposed refurbishment works would have a similar appearance to that which is existing with the most prominent changes being the installation of the new white cladding to the various sections on each elevation of the terrace block and the new black metal external balustrading to the balconies and ground floor patios on the south-eastern elevation. The proposal also comprises the replacement of the existing roofing material to the flat roof of the application building. In addition, all of communal entrance doors, windows, fascia's, guttering and downpipes would also be replaced as part of this development.

7.2.11 The proposed refurbishment works would have a positive impact on the overall look of the block of flats and would improve its overall visual appearance without radically altering it or significantly impacting on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Biodiversity Net Gain

7.3.1 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. This is subject to exemptions, an exemption applies in relation to planning permission for a development which is below the de minimis threshold, meaning development which:

- 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
- 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).

Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted.

7.3.2 The applicant has confirmed in their statement that if granted planning permission, the general Biodiversity Net Gain Condition (as set out in Paragraph 13 of Schedule of the Town and Country Planning Act (as amended)). This is because the development proposal is below the threshold which will not have an impact on a priority habitat, and it will impact less than 25sqm of onsite habitat and less than 5m of linear hedgerow. This is because the development is limited to the existing footprint of the building only.

7.4 Other Matters

Climate Change

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

7.4.2 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.

7.4.3 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 should only be afforded limited weight in the assessment of this application.

7.4.4 The proposal will improve the energy efficiency of the flats. When retrofitting buildings, they must be PAS2035 compliant which will ensure that the energy demand within the building is significantly reduced.

Equality, Diversity and Human Rights

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

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

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

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

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

7.4.10 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities. This is because the proposed development will not impact upon person who have protected characteristics.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

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

1 The development hereby permitted shall be carried out in accordance with the following approved plans: CD-ADC392-1-14CC-100 P1, CD-ADC392-1-14CC-101 P1, CD-ADC392-1-14CC-200 P1, CD-ADC392-1-14CC-201 P1, CD-ADC392-1-14CC-202 P1, CD-ADC392-1-14CC-203 P1;

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

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 The materials to be used in the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.

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

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

INFORMATIVE

- 1 **Public Information on Planning Applications**

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

- 2 **Community Infrastructure Levy**

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

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

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

- 3 **Building Regulations**

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

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

5 **Biodiversity Net Gain**

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>

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Stevenage Borough Local Plan Partial Review (2024).
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 National 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 : 24/00008/COND
Date Received : 04.01.24
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of Condition 7 (Bat and Swift Boxes) and 13 (External Lighting) attached to planning permission reference 23/00526/RMM Phase 1A-C Miller plots only.
Date of Decision : 10.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

2. Application No : 24/00204/COND
Date Received : 19.03.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 26 (Hard Surfacing Materials) attached to planning permission reference 17/00862/OPM in respect of Phase 1D (22/00806/RMM)
Date of Decision : 12.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

3. Application No : 24/00327/COND
Date Received : 03.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of Conditions 2 (Soft and hard landscaping), 7 (Bird and bat boxes), and 12 (External finishes) attached to planning permission reference number 23/00890/RMM Phase 2 Miller plots only.
Date of Decision : 12.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
4. Application No : 24/00329/CLED
Date Received : 07.05.24
Location : 15 Walkern Road Stevenage Herts SG1 3QX
Proposal : Lawful Development Certificate (Existing) for a conservatory
Date of Decision : 09.07.24
Decision : **Certificate of Lawfulness is APPROVED**
5. Application No : 24/00350/COND
Date Received : 15.05.24
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 22/00808/RMM
Date of Decision : 10.07.24
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**

Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.

The case officer's letter is attached providing further information.

