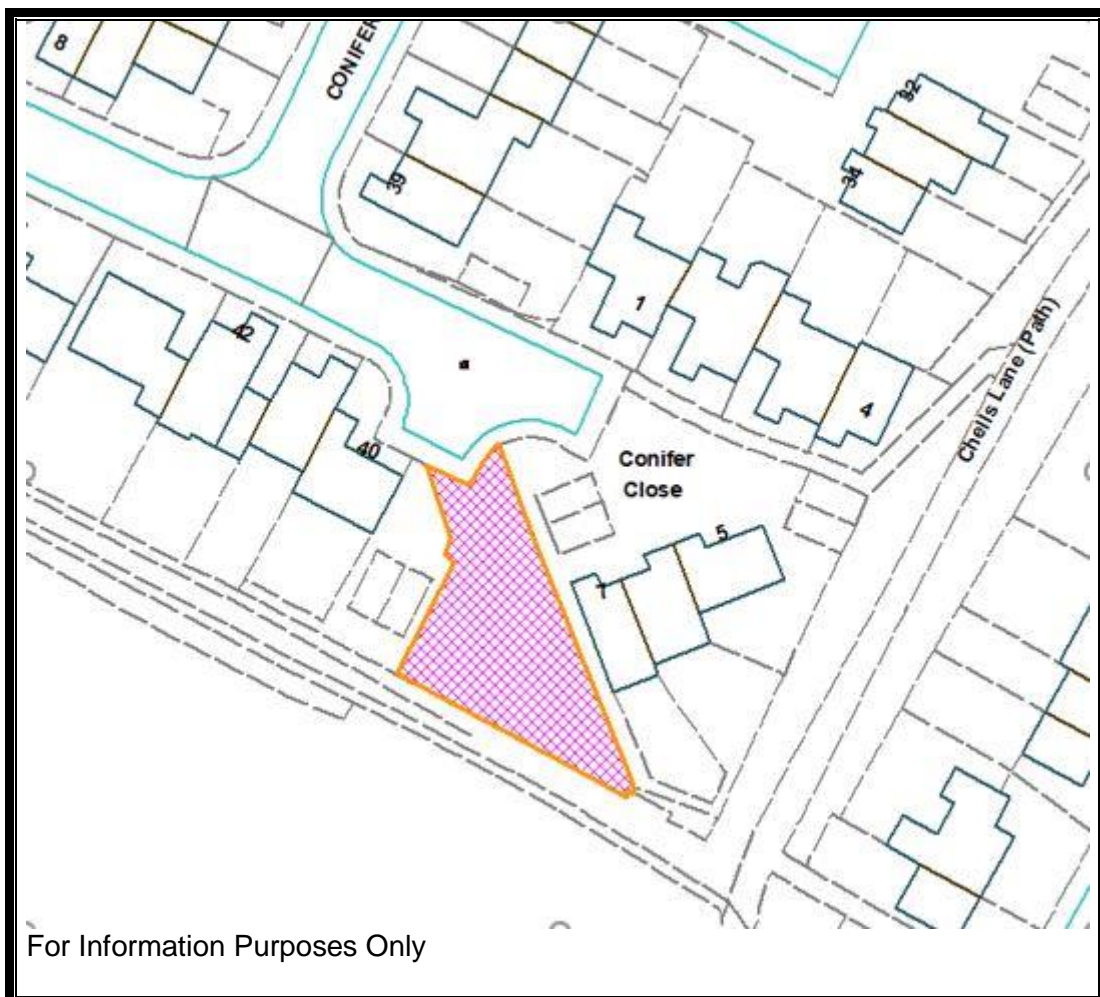


Meeting:	Planning and Development Committee	Agenda Item:
Date:	25 May 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	22/00674/FP
Location :	Land Between 40 Conifer Walk and 7 Conifer Close
Proposal :	Proposed 3 bedroom detached dwelling and alterations to existing parking area
Drawing Nos.:	L1200/11-B; L1200/12-B; L1200/01; L1200/02; L1200/13; L1200/14; L1200/21; L1200/LP;
Applicant :	Sajjad Fozi and Amir Hossein
Date Valid:	22 July 2022
Recommendation :	GRANT PLANNING PERMISSION



For Information Purposes Only

1. SITE DESCRIPTION

- 1.1. The application site is a small area of amenity grassland and a tarmacked hardstand area for 3 vehicles which lies at the eastern end of Conifer Walk, between No.40 Conifer Walk and No.7 Conifer Close. To the rear of the site is Lanterns Lane which intersects with Chells Lane just to the south-east of the site and the woodland known as Lanterns Wood lies beyond.

