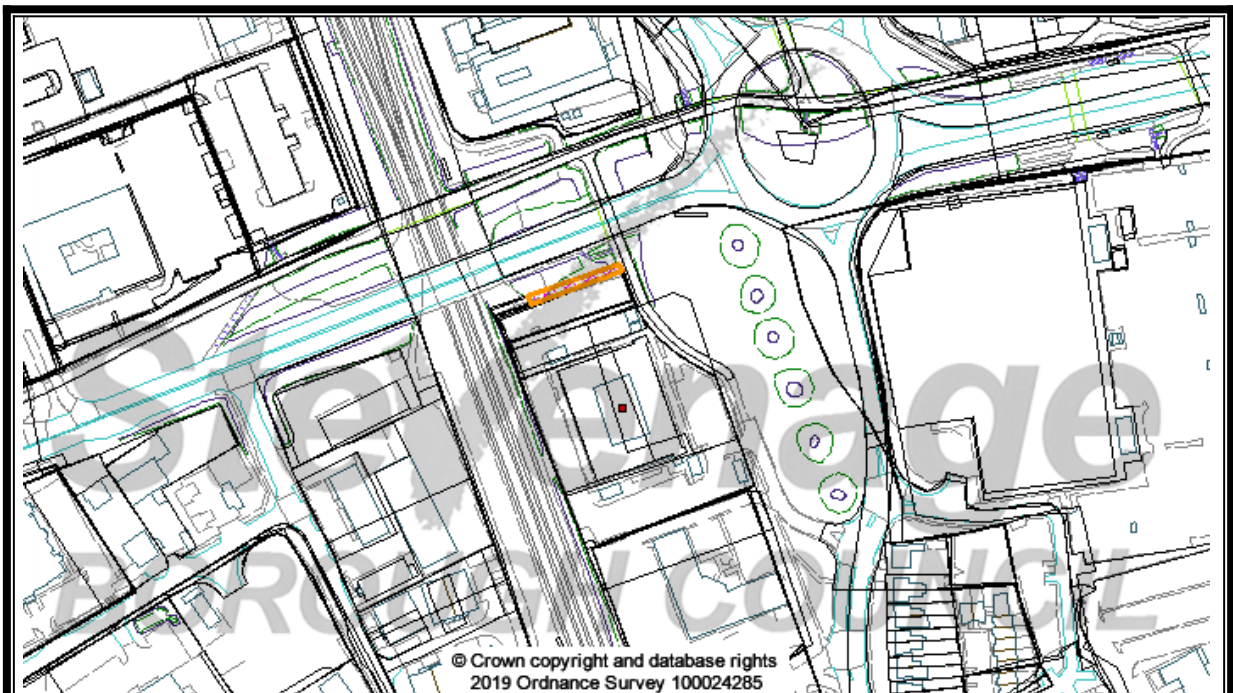


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|-------------------------|---|---------------------|
| <b>Meeting:</b>         | <b>Planning and Development Committee</b> | <b>Agenda Item:</b> |
| <b>Date:</b>            | <b>6 January 2021</b>                     |                     |
| <b>Author:</b>          | <b>James Chettleburgh</b>                 | 01438 242266        |
| <b>Lead Officer:</b>    | <b>Zayd Al-Jawad</b>                      | 01438 242257        |
| <b>Contact Officer:</b> | <b>James Chettleburgh</b>                 | 01438 242266        |

|                 |  |
|-----------------|--|
| Application No: | 20/00625/FP  |
| Location:       | Part of Highways Embankment, corner of Six Hills Way and London Road, Stevenage.   |
| Proposal:       | Installation of fire new escape route has to be created from one of the two stair cores of the adjacent development approved under planning application 16/00482/FPM. The escape route is necessary as the stair core cannot discharge directly into the proposed car park.. |
| Drawing Nos.:   | 119-3EX-01; 119-3GA-12   |
| Applicant:      | Westgold Developments Ltd  |
| Date Valid:     | 26 October 2020  |
| Recommendation: | GRANT PLANNING PERMISSION  |