6. Application No : 24/00351/COND
Date Received : 15.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 14 (External materials) attached to planning permission reference number 23/00526/RMM Phase 1A-C Bellway plots only
Date of Decision : 10.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
7. Application No : 24/00352/COND
Date Received : 15.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of Condition 13 (External Lighting) attached to planning permission reference number 23/00526/RMM Phase 1A-C Bellway Plots only.
Date of Decision : 10.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
8. Application No : 24/00353/COND
Date Received : 15.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 7 (Swift and bat boxes) attached to planning permission reference number 23/00526/RMM Phase 1A-C Bellway plots only.
Date of Decision : 10.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

9. Application No : 24/00354/COND
Date Received : 15.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 7 (Swift and bat boxes) attached to planning permission reference number 22/00806/RMM Phase 1D Bellway plots only.
Date of Decision : 10.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
10. Application No : 24/00355/COND
Date Received : 15.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 10 (External Materials) attached to planning permission reference number 22/00806/RMM Phase 1D Bellway Plots.
Date of Decision : 10.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
11. Application No : 24/00360/AD
Date Received : 18.05.24
Location : Unit 7B Roaring Meg Retail Park London Road Stevenage
Proposal : 2no. internally illuminated fascia signs, 3no. internally illuminated hanging signs and 4no. externally applied vinyl to existing window glazing panels
Date of Decision : 15.07.24
Decision : **Advertisement Consent is GRANTED**

12. Application No : 24/00361/FP
Date Received : 18.05.24
Location : 19 The Glebe Chells Way Stevenage Herts
Proposal : Change of use from a betting shop (Sui Generis) to a sunbed/beauty shop (Class E).
Date of Decision : 15.07.24
Decision : **Planning Permission is GRANTED**
13. Application No : 24/00365/COND
Date Received : 21.05.24
Location : Land To The North Of Stevenage Weston Road Stevenage Herts
Proposal : Discharge of condition 12 (renewable energy) attached to planning permission reference number 22/00806/RMM Phase 1d Bellway plots.
Date of Decision : 18.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
14. Application No : 24/00366/FP
Date Received : 22.05.24
Location : 3 North Road Stevenage Herts SG1 4AT
Proposal : Variation of conditions 7 and 8 (hours of operation) and removal of condition 6 (limited occupier) attached to planning permission reference number 2/0222/96
Date of Decision : 09.07.24
Decision : **Planning Permission is GRANTED**

15. Application No : 24/00368/COND
Date Received : 23.05.24
Location : The Bragbury Centre Kenilworth Close Stevenage Herts
Proposal : Discharge of conditions 22 (SuDS management and maintenance plan); and 23 (as built drainage drawings) attached to planning permission reference number 22/01075/FPM
Date of Decision : 09.07.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
16. Application No : 24/00369/FP
Date Received : 23.05.24
Location : 12 - 14 Willows Link Stevenage Herts SG2 8AR
Proposal : Change of use from dog grooming salon (sui generis) to day nursery (use class E)
Date of Decision : 18.07.24
Decision : **Planning Permission is GRANTED**
17. Application No : 24/00374/CLPD
Date Received : 27.05.24
Location : 106 York Road Stevenage Herts SG1 4HF
Proposal : Certificate of Lawfulness (Proposed) for alterations to include hardstanding and a fence
Date of Decision : 09.07.24
Decision : **Certificate of Lawfulness is APPROVED**
18. Application No : 24/00377/FPH
Date Received : 28.05.24
Location : 15 Glenwood Close Stevenage Herts SG2 9QT
Proposal : Variation of Condition 1 (approved plans) attached to planning permission 22/01127/FPH to alter the roof design of the extension.
Date of Decision : 23.07.24
Decision : **Planning Permission is GRANTED**

19. Application No : 24/00394/FP
Date Received : 05.06.24
Location : Broadwater Service Station Broadwater Crescent Stevenage Herts
Proposal : Application for the removal of Condition 11 (operating hours) attached to planning permission reference 2/0335/96 to allow 24hour trading
Date of Decision : 16.07.24
Decision : **Planning Permission is GRANTED**
20. Application No : 24/00396/TPCA
Date Received : 06.06.24
Location : Thomas Alleyne Academy High Street Stevenage Herts
Proposal : 1 x Maple to be felled to level of fence
Date of Decision : 11.07.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
21. Application No : 24/00401/AD
Date Received : 11.06.24
Location : Costa Coffee 7 Stevenage Leisure Park Kings Way Stevenage
Proposal : 3no. internally illuminated Fascia Signs, 1no. Pole sign, 1no. Height Barrier, 1no. Exit Sign, 1no. Barrier Frame, 2no. Digital Menu signs.
Date of Decision : 18.07.24
Decision : **Advertisement Consent is GRANTED**