2. RELEVANT PLANNING HISORY

- 2.1 81/3/0500/81 – Residential development.
- 2.2 2/0146/87 – Residential development of 131 dwellings, garages, estate roads and private drives in Chells Manor “Fairlands” and “Greenlands”.
- 2.3 There are also applications for similar development proposals within Stevenage which are particularly relevant to this current application which are detailed below.
- 2.4 An Enforcement Notice was served on the owner of the site of land at Watercress Close, Coopers Close and Walnut Tree Close for the unauthorised erection of 2m high hoarding, enclosing the open space between all three connecting roads (ref: 20/00102/ENFAPL). The notice was appealed to the Planning Inspectorate, and the appeal dismissed as the Inspector found the hoarding to be permitted development, and the land private and thus able to be closed off.
- 2.5 21/00057/FP - Land at Watercress Close, Coopers Close and Walnut Tree Close. Erection of two detached dwelling houses including new site access from Watercress Close and 560sqm of publicly accessible open space to the south of the site. Permission was refused by the Planning & Development Committee on 9 December 2021 and subsequently allowed on appeal under reference number APP/K1935/W/22/3298826. The Inspector noted that as the land was privately owned and had been enclosed (see 2.2 above), there was nothing to compel the owners to return the land to public use.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of 1no. three bedroom detached dwelling with associated parking spaces and visitor space. The dwelling would be approximately 8.3m wide, approximately 6.9m deep on the eastern side and approximately 5.6m deep on the western side, approximately 5m high to the eaves at the front and approximately 5.5m high to the eaves at the rear and approximately 7.1m high to the ridge.
- 3.2 The application would result in the loss of two of the three visitor parking spaces and access to the site would be via the area currently used as visitor spaces.
- 3.3 The application comes in before the Planning and Development Committee as it has been called-in by Councillor McGuinness. The Councillor called in this application in terms of impact on neighbouring properties, impact on the character and appearance of the area, residential amenity, car parking and highway issues and the loss of the open space.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of a site notices, public representations have been received from the following:
 - Conifer Walk: 9; 39; 40; 41; 42; 45; 48; 50; 68;
 - Conifer Close: 1; 2; 3; 4; 5; 6; 7;

- Knights Templars Green: 22

4.2 A summary of the comments received are set out as follows:

- The construction will create unacceptable high risk to local residents;
- Roads are heavily congested and more housing and construction vehicles will compound this issue;
- Already a sufficient amount of housing being built the other side of Gresley Way;
- Children use this area to play;
- Nowhere for construction vehicles to park;
- Loss of visitor spaces will result in cars being pushed further out and onto The White Way;
- Accident waiting to happen with construction traffic in an already congested street;
- Emergency vehicles and refuse vehicles already cannot get through the street due to congestion;
- New dwelling/construction will be 2m from side of house and disruption from noise, movement and dust will be unacceptable;
- Will be overbearing and intrusive on surrounding properties;
- We sold land to developer and the boundary fence is supposed to be 1.8m high along its entire length and not 0.9m and 1.5m as shown on the plans;
- This land is well used by children and adults alike, especially since COVID and is important for our mental well-being;
- Plans show they will be using my private driveway for access;
- SBC used to maintain the site but due to vehicles parked in the visitor spaces they couldn't get access so stopped and local residents took over maintenance for the last 10 years;
- Access to the proposed parking spaces appears insufficient if cars are parked in the visitor spaces and on the driveways of the garages;
- Where will construction vehicles park? At no time at all can they block access to Conifer Close;
- Have service providers (gas, water, electric) been made aware of the proposal?
- We can do without a feature tree on site that will go unmaintained and cause issues to foundations etc from roots;
- There are no benefits to the street by building this dwelling;
- Whilst the existing arrangement is for 3 vehicles, with agreed tandem parking between neighbours, we can get 5 cars parked here so the loss of the parking is more unacceptable than it would appear;
- Concerned about health and safety of residents during construction;
- Loss of this green space will cut off social interactions and force people to stay isolated in their homes;
- I am 100% sure that the original developer wanted this green space to stay as green space forever otherwise they would have developed it themselves;
- Sight of the trees in the adjacent woodland will be lost;
- The property contravenes the 25-degree and 45-degree lines and will block light to Nos. 6 & 7 Conifer Close;
- The feature tree will further exacerbate loss of light to existing properties. Under the Right to Light Act new trees cannot be planted to obstruct existing windows that have had light for 20 years or more;
- There will be lots of strangers coming and going from the site which we won't be able to track should anything happen;
- Will CIL be paid?
- Can contractors guarantee/reassure residents that construction will not impact our foundations?