Plan for information purposes only

## **1. SITE DESCRIPTION**

- 1.1 The application site is located at the northern end of the Six Hills House site just outside its boundary and forms part of a highway verge. To the south of the application site is Six Hills House which is an existing part four storey, part eight storey building being converted into residential apartments. The plant rooms associated with the old office building have also been converted to residential accommodation. The external elevations of the building have been finished in white coloured render and strategically placed colour panels utilising a simple palette of materials in order to provide a contemporary design. Additionally, well-proportioned windows and door openings have been installed on the main building in order to maximise natural light. There are also Juliette balconies which are finished in either timber or tinted glass balustrades. The roof areas have been finished with single ply painted copper effect roof membrane with a décor profile. The existing building is surrounded by surface car parking which is punctuated by trees with new cycle and bin stores being erected.
- 1.2 To the north of the application site is Six Hills Way, beyond which is Stevenage Police Station. To the east of the application site is the Six Hills Common which is an established Wildlife Site and comprises the Six Hills Mounds which is classed as a Scheduled Ancient Monument. Beyond the common is Asda supermarket and the North Herfordshire College Campus. To the south of the application site is Kings Court which is a five storey office building with residential properties to the east of this office block which front London Road. To the west of the application site is the East Coast railway line with Gunnels Wood Employment Area beyond

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning application reference 2/0131/80 sought permission for an office development. Permission was granted in June 1980.
- 2.2 Planning application reference 2/0342/80 sought permission for car parking and landscaping ancillary to the office development. Permission was granted in November 1980.
- 2.3 Planning application reference 2/0099/85 sought permission for 36 additional car parking spaces. Permission was granted in May 1985.
- 2.4 Prior approval application reference 14/00328/CPA sought approval for change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3) comprising 52 no. one bedroom and 80 no. two bedroom flats. This application was granted in August 2014.
- 2.5 Planning application reference 14/00639/FPM sought permission for the construction of 17no. three bed and 1no. two bed duplex units on roof area of floors 3 and 8, including external alterations to existing building and construction of refuse and cycle storage, pumping housing and new sub-station. The proposal also comprised of alterations to existing car parking layout incorporating additional landscaping and a new footpath/cycleway. This application was withdrawn in August 2016.
- 2.6 Planning application reference 15/00078/FP sought permission for the erection of 4no. bin and bicycle stores, 1 no. sub-station and 1 no. pumping station. This application was granted in April 2015.
- 2.7 Prior approval application reference 15/00225/CPA sought approval for the change of use of commercial roof top plant enclosures (Class B1) to 15no. residential apartments (Class C3). This application was granted in June 2015.

- 2.8 Planning application reference 15/00293/FP sought permission for the erection of a 4 storey lift enclosure alongside existing stair tower and external alterations to existing building. This application was granted planning permission in July 2015.
- 2.9 Prior approval application reference 15/00483/CPA sought prior approval for the change of use of the office building (Use Class B1(a)) to Residential dwellings (Use Class C3) comprising 128 no. one, two and three bedroom apartments. This application was granted in October 2015.
- 2.10 Discharge of condition application 15/00708/COND sought partial discharge of condition 3 (Archaeology) attached to planning permission reference 15/00078/FP. The application was partially discharged in January 2016.
- 2.11 Non-material amendment application 16/00250/NMA sought a non-material amendment to planning permission 15/00078/FP to relocate and increase the size of substation, amend the size and adjust positions of the bin store, increase in size and relocation of pumping station and amendment to the cycle canopy design. The Non-material amendment was agreed in May 2016.
- 2.12 Discharge of condition application 16/00252/COND sought to discharge condition 7 (Tree protection) attached to planning permission reference 15/00078/FP. A response to the discharge of condition was issued in June 2016.
- 2.12 Planning application 16/00482/FPM sought permission for the erection of an 8 storey residential building comprising of No. 17 one bedroom residential units, No. 34 two bedroom units, No. 13 three bedroom units and associated access. This application was granted planning permission in December 2017.
- 2.13 Section 106 Deed of Variation application 18/00515/S106 to vary "Contribution Trigger Event" under Section 1 and additional mortgagee clause imposed to Section 2 of the S.106 Agreement (dated 6 December 2017) approved under planning application 16/00482/FPM. The S.106 Deed of Variation was granted and issued in May 2019.
- 2.14 Discharge of condition application 20/00359/COND sought to discharge condition 3 (Samples of Materials) and 4 (Hard and Soft Landscaping) attached to planning permission reference 16/00482/FPM. The conditions were discharged in August 2020.
- 2.15 Non-material amendment application 20/00627/NMA sought a non-material amendment to planning approval 16/00482/FPM to increase the overall height of the building by 682mm. The Non-material amendment was agreed in November 2011.
- 2.16 Planning application reference 20/00626/FPM seeks a variation of condition 1 (Approved Drawings) and condition 6 (Car Parking) attached to planning permission 16/00482/FPM. This application is pending consideration.