22. Application No : 24/00403/CPA
Date Received : 12.06.24
Location : 31A Queensway Town Centre Stevenage Herts
Proposal : Prior approval for the change of use of first and second floors from offices (B1) to residential (C3) 3 x 1 bed, 2 person and 1 x 1 bed, 1 person self contained flats to each of the 2 floors
Date of Decision : 10.07.24
Decision : **Prior Approval is REQUIRED and REFUSED**

The application has been submitted with no information to allow the Local Planning Authority and statutory consultees the ability to make a full assessment of the impact of noise from commercial and other non-residential uses in close proximity of the site and the resultant impact on the proposed residential use of the existing office building in accordance with the condition in Paragraph MA.2(2)(d) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The application has been submitted with no information to allow the Local Planning Authority and statutory consultees the ability to make a full assessment on the provision of natural light in all habitable rooms in accordance with the condition in Paragraph MA.2(2)(f) of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

23. Application No : 24/00407/HPA
Date Received : 13.06.24
Location : 11 Edison Road Stevenage Herts SG2 0DG
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.50 metres, for which the maximum height will be 3.30 meters and the height of the eaves will be 2.32 meters
Date of Decision : 11.07.24
Decision : **Prior Approval is NOT REQUIRED**

24. Application No : 24/00408/HPA
Date Received : 13.06.24
Location : 467 Archer Road Stevenage Herts SG1 5QR
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.65 metres, for which the maximum height will be 4.00 meters and the height of the eaves will be 3.00 meters
Date of Decision : 15.07.24
Decision : **Prior Approval is NOT REQUIRED**
25. Application No : 24/00433/AD
Date Received : 21.06.24
Location : Hollywood Bowl 5 Stevenage Leisure Park Kings Way Stevenage
Proposal : Re-wrap existing signage with new vinyl graphics. Removal of archway signage and installation of new aluminium folded panel with vinyl graphics.
Date of Decision : 18.07.24
Decision : **Advertisement Consent is GRANTED**
26. Application No : 24/00438/NMA
Date Received : 27.06.24
Location : 2 Greydells Road Stevenage Herts SG1 3NL
Proposal : Non material amendment to planning approval 23/00677/FPH to amend fenestration and rooflight alterations
Date of Decision : 10.07.24
Decision : **Non Material Amendment AGREED**

27. Application No : 24/00461/NMA
Date Received : 02.07.24
Location : 42 Grove Road Stevenage Herts SG1 3NU
Proposal : Non material amendment to planning permission 23/00823/FPH for part demolition of existing extension/wing and construction of single storey rear extension
Date of Decision : 10.07.24
Decision : **Non Material Amendment AGREED**

BACKGROUND PAPERS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Policy Guidance.

Meeting: Planning and Development
Committee

Agenda Item:

Date: 12 August 2024

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow

Lead Officer – Zayd Al-Jawad

Contact Officer – Zayd Al-Jawad

1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

2.1 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.2 23/00035/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 23/00231/FP. 129C High Street. Appeal against the refusal of planning permission for the demolition of single storey element fronting onto Church Lane and its redevelopment with 4no. 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling.

3.2 The appeal was dismissed.

3.3 The site comprises a flat roof two storey extension to the rear of No 129 that likely dates from the mid-20th century and a large single storey structure that occupies all the remaining land to the rear of Nos 123-129. This structure has several elements, including a pitched roof range that runs parallel to Church Lane and turns the corner at Letchmore Road to connect with the two storey extension. The range likely dates from at least the earlier part of the 20th century or the late 19th century, with painted brickwork in a Flemish bond, although the northernmost part appears to be more modern. The remaining structure contains workshops with mono-pitch metal roofs that fill the inner part of the site, but these are not visible from the street and can only be glimpsed from upper floor windows at Nos 123-129.