- Can we have details of the boiler flue? Flue emissions can be dangerous so we would like exact details of its location to ensure the contractor is adhering to Building Regulations;
- Can we have details of the block paving and any other areas of hard surface to ensure there is no flood risk;
- No case has been made to justify one dwelling given the largescale development nearby and that there are many SBC properties left empty so there cannot be a viable demand for housing case. With No.34 being empty for at least 7 years why do we need a new dwelling in the road?
- I am very sad and angry that a house will be built on our green space which is home for a lot of wildlife and safe place for us children to play;
- No details of storm or sewer pipes;
- Site was the original developer's dumping ground when building the estate so could contain all types of contamination, including asbestos;
- There is a TPO protected Oak tree nearby which must not be harmed;
- No details of the heating system to be used in the house; this needs to be checked to ensure the developer is abiding by climate change adaptations;
- What is being done to mitigate the loss of the green space?
- The Human Rights Act provides a right to peaceful enjoyment of our homes which will be jeopardised by the construction of the dwelling;
- With no known timescales for construction then SBC do not know how long we will be subjected to harmful impacts;
- No construction management plan submitted;
- Do not believe the plans are accurate and the floor area does not meet minimum standards and the red line is wrong;
- Existing manhole appears to be outside of the red line plan and is outside of the red line plans for Conifer Close properties so who will maintain it?
- Can the applicant please provide all the information required by HCC Highways in AN3 and AN4 of their comments on 24/02/2023;
- Can the applicant provide all the background data used in their Transport Dynamics report as 2 days' worth of data is not enough to make a proper assessment and the report should be withdrawn.

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 Hertfordshire County Council as Highways Authority

- 5.1.1 03.08.2022: Objection - no pedestrian access to the site and lack of information on the existing parking spaces.
- 5.1.2 24.02.2023: Approve - Drawing No 1200/11 Rev B demonstrates there is now a suitable access for pedestrians as shown by the purple hatched area. The Highway Authority note the parking spaces meet the requirements of Manual for Streets 8.3.58, which states 'The recommended dimensions of off-street parking bays are that they are laid out as a rectangle at least 4.8 m long by 2.4 m wide for the vehicle'. In respect of the Technical Note February 2023 section: Review of Existing Off-Street Parking Facilities. The Highway Authority recognise that SBC are the parking authority therefore, parking must be measured against SBC's SPD adopted 2020, Section Residential Parking Standards. Subject to the informatives, this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission.

5.2 SBC Arboricultural and Conservation Manager

5.2.1 15.12.2022: Objection - building a dwelling in such close proximity to a mature lane/hedgerow and the woodland behind it, is not advisable. I foresee a great deal of inconvenience caused by the maturing trees in the lane and woodland. I also foresee future pressure onto the council to trim the hedgerow and the woodland due to the proximity to the proposed dwelling.

5.2.2 01.03.2023: Approve - I revisited the site today in light of the applicants' latest comments and can confirm that I am minded to accept that, due to the direction the proposed dwelling would be facing, the light obstruction and overhanging of the woodland would not be as excessive as I first thought. I would suggest however that a condition is added for the applicant to arrange for the nearest Hazel tree in the lane be coppiced before the commencement of the building works, in order to prevent direct encroachment.

5.3 Thames Water

5.3.1 No objection, wish to impose ground water conditions

5.4 Affinity Water

5.4.1 No comments received

5.5 UK Power Networks

5.5.1 No comments received

5.6 Transco (Gas)

5.6.1 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 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 July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development

plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by MHCLG (Now DLUHC) in January 2022 (DLUHC has not yet published the latest HDT results covering 2022), identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is not a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations.
- 6.2.3 The Council has recently prepared an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. This has been prepared in accordance with Planning Practice Guidance and analyses the reasons for under-delivery of new homes against the Government's requirements. It also sets out clear actions on how to improve housing delivery. Stevenage Borough Council published its Action Plan in July 2022 to demonstrate how it seeks to maintain the supply of housing:
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>
- 6.2.4 Turning to 5-year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council will also be commencing preliminary work into a potential 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 Adopted Local Plan (2019)

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

SP1 - Presumption for Sustainable Development;
SP2 - Sustainable Development in Stevenage;
SP7 - High Quality Homes;
SP8 - Good Design;
SP11 - Climate Change, Flooding and Pollution;
SP12 - Green Infrastructure;

IT5 - Parking and Access;
HO5 - Windfall Sites;
HO9 - House Types and Sizes;
GD1 - High Quality Design;
FP1 - Climate Change;
FP7 - Pollution;
NH5 - Trees and Woodland;
NH6 - General Protection for Open Space;

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.

6.6 Community Infrastructure Levy

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

7. APPRAISAL

7.1.1 The main issues for consideration are the acceptability of the proposal in land use policy terms, both as a windfall housing site and loss of amenity space; design and impact on the character and visual amenity of the area; amenity of future occupiers and neighbouring properties; and highways, access and 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 consideration indicate otherwise.

7.2 Land Use Policy Considerations

7.2.1 The National Planning Policy Framework 2021 (NPPF) 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). The application site is an area of open space and is not allocated for residential development within the Local Plan. As such, the land 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.