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

- 3.1 This application seeks planning permission for the creation of an emergency fire escape route. This is to serve the approved eight storey residential development which is to be located on the northern car park of Six Hills House (Planning Reference:- 16/00482/FPM). This will be in order for the development to meet Building Regulations and Fire Safety requirements.

3.2 This application has been referred to the planning committee as it is inter-related to planning application 20/00626/FPM which is also before the Committee. In addition, there have been a number of objections from local residents on this application. As such, this was also a ground for which this application should also be referred to the Committee for its decision.

## **4. PUBLIC REPRESENTATIONS**

4.1 Following notification of the application via letter and the erection of a site notice, 15 objections have been received from the following:-

- Numbers 110, 203, 215, 305 East Terrace, Six Hills House;
- Numbers 110, 202, 204, 304, 309, 402, 505, 701, 710, 803 West Terrace, Six Hills House; and
- Flat 4, Six Hills House.

4.2 A summary of the objections raised are as follows:-

- Poor on the Council to send consultation letters on fire escapes for a development that does not exist, whilst the existing building is no closer to having the unsafe cladding removed;
- Unacceptable provision of additional flats;
- The Council has a duty of care to existing residents;
- Existing leaseholders are struggling to sell their flats due to the presence of non-compliant materials following Grenfell;
- Insufficient parking available for existing residents;
- The construction traffic will detrimentally impact upon the condition of the existing car park which is already poor quality;
- Development will impact emergency service access;
- The development will devalue existing properties;
- The proposal is overdevelopment of the site;
- Development will cause significant disturbance to local residents;
- The development would generate unacceptable traffic;
- There should be no site access into the existing car park or build a road on the protected Six Hills House;
- The area is already overpopulated;
- The fire escape appears like an afterthought due to changes in fire safety regulations, why was this not considered 5 years ago;
- Substantial loss of visibility;
- The Council should object to this application and application 20/00624/FPM to prevent this development;
- This development should only be agreed once fire safety issues have been resolved for the existing Six Hills House;
- Residents are facing unacceptable bills to remove and replace cladding and should be funded by the Government;
- The site should be an overflow car park for existing residents;
- The development is not in line with Government fire safety requirements.

4.3 The aforementioned is not a verbatim copy of the comments which have been received. A full copy of these comments can be found on the Council's website.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council Highways**

5.1.1 Hertfordshire County Council as Highway Authority considers that the development is unlikely to result in a significant material increase or change in character of traffic in the vicinity of the site and therefore has no objection to the development.

### **5.2 Council's Arboricultural Manager**

5.2.1 Cutting through major tree roots, particularly within a metre from the tree trunk could pose substantial stability issues for the remaining tree. Therefore I suggest an Arboriculturalist is consulted for the best way to construct such path with minimal impact on the tree roots.

5.2.2 I would be minded therefore to grant such permission, despite some inevitable encroachment within the Root Protection Area with the condition that an Arboriculturalist oversees the work and any substantial intrusion within the RPA is mitigated with appropriate crown reductions.

## **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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF, albeit with some revisions to policy. 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. The NPPF with which Members are fully familiar, is a material consideration to be taken into account in determining this application.

### **6.3 Planning Practice Guidance**

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

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

SP8 - Good Design ;  
GD1 - High Quality Design ;

## **6.5 Community Infrastructure Levy Charging Schedule**

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

## **7. APPRAISAL**

- 7.1 The main issues for consideration of this application are the impact on the visual amenities of the area, impact on trees and highway implications.

### **7.2 Impact on the visual amenities of the area**

- 7.2.1 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure developments function well and add to the overall quality of the area, not just in short term but over the lifetime of the development. It also sets out that development 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. In addition, the NPPF sets out that developments should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.
- 7.2.2 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities available for improving the character and quality of an area and the way it functions”. Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town’s built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.2.3 The proposed works (including associated engineering works) seeks to create a new emergency fire access to the north of the approved residential development. The access route would measure 44m in length and span 1.37m in width and constructed from hardsurfacing. In addition, due to the proposal’s position on the highway verge which slopes up towards Six Hills Way, it would also require the construction of a low level retaining wall.
- 7.2.4 The development, due to its location, would be well screened from public vantage points as it is located between the sloped highway verge and the new residential development when it is completed. Furthermore, the existing trees are to be retained and being set against the proposals background, would also soften the appearance of the development works in question. Moreover, the proposal would connect into an existing footpath network so its overall design is not out of keeping.
- 7.2.5 Given the aforementioned, the development would not have a detrimental impact on the visual amenities of the area. As such, it would be in accordance with the policies set out in the Local Plan (2019), the Council’s Design Guidance (2009), the NPPF (2019) and PPG (2014).