- 3.4 The two storey extension and the single storey range form part of the street scene as seen from Letchmore Road and into Church Lane. The modern doors, windows, shopfront and signage on the Letchmore Road elevation are rudimentary and contribute little to the character and appearance of the area or the conservation area. However, even if there is little historic fabric internally, the single storey range has greater architectural interest due to the external brickwork details and the long, low level elevation along Church Lane. It is a subservient building compared to the buildings fronting the High Street and signifies the historic relationship between the High Street and Church Lane.
- 3.5 There are tall and large two storey buildings further to the north on this side of Church Lane. However, some like at the rear of 109 High Street are bland modern structures that have little positive effect on the area. Other taller buildings are historic structures interspersed with shorter historic buildings that collectively contribute well to the street scene and the conservation area.
- 3.6 The range could be considered to lie within the curtilage of the listed buildings and therefore be treated as part of the listed building if it forms part of the land and has done so since before 1 July 1948. There are factors that may be considered in defining the extent of curtilage, including the physical layout or relationship between the listed building and the building in question and their ownership and use or function historically and at the date of listing.
- 3.7 The range appears to pre-date 1 July 1948, while the appellant's historic map evidence suggests that it might have formed part of the same land as the listed buildings on the High Street. However, I have little information on ownership both in 1948 and beforehand, or the precise relationship and function between the range and the listed buildings. Therefore, it is unclear whether the range is part of the listed buildings for planning purposes or that an application for listed building consent should have been submitted. Nevertheless, regardless of its curtilage status, the range contributes positively to the character and appearance of the area, including the conservation area, and the setting and significance of the listed buildings
- 3.8 The application would result in the range being removed entirely and the Inspector noted that regardless of whether the range was curtilage listed or not, this element contributes positively towards the conservation area and the setting and significance of neighbouring listed buildings. The proposed replacement two storey element would compete for attention with the listed buildings and detract from the hierarchy of streets within the conservation area. The creation of communal amenity space within the site would not prevent a negative effect on the setting of the listed buildings. However, the loss of the historic range and its replacement with a large and overly dominant building would cause less than substantial harm to the significance of the above designated heritage assets.
- 3.9 In summary, the Inspector noted that the proposed development would not preserve the special interest or setting of the listed buildings or preserve or enhance the character or appearance of the conservation area. The development would also have a negative effect on the character and appearance of the area. Therefore, it would be contrary to Policies SP8, HO5, GD1 and TC9 of the Stevenage Borough Local Plan 2011-2031.
- 3.10 He further noted that the development would not adhere to the Stevenage Design Guide 2023 (SDG) which amongst other things, requires schemes to respect local characteristics and preserve and enhance existing features where appropriate. It would also not adhere to the Old Town Conservation Area Management Plan 2012 which seeks to maintain and enhance the character and appearance of the conservation area. The development would be contrary to paragraphs 131, 135 and 139 of the National Planning Policy Framework (NPPF) which promote good design that is sympathetic to local character and reflects local design policies.
- 3.11 With regards to living conditions, the Inspector agreed with the Council's position that the proposed balconies for units 4 and 5 would be unacceptable in terms of outlook, natural light

and size and are therefore not a useable space. He further noted that the other private amenity spaces would be overlooked from above and not likely to be well used which denotes poor design.

- 3.12 He also noted the lack of defensible space at ground floor between the site and public footpath would lead to a fear of crime even in the absence of crime data and the use of privacy film would restrict outlook and result in unattractive living conditions.
- 3.13 He concluded that the development would have poor living conditions for future occupiers in terms of private amenity space, privacy and outlook and fear of crime and would not therefore accord with Policies SP8 and GD1, the Design Guide SPD or NPPF paragraphs 96, 131, 135 and 139.
- 3.14 Turning to highway safety, the Inspector noted the existing arrangement is poor and would lead to pedestrians being forced into the road. However, he did not agree with the Council that the proposed widened footpath would be inadequate despite not meeting Manual for Streets standards as he felt the widened path, in a not-very-busy location would be suitable to allow pedestrians to pass safely and the risk of conflict between road users and pedestrians would be low.
- 3.15 In summarising, he concluded in his planning balance that whilst the development would have an acceptable effect on highway safety, it would result in harm to the character and appearance of the area, including the conservation area and listed buildings and would cause harm to the living conditions of future occupiers.
- 3.16 In his planning balance, he summarised that the provision of 5 net units would be a public benefit afforded moderate weight and the improvement of the widened footpath would also have moderate weight in favour. He gave considerable importance and weight to the less than substantial harm to the heritage assets and the public benefits would not outweigh the harms identified.
- 3.17 Whilst paragraph 11(d) of the NPPF is engaged due to the Housing Delivery Test failure, there are clear reasons to refuse the development on harm to heritage assets and therefore the proposal does not benefit from the presumption in favour of sustainable development.
- 3.18 He concluded that it would be contrary to the development plan when taken as a whole with no material considerations to indicate otherwise and therefore the appeal is dismissed.