7.2.5 For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2021) 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. The proposed dwelling is located wholly within

the area of open space; consequently, it is considered that the proposal does not constitute development of previously developed, brownfield land. Therefore, the proposal is contrary to criterion (a) of Policy HO5. Consequently, as the proposal is not in accordance with Policy HO5, an assessment must be made as to whether or not the benefits of the development outweigh the loss of the open space and adjacent tarmac area for unallocated visitor parking. In addition, an assessment has to be made as to the impact the development will have on the wider environment.

- 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 approximately 1km (2-minute drive/10-minute walk) to the Chells Manor neighbourhood centre; approximately 2.5km (5-minute drive/15-minute walk) from The Glebe neighbourhood centre; and approximately 2.5km (10-minute drive/30-minute walk) to Sainsbury's on Magpie Crescent. There are two primary schools within 15-minutes' walk and two secondary schools within 30-minutes' walk. A bus route operates along The White Way with the closest stops approximately 5-minutes' walk. As such, the application site is considered to have an acceptable level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a sustainable location.
- 7.2.7 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.8 Further to the above, Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As identified above, the site has good access to local facilities and services and also good access to the public transport network. The site has been demonstrated to be in a sustainable location and as such would comply with criterion (e) of the Policy HO5 of the Local Plan.
- 7.2.9 Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. The site is not located near to any allocated development sites and is therefore acceptable in this regard.
- 7.2.10 Turning to 5-year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.11 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the Local Planning Authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

- 7.2.12 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.
- 7.2.13 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.
- 7.2.14 The Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer). Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged.
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), it identifies 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 properties, and a lack of one and two bedroom properties. 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. This will need to be carefully balanced with the need to retain open space provision within the urban area as access to open space was a key original feature of the town.
- 7.2.16 The proposed development seeks to deliver 1no. three bedroom detached dwelling. As such, the proposed development is not strictly in accordance with Policy HO9 as it would not fully seek to deliver alternative housing types to three-bedroom dwellings, although it would provide a detached dwelling. Moreover, paragraph 60 sets out that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Therefore, this proposal will help to support the Governments currently adopted policy objective of delivering more housing.

- 7.2.17 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:
- promote journeys by bus, train, bike and foot and reduce the need to travel;
 - Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
 - Produce places and spaces that enable people to live a healthy lifestyle;
- The proposal meets these criteria as mentioned previously in this report.

7.2.18 Setting aside the impact upon the character and appearance of the area and upon the amenities of neighbouring properties, which are considered elsewhere in this report, the application is considered to be contrary to the NPPF and criterion (a) of Local Plan Policy HO5. Nonetheless, 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 one new dwelling and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal. However, on balance, having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

7.3 Loss of Open Space

- 7.3.1 The open space is an original design principle of the estate and was annotated on the approved plans of the estate in the 1990's as open space. However, the space was never transferred to the Council and the original records held by the Council do not include a Section 52 Agreement (now a S106) to cover maintenance of the land. Until the land was sold at auction, it is believed that the land had been maintained by the Council and local residents. However, following the auction, the site is in private ownership and has not been maintained by any party since.
- 7.3.2 The parking area to the front of the site is included within the red line of the site and was also sold at auction as part of the land package so is also now in private ownership. This parking area was noted on the approved plans of the estate in the 1990's as 3 visitor spaces. As above, this area of land was never transferred to the Borough or County Council's. There were no conditions or other restrictions attached to the original planning permission, nor any Section 52 Agreement under the Town and Country Planning Act 1971 (now Section 106 under the Town and Country Planning Act 1990 (as amended)) that required these spaces to be retained in their built form.
- 7.3.3 Paragraph 119 of the NPPF states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' The Council must consider whether the provision of one housing unit outweighs the harm of the loss of and impact on the open space.
- 7.3.4 Policy NH6 of the Local Plan for the general protection of open space would allow planning permission of any existing, unallocated open space (or part of any open space) where the loss is justified having regard to:-
- The quality and accessibility of the open space;
 - The existence, or otherwise, of any interventions to improve quality or access;
 - Whether the open space is serving its function or purpose; and
 - Whether alternate space(s) would remain available for community use.

Furthermore, reasonable compensatory provision should be made in the form of:

- Replacement provision of a similar type, size and quality;
- The upgrade of other, existing open space; or
- Exceptionally, a commuted sum to secure open space provision elsewhere.