### **7.3 Trees**

- 7.3.1 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.
- 7.3.2 The proposed development, whilst not involving the removal of any trees, will result in works being undertaken in the root protection area of the trees in question. As these trees provide a high level of amenity value, it is important these trees are protected from any potential damage which may be caused by the development. Therefore, following consultation with the Council's Arboricultural Manager, they recommend an arboriculturalist is consulted for the best way to construct the footpath with minimal impact on the tree roots. As such, it has been recommended a condition is imposed to any permission issued requiring an arborist to oversee the works and to ensure any substantial intrusion to the root protection areas are mitigated against with appropriate crown reductions.

### **7.4 Highway implications**

- 7.4.1 The proposed development would be located on a highway verge and would connect into the existing footpath network which is managed by Hertfordshire County Council as Highways Authority. Therefore, any final detailed design of the fire access as well connections into the existing footpath network would be dealt with under a S.278 agreement with Hertfordshire County Council (HCC) as Highways Authority. In terms of the proposal itself, whilst it would tie into the approved residential development, it does not alter vehicle access or result in any changes to the approved dwelling numbers. Therefore, HCC Highways do not consider the proposal would prejudice highway safety.

### **7.5 Other matters**

#### Community Infrastructure Levy

- 7.5.1 The proposed development would not be liable for CIL.

#### Objections to planning permission 16/00482/FPM

- 7.5.2 A number of objections raised to this planning application relate to the approved residential development under planning permission 16/00483/FPM. Therefore, they cannot be considered material in the determination of this planning application. This is because the proposal is only for the creation of a fire escape route for the already approved development.
- 7.5.3 In terms of the requirement for the fire escape route, this is likely to have been an issue which was flagged up in light of current fire regulations at detailed design stage. Therefore, the fire escape route is being provided to ensure future residents of the approved development can safely evacuate the building in the event of a fire.

#### External cladding on the existing building (Six Hills House)

- 7.5.4 The Council fully appreciates and understands the substantive concerns of residents associated with cladding on the existing building since the tragic events occurred at Grenfell in June 2017. However, this planning application does not relate to the existing residential development at Six Hills House. Furthermore, the matter regarding replacement cladding is between the residents of Six Hills House and the owners of the building. As such, the Council has no control with respect to the removal and replacement of any cladding where the building is privately owned.

### Property Values

- 7.5.5 This is not considered to be a material planning consideration as established by planning case law.

### Construction Traffic

- 7.5.6 Whilst this does not form part of this application, it is understood the applicant is in negotiation with Hertfordshire County Council as Highways Authority via a S.278 Agreement of the Highways Act 1980 to look at an alternative route outside of the site. This will potentially involve using the existing cycle track with the creation of a temporary cycle and footpath diversion until development is completed. This is to ensure construction traffic does not travel through the car park which currently serves the residents in Six Hills House.

## **8. CONCLUSIONS**

- 8.1 In summary, the proposed development would not have a detrimental impact on the visual amenities of the area. Furthermore, the proposal would not prejudice the safety and operation of the highway network. Moreover, the proposal, subject to conditions, would not result in having a detrimental impact on the existing trees which are to be retained. Therefore, the proposal would comply with the policies set out in the adopted Local Plan (2019), the NPPF (2019) and PPG (2014). Therefore, it is recommended that planning permission be granted.

## **9. RECOMMENDATIONS**

- 9.1 That Planning permission be GRANTED subject to the following conditions/reasons:

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

119-3EX-01; 119-3GA-12

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

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

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

- 3 Prior to the commencement of development, a scheme of supervision for the arboricultural protection measures as well as details of the construction methodology in order to mitigate the impact on the retained trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and scheme of supervision for the arboricultural protection measures.

**REASON:-** In order to reduce the impact on the root protection areas of the retained trees which provide a high level of amenity value to the area.



## **Pro-active Statement**

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.

## **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 and Design Guide SPD (2009).
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 February 2019 and Planning Policy Guidance March 2014.