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Appeal Decision

Site visit made on 3 July 2024

by **Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/K1935/W/23/3328147

129C High Street, Stevenage, Hertfordshire SG1 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by John Bennett of L Bennett and Sons against the decision of Stevenage Borough Council.
 - The application Ref is 23/00231/FP.
 - The development proposed is demolition of single storey element fronting onto Church Lane and its redevelopment with 4 x 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of the area, including Old Town Conservation Area, and the special interest and setting of the Grade II listed buildings at 123 to 129 High Street;
 - (b) the living conditions of future occupants of the development with regard to private outdoor space, privacy, outlook, and the fear of crime; and
 - (c) highway safety.

Reasons

Character and appearance, conservation area, and listed buildings

3. The appeal site is at the rear of 123-129 High Street and fronts onto the parallel Church Lane and is also on the corner of Letchmore Road. The High Street is a busy thoroughfare characterised by commercial properties typically two storeys tall. Church Lane is quieter and has 20th century housing to the east. Its western side serves as rear access to High Street properties along with individual buildings that are either standalone properties or ancillary to uses on the High Street. Building heights on this side vary from tall two storey properties to single storey barns and outbuildings.
4. The site is within the Old Town Conservation Area which encompasses the High Street as well as the western side of Church Lane. The conservation area's character and appearance, along with its significance, is greatly informed by the commercial centre of Stevenage Old Town. There is a wealth of historic buildings along the High Street, and multiple passageways through to Church

- Lane where further historic buildings can be found. Church Lane complements the busier character of the High Street as an ancillary and linked space.
5. There are two list entries covering the four Grade II listed buildings at 123-129 High Street. Nos 123 and 125 have a single entry as 17th century two storey properties with a stucco front, steeply pitched clay tiled roofs and two front dormers. Nos 127 and 129 are described by the other list entry as 17th century two storey properties that were re-fronted in the 19th century, with stucco and a roof parapet, and clay tiles above.
 6. The listed buildings' special interest and significance are influenced by their architectural and historic interest as 17th century commercial premises in the centre of the Old Town, but also by their setting. The buildings are primarily experienced from the High Street frontages and turning the corner into Letchmore Road, but also from Church Lane at the rear.
 7. The site comprises a flat roof two storey extension to the rear of No 129 that likely dates from the mid-20th century and a large single storey structure that occupies all the remaining land to the rear of Nos 123-129. This structure has several elements, including a pitched roof range that runs parallel to Church Lane and turns the corner at Letchmore Road to connect with the two storey extension. The range likely dates from at least the earlier part of the 20th century or the late 19th century, with painted brickwork in a Flemish bond, although the northernmost part appears to be more modern. The remaining structure contains workshops with mono-pitch metal roofs that fill the inner part of the site, but these are not visible from the street and can only be glimpsed from upper floor windows at Nos 123-129.
 8. The two storey extension and the single storey range form part of the street scene as seen from Letchmore Road and into Church Lane. The modern doors, windows, shopfront and signage on the Letchmore Road elevation are rudimentary and contribute little to the character and appearance of the area or the conservation area. However, even if there is little historic fabric internally, the single storey range has greater architectural interest due to the external brickwork details and the long, low level elevation along Church Lane. It is a subservient building compared to the buildings fronting the High Street and signifies the historic relationship between the High Street and Church Lane.
 9. There are tall and large two storey buildings further to the north on this side of Church Lane. However, some like at the rear of 109 High Street are bland modern structures that have little positive effect on the area. Other taller buildings are historic structures interspersed with shorter historic buildings that collectively contribute well to the street scene and the conservation area.
 10. The range could be considered to lie within the curtilage of the listed buildings and therefore be treated as part of the listed building if it forms part of the land and has done so since before 1 July 1948. There are factors that may be considered in defining the extent of curtilage, including the physical layout or relationship between the listed building and the building in question and their ownership and use or function historically and at the date of listing.
 11. The range appears to pre-date 1 July 1948, while the appellant's historic map evidence suggests that it might have formed part of the same land as the listed buildings on the High Street. However, I have little information on ownership both in 1948 and beforehand, or the precise relationship and function between