- 7.3.5 The Local Plan expands on the policy by suggesting that there is an inevitability that some spaces will come under pressure from development proposals across the life of the plan. Therefore, it is important to ensure that the most valuable open spaces continue to be protected and open spaces only succumb to development where a positive outcome can be demonstrated.
- 7.3.6 The area of open space is relatively small and enclosed on two sides by dwellings, one side is bounded with high timber fencing with a public footpath and woodland beyond and the frontage, whilst open plan, is bounded by a small tarmac area which is for vehicle parking. The land appears well maintained towards the front of the site but is left more overgrown/wild towards the rear and a small amount of household rubbish was observed piled into a corner adjacent to the garages for Nos.40 and 41. Local residents advise that this area is used as an informal play space by local children, and this was observed by Officers on one site visit.
- 7.3.7 Notwithstanding the above, one of the greatest factors in this case is the ownership of the land. Whilst they have not done so, being in private ownership the owner of the land could restrict access to the site at any time, as did the owners of the land at Watercress Close, Coopers Close and Walnut Tree Close. The Council served an Enforcement Notice (see section 2 of this report) regarding the enclosure of the land which was quashed by the Planning Inspectorate as it was deemed to be Permitted Development. The Inspector also removed any reference of the loss of the access to the open space from the Enforcement Notice.
- 7.3.8 The loss of the open space in respect of Policy NH6 is noted. However, given the land is in private ownership, and the previous appeals on similar applications (which are significant key material considerations), it is considered that a refusal for development, or prevention of the enclosure of the land to restrict public access, could not be upheld on appeal.
- 7.3.9 Being a small area of grassland, which is overgrown with brambles in places and has been used as a depository for household rubbish, it offers only a moderately positive impact on the street scene and wildlife, especially as, when vehicles are parked on the tarmac area, the land is obscured from view from the public domain. Further, given its proximity to parking areas, driveways and the highway, and being open to the front, there are risks of pedestrian-vehicle interactions. There is an alternative area of open space less than 100m to the west and the extensive public parkland at Chells Park is within a 10-minute walk along with significant areas of publicly accessible woodland for walks and nature.
- 7.3.10 In conclusion, given the aforementioned assessment, it is considered that there are sufficient areas of hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against and there are publicly accessible areas of open space for play purposes within acceptable distance. The benefits of providing additional housing are considered to outweigh any harm caused by the loss of this small area of open space, which it must be borne in mind, is in private ownership and is currently only accessible to the public because the owner has not enclosed it.

7.4 Design and Visual Impact on the Character and Appearance of the Area

- 7.4.1 In terms of design, paragraph 126 of the NPPF (2021) 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 130 of the NPPF (2021) 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.

- 7.4.2 Paragraph 134 of the NPPF (2021) 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.
- 7.4.3 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.
- 7.4.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design
- 7.4.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns’ built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.6 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council’s Design Guide SPD (2009) generally reflects the aforementioned policies whereby it seeks development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.4.7 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.4.8 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;

- landscape;
- materials; and
- their detailing.

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

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

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

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

7.4.11 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Sections B (Built Form) and H (Homes and Buildings) of this SPD are particularly pertinent to the design of new residential units. 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.

7.4.12 The application site is located within the confines of a residential estate, formed of semi-detached and detached dwellings, which are relatively uniform in design and materials with red facing brickwork and tiled dual pitched roofs with some having areas of smooth painted render and horizontal timber cladding either at ground or first floor or in some cases on the entirety of the front elevation. Further to the western end of Conifer Walk there are buff coloured brickwork properties and some examples of mock Tudor timber features to the front elevations. Most properties in the immediate area appear to have attached single garages with a hardstand for one vehicle to the front, giving them 2 spaces.

- 7.4.13 In terms of visual appearance, the application site is located at the far eastern end of Conifer Walk, where it meets with Conifer Close. The highway has a large number of cars parked on it at this end of Conifer Walk and can become congested. Further away from the application site, the highway is less congested. The application site is highly visible in the street scene and in such instances, the design of the dwelling is important so as not to detract from the character and appearance of the area.
- 7.4.14 The proposed dwelling would be lower in height than No.7 Conifer Close which is the closest neighbouring property. No.7 is approximately 9m-9.5m high to the ridge whilst the proposed dwelling is approximately 7.5m high to the ridge (a difference of approximately 2m). Owing to ground level changes, the difference in height, when viewed from the front elevation is approximately 1.3m.
- 7.4.15 The proposed dwelling would be constructed with brickwork, concrete interlocking tiles and uPVC windows and doors to match with the surrounding properties, thereby having an acceptable appearance in the street scene. The property would have a two-storey projection on the front elevation which would have a dual pitched gable front lower than the main ridge height. It is noted that no other property has this form of front projection, however, given the varying degrees of design in this street, it is not considered harmful to the visual amenities of the area to allow a degree of architectural individuality which adds interest to the street scene. The use of matching materials can be secured by way of a condition to ensure a high-quality finish and a good level of visual cohesion.
- 7.4.16 In terms of siting, the front elevation of the proposed dwelling would be in line with Nos.5 to 7 Conifer Close, although being shallower in depth than No.7, the rear elevation would be approximately 2.7m behind the rear elevation of No.7. There would be approximately 2m between the side of the proposed dwelling and the side of No.7, which would be split 1m either side of the boundary, which maintains the 1m access path to the side of No.7 and gives the proposed dwelling a similar access path into their rear garden. The front corner of the proposed dwelling would be approximately 4.3m from the double garage structure belonging to Nos.40 and 41 Conifer Walk. The front of the dwelling would be set back approximately 5m from the back edge of the visitor parking space and approximately 12m from the back edge of the public footpath. In this regard, it is not considered that the dwelling would appear to extend the terrace of Nos.5 to 7.
- 7.4.17 The total plot size within the red line plan is approximately 265sqm whilst the dwelling itself would have a footprint of approximately 51sqm. As such, it is not considered to be an overdevelopment of the plot size.
- 7.4.18 In summary, the proposed development would be acceptable in design, scale and massing and with matching materials to the existing neighbouring properties, it would have an acceptable appearance in the street scene and therefore not harm the visual amenities of the area. Accordingly, the proposal complies with Policies HO5, GD1 and SP8 of the Local Plan (2019), the adopted Design Guide SPD (2023), the National Design Guide (2019), the NPPF (2021) and Planning Practice Guidance.

7.5 Impact on Amenity

Outlook and Amenity

- 7.5.1 The closest neighbouring property is No.7 Conifer Close. The proposed dwelling does not project beyond their front or rear elevations and only has one small obscure glazed window at ground floor on the side elevation which serves a toilet. Given this, as a toilet is a non-habitable room, there is no breach of 45-degree or 25-degree lines for daylight/sunlight. It is noted that a local resident believes the property will breach these lines but given the proposed dwelling will not extend past the front or rear of No.7, this is not possible.

- 7.5.2 In this regard, the proposed dwelling would not have a detrimental impact on this neighbours' outlook nor would it give rise to overlooking or loss of privacy of habitable rooms. In terms of overlooking of their rear garden, being a terraced property, their rear garden is already overlooked, obliquely, by two other properties and so it is not considered that any oblique view from upstairs windows in the proposed dwelling would result in a detrimental worsening of the existing arrangement.
- 7.5.3 In terms of the outlook and amenity of the proposed dwelling, No.7 projects approximately 2.5m beyond the rear of the proposed dwelling which is considered acceptable and unlikely to result in a poor outlook from rear habitable rooms. The depth of the rear garden from the rear elevation ranges from 3m to 12m and therefore the future occupiers would have a satisfactory outlook.
- 7.5.4 No.40 Conifer Walk is approximately 13m from the front of the proposed dwelling. There is no minimum front to side separation in the Design Guide SPD (2023), however, 13m is considered an acceptable distance such that future occupiers of the proposed dwelling would maintain a satisfactory outlook from their front windows. No.40 has no windows in their side elevation so no loss of privacy would occur in this regard.

Private Amenity Space

- 7.5.5 The Design Guide SPD (2023) requires all new dwellings to have a private amenity space of at least 50sqm and a depth of at least 10m. The submitted plans show that the dwelling would have an amenity space of at least 91sqm and the depth off the rear elevation of the dwelling ranges between 3m and 12m which is considered acceptable.
- 7.5.6 Comments from local residents regarding the unsuitability of the private amenity space for family usage are noted. However, the topography of this development site is not so different from other neighbouring properties in the immediate area which would also have a sloped rear garden. The submitted topographical survey shows that on the eastern side of the plot, the garden closest to the house is at 108.725mASL (metres above sea level) whereas the furthest part of the garden would be 107.26mASL. A fall of approximately 1.5m over a 12m distance is not considered unacceptable. On the western side of the plot, the ground levels fall from 108.835mASL to 107.84mASL; this results in a fall of approximately 1m over a distance of 2m. Again, this is considered acceptable.

Living Space Standards

- 7.5.7 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.
- 7.5.8 The submitted plans show that the property would have 3 bedrooms for 4 people. The NDSS requires an internal floor area of 84sqm for this type of property and the plans show that it would provide 84.8sqm which exceeds this requirement and is therefore acceptable.
- 7.5.9 Furthermore, the National Government document 'Technical housing standards – nationally described space standards' 2015, advises a single bedroom to be a minimum of 7.5sqm and a double should be at least 11.5sqm. The double bedroom is 11.9sqm and the singles are 9.3sqm and 9.6sqm. As such, all bedrooms are acceptable in size.
- 7.5.10 Comments from local residents about the floorspaces on the plans being inaccurate are noted, however, Officers have measured the plans and calculated both the overall floor area and the bedroom sizes to be the same as stated on the plans.

- 7.5.11 In summary, the proposed development would be unlikely to cause undue harm to the amenities of the neighbouring properties. The proposed development would have sufficient private amenity space and gross internal floorspace which ensures the amenities of future occupiers would be acceptable and therefore the proposed development would comply with Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2021) and Planning Practice Guidance.

7.6 Impact on the Environment

- 7.6.1 The application site is an area of open grassland and prior to the original development in the 1990's, the site was part of open fields. Therefore, there would be very low risk of contamination. However, it is noted from comments from local residents that they believe the site was used as a waste disposal area by the developers and could contain contamination from the likes of asbestos. This can be dealt with via the imposition of a condition as detailed in point 7.6.2 below.

- 7.6.2 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

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

Air Quality

- 7.6.4 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).

- 7.6.5 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 Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.

- 7.6.6 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

- 7.6.7 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.

- 7.6.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (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.

- 7.6.9 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

- 7.6.10 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.

- 7.6.11 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.

- 7.6.12 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

7.7 Trees and Landscaping

- 7.7.1 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.

- 7.7.2 To the south of the site runs Lanterns Lane which has a Group Tree Preservation Order (TPO 37) on it and beyond this is a woodland area. This woodland is not protected by a TPO and is within the ownership of Stevenage Borough Council.

- 7.7.3 The Council's Arboricultural Manager initially raised concerns about possible impacts between the proposed dwelling and the woodland/Lanterns Lane. However, upon further assessment of the site and plans, he concluded that the proposed dwelling would be orientated such that it would not be directly facing the woodland and as such the possible light obstruction and overhanging of the woodland trees into the garden that he was initially concerned about, would not be as excessive as he first believed and, with suitable works undertaken to one Hazel tree which is closest to the application site, he removed his objections. This work would be required prior to commencement of development and can be secured via a suitably worded condition.

- 7.7.4 There are no trees or hedgerows within the application site as existing and so there would be no loss of such as a result of the proposed works. As covered in points 7.3.9 and 7.3.10 above, the site is a small area of grassland, containing brambles and being overgrown to such an extent as to be unusable at the rear, and which has been observed by Officers to be well maintained by local residents to the front of the site, i.e. grass cut very short to allow children to play. In this regard, it is not considered that the site would be a substantial offering in terms of wildlife, and, given the adjacent Lanterns Lane and woodland, there are higher quality wildlife offerings outside of the application site; therefore, it is considered that there are sufficient areas of hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against.

7.7.5 The originally submitted block plan showed a new “feature tree” (species to have been determined at a later date) within the front curtilage behind the visitor parking space. Following a number of objections from local residents about this inclusion, the agent opted to remove this tree from the amended plans. As such, all concerns raised about obstruction of light and damage to foundations are considered to have been addressed and are no longer pertinent to the determination of this application.

7.8 Parking Provision and Highways Implications

7.8.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.

7.8.2 The Parking Provision SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. As a three-bedroom property, the development would be required to provide 2 spaces. The submitted plans shows that the proposed development would have 2 spaces in the front curtilage of adequate size.

7.8.3 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. The submitted plans show that the new dwelling and the visitor space will both be served by active charging points. This can be secured with a suitably worded condition.

7.8.4 Local residents have raised concerns regarding the loss of 2 of the 3 visitor spaces on the tarmac area of the application site. However, as noted previously in this report, the tarmac area was included in the auction sale and is now within private ownership. Whilst it is noted that the original development plans indicate this area to be allocated as 3 visitor spaces, this area was never transferred in ownership to either Stevenage Borough Council or Herts County Council. Further, there were no conditions or other restrictions attached to the original planning application and no legal agreement in place which required these spaces to be retained in their originally built form. In this regard, the Council has no legal powers available to it to prevent the loss of these spaces at any time, for any reason, by the current private owner.

7.8.5 Policy IT5 of the Local Plan states that planning permission for development proposals which result in the loss of off-street parking spaces (excluding public car parks) or formally defined on-street bays will be granted where:

- The parking lost is replaced as near as possible to the existing provision in an accessible location; or
- It can be demonstrated that the provision is not suitable or required.

However, it should be noted that the tarmac area for visitor spaces is privately owned and not a formal, publicly owned or maintained parking area.. Given there are no conditions or legal agreements that could prevent these visitor spaces from being lost at any point, and that the land is privately owned, the Council does not have sufficient grounds to require a like for like replacement under Policy IT5, nor are there sufficient grounds to warrant a refusal on this basis which could be successfully defended at appeal.

7.8.6 Notwithstanding this, the applicant has agreed to make part of the application site available as 1 visitor space. It is considered acceptable to impose a condition on any planning permission granted that this visitor space is made available at all times to visitors and is not to be used by the occupiers of the proposed dwelling as additional parking.

- 7.8.7 Further, the amended block plan, L1200/11-B, shows that this publicly available space will have a publicly available, pay to use, electric vehicle charging point which is considered to be a public benefit to the scheme.
- 7.8.8 Concerns were also raised by Herts County Council as Highways Authority and local residents with regards to the access to the site, shown as crossing over the hardstand of the double garage structure for Nos.40 and 41. The Highways Authority also expressed concerns over pedestrian access to the site. Concerns were also raised by local residents with regards to the red line plans including areas of hardstand to the front of the garages.
- 7.8.9 However, the applicant provided Officers sight of the Land Registry plans for the application site, as well as Nos.40 and 41, which clearly show that the red line plan accompanying the application is accurate and therefore the owners of Nos.40 and 41 do not in fact own all of the hardstand to the front of their garages, and indeed, never have done since the properties were constructed in the 1990s.
- 7.8.10 The developer's deeds require that they always maintain a right of way for Nos.40 and 41 to access their garages and vice versa. It should be noted that this is a civil matter and not something the Council can advise on, nor can conditions be imposed to ensure this occurs. Any obstructions by any party to another party would be a private matter. So whilst concerns from residents are noted regarding potential obstructions, the site layout is an historical set-up and potential obstructions between the garages and the existing visitor spaces has always been a possibility.
- 7.8.11 It is noted that the amended block plan shows the boundary fence between the site and the garage of No.41 to be 1.8m high along the side of the garage and behind it whilst lowering to 0.9m to the front of the garage. The owner of this garage has written to advise that this fence should be 1.8m high for its full length as per the sale of the land. However, a fence height of 1.8m high to the front of the garage would impede driver visibility when entering/exiting the application site and the hardstand to the garages. Therefore, the lower height of 0.9m to the front of the garage is considered acceptable in this instance to ensure the safety of users of the highway.
- 7.8.12 Amended plans were submitted which address the Highway Authority's concerns over pedestrian access and they removed their objection in this regard. Further, they also confirmed that the parking spaces were adequately sized and the vehicle-vehicle and vehicle-pedestrian inter visibility accords with the principles in Manual for Streets, section 7.8.3 (2007).
- 7.8.13 Having fully assessed the application and the additional data provided by the applicant's transport advisor, the Highways Authority are satisfied that the development will not result in detrimental harm to the safety and efficiency of the local highway network. They have requested the imposition of a condition to require the submission of a Construction Management Plan prior to commencement of development. Concerns from residents regarding the accuracy of the submitted data area noted, however HCC Highways do not share these concerns and have considered the submitted data to be acceptable.
- 7.8.14 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). This recently adopted SPD requires three bed dwellings to provide 3 cycle parking spaces. The submitted plans indicate that there is a cycle storage shed within the curtilage which would be acceptable in this regard.
- 7.8.15 Whilst comments from local residents regarding highway safety and on-street parking is noted, the Highways Authority are satisfied that the development would not cause harm to highway safety and the Local Planning Authority has no reason to go against the advice of the Highway Authority in this regard.

7.8.16 The Highways Authority have 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 will 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.

7.8.17 It is noted that a local resident requested full details of the CMP and a number of the informatics that HCC Highways requested to be imposed. However, these details are not required to be submitted prior to the granting of permission and have not therefore been prepared at this stage.

7.9 Other Matters

Waste and Recycling

7.9.1 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x 600 x 800
60ltr Bag (Black)	Recyclables -Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables -Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

7.9.2 The submitted plans indicate that the front curtilage can accommodate the required vessels without hindering the car parking provision. The Highways Authority are satisfied with the location of the storage area.

Climate Change

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

- reducing energy demand;
- using passive environmental systems, e.g. natural ventilation;
- daylighting and passive solar gains;
- using high levels of insulation and air tightness in the fabric of the building;
- specifying energy efficient services, controls and appliances;
- implementing water recycling and the provision of water butts;
- using renewable energy;

- using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
- using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.

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

Community Infrastructure Levy

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

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

7.9.6 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.

7.9.7 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.

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

Equality, Diversity and Human Rights

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

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

- 7.9.11 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.9.12 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.13 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use and the dwelling has been assessed to not result in harm to neighbouring properties through overlooking or loss of privacy. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.
- 7.9.14 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

7.10 Other Matters Raised in Representations

- 7.10.1 Service providers (gas, water and electricity) were all consulted on the planning application. only Thames Water responded to the consultation. Should issues arise during construction with regards to underground services then the developer will need to make contact with the relevant provider.
- 7.10.2 Concerns regarding health and safety of residents during construction are noted but are not covered by the Planning legislation as it would be for the Health and Safety Executive, police or HCC Highways to deal with construction practices or highway obstructions.
- 7.10.3 The Right to Light Act is not a planning consideration as it is a separate piece of legislation which falls outside of planning law. As such, it would be a civil matter to resolve between affected parties. Notwithstanding this, the feature tree has been removed from the plans which was the reason for this being raised as a concern.
- 7.10.4 Concerns regarding foundations, drainage, construction of the dwelling and boiler emissions are noted but they are not material planning considerations and are dealt with by Building Control under the Building Regulations.
- 7.10.5 The application is put forward by a private developer and not Stevenage Borough Council. Further, the development under construction off Gresley Way is within the jurisdiction of East Herts District Council. As such, the provision of large-scale housing developments by either Council are not relevant to the determination of this application. Each application is determined on its individual merits and the Council's own housing stock/empty properties is not a material consideration in this application.

8. CONCLUSIONS

- 