the range and the listed buildings. Therefore, it is unclear whether the range is part of the listed buildings for planning purposes or that an application for listed building consent should have been submitted. Nevertheless, regardless of its curtilage status, the range contributes positively to the character and appearance of the area, including the conservation area, and the setting and significance of the listed buildings

12. The proposed development would remove the entirety of the range and much of the inner part of the site. The replacement two storey terrace containing four flats would be much taller and wider than the range. The terrace would be set back slightly from the corner between Letchmore Road and Church Lane but would still be very prominent in the street scene with an almost blank side elevation. The terrace would not be visible from the High Street and would be a little shorter than the listed buildings at Nos 123-129. However, due to its size and location, it would compete for attention with the listed buildings when seen from Letchmore Road and Church Lane and detract from the hierarchy of streets within the conservation area. The creation of communal open space at the rear would not prevent a negative effect on the listed buildings' setting.
13. The two storey rear extension would be refurbished for a one-bedroom dwelling, and its windows and front door could be replaced with a more sympathetic design. Likewise, the materials and detailing on the new terrace could be appropriate to the historic location and controlled by condition. However, the loss of the historic range and its replacement with a large and overly dominant building would cause less than substantial harm to the significance of the above designated heritage assets.
14. In summary, the proposed development would not preserve the special interest or setting of the listed buildings or preserve or enhance the character or appearance of the conservation area. The development would also have a negative effect on the character and appearance of the area. Therefore, it would be contrary to Policies SP8, HO5, GD1 and TC9 of the Stevenage Borough Local Plan 2011-2031 (LP). Amongst other things, these policies require good design that makes a positive contribution to its location, no detrimental impact on the environment, and the avoidance of harm to the significance of designated heritage assets.
15. The development would not adhere to the Stevenage Design Guide 2023 (SDG) which amongst other things, requires schemes to respect local characteristics and preserve and enhance existing features where appropriate. It would also not adhere to the Old Town Conservation Area Management Plan 2012 which seeks to maintain and enhance the character and appearance of the conservation area. The development would be contrary to paragraphs 131, 135 and 139 of the National Planning Policy Framework (NPPF) which promote good design that is sympathetic to local character and reflects local design policies.
16. NPPF paragraph 195 seeks to conserve heritage assets in a manner appropriate to their significance. NPPF paragraph 205 requires great weight to be given to the conservation of designated heritage assets irrespective of the extent of harm. NPPF paragraph 206 states that any harm to significance should require clear and convincing justification, while paragraph 208 requires less than substantial harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I shall return to this in the planning balance below.

Living conditions

17. The balcony for Unit 4 would be very narrow and wedged between the rear wall of the existing two storey extension and the two storey terrace. Consequently, it would not be a useable space with poor outlook and light and limited scope even for plants or clothes drying. The balcony for Unit 5 would be slightly better proportioned but would have a similarly poor outlook and light between the end gable of Nos 123-125 and the wall of the new terrace, which means the space would not be very useable either.
18. The ground floor flats and the one-bedroom dwelling would each have a small garden at the rear, but the gardens for Units 2 and 3 would be directly overlooked from the balconies above. The communal garden towards the back of the site and the proximity of public open space would partially offset the inadequacies of the private outdoor spaces for each flat. However, these spaces would likely not be well-used which denotes poor quality design. While the units are likely to appeal more to younger or older people without children, it is reasonable that they would want access to decent private outdoor space.
19. Living space on the ground floor would be immediately adjacent to the street. For Unit 1, this would primarily affect a kitchen area only, with the living/dining space having a rear outlook. This would mean less intrusion in terms of any occupant's privacy. Units 2 and 3 would also have kitchen as well as bathroom windows onto the street. However, there would be only one small window for the Unit 2 bedroom which would face directly onto the street and the car park opposite. There would also be windows for the studies at the front of both ground floor flats. Even if footfall is low, there would be people walking straight past these bedroom and study windows.
20. While the evidence is lacking in terms of the level of crime in this part of town, the lack of set back and defensible space would have a negative effect on privacy and outlook and would lead to a fear of crime. The use of privacy film on glass in bedrooms and studies that only have one window would further restrict the outlook for future occupants and not create an attractive living environment. Existing buildings with similar window arrangements, at the rear of 79 and 109 High Street, and at 27 Church Lane, are not particularly recent and in any case, I have assessed the development on its own merits.
21. There are existing first floor windows at the rear of Nos 123-129 that would face towards the rear elevation of the proposed first floor flats. However, these windows would only look directly at hallway windows, with a more oblique view across to bedroom windows. Therefore, the privacy of occupiers of the first floor flats would not be unduly affected.
22. Concluding on this main issue, the proposed development would have a harmful effect on the living conditions of future occupants of the development in terms of private outdoor space, privacy, outlook, and the fear of crime. Therefore, it would not accord with LP Policies SP8 and GD1 which, amongst other things, require high quality design that creates a safe environment and does not lead to an adverse impact on the amenity of future occupiers. The proposed development would also not adhere to the SDG which seeks to safeguard privacy, outlook and light, or NPPF paragraphs 96, 131, 135 and 139 which aim to create safe places with a high standard of amenity for future users, along with good design that takes into account local design policies and guidance.

Highway safety

23. The existing pavement around the site is narrow, particularly along the Church Lane frontage. It is barely wide enough for a single pedestrian let alone anyone with small children or mobility difficulties. There are loading bays next to the pavement which can mean vehicles add to the limited space on this side of Church Lane. Pedestrians are likely to be forced into the road, or across to the wider pavement on the opposite side.
24. The proposed development would widen the pavement at the corner with Letchmore Road and along Church Lane. While this would not be the full 2m width required by Manual for Streets, it would represent an improvement on the existing situation. It is not apparent that this is a very busy location for pedestrians or vehicles and so it should be possible for people to pass safely on the new pavement. The risk of conflict between road users is likely to be low.
25. Concluding on this main issue, the proposed development would have an acceptable effect on highway safety. Therefore, it would accord with LP Policies SP5, SP6 and IT5 which, amongst other things, promote an increase in sustainable transport modes with safe parking and access. These policies are supported by the Parking Provision and Sustainable Transport Supplementary Planning Document 2020. The proposed development would also adhere to NPPF paragraphs 114 and 115 which require sustainable transport and safe access and the avoidance of unacceptable impacts on highway safety.

Planning balance

26. Starting with the heritage balance in NPPF paragraph 208, it is necessary to weigh the less than substantial harm to the significance of the listed buildings and conservation area against the public benefits of the proposal. While the Council can demonstrate a five year housing land supply, it accepts that the latest housing delivery test (HDT) results show that Stevenage delivered only 57% of its housing requirement over the previous three years. Therefore, while the development would only deliver five additional units, this would nevertheless represent a public benefit that carries moderate weight in both social and economic terms. The development would also widen a narrow pavement which would be an improvement on the existing situation and so can be afforded moderate weight. There would also be some modest improvements to the external appearance of the existing two storey rear extension.
27. Considerable importance and weight should be given to the less than substantial harm to the significance of the designated heritage assets. Therefore, the public benefits would be insufficient to outweigh the harm or provide the clear and convincing justification for the proposal, contrary to NPPF paragraphs 205, 206 and 208.
28. NPPF paragraph 11(d) is engaged due to the HDT results being below 75%. It directs decision-makers to grant planning permission unless one of two exceptions apply. Given that the application of NPPF policies relating to designated heritage assets provides a clear reason for refusing the proposed development, the first exception in 11(d)(i) applies. Thus, the proposal would not benefit from the presumption in favour of sustainable development.
29. In conclusion, while the proposed development would have an acceptable effect on highway safety, it would result in harm to the character and appearance of

the area, including the conservation area and listed buildings, as well as cause harm to the living conditions of future occupants. It would be contrary to the development plan taken as a whole, with no material considerations to indicate otherwise.

Conclusion

30. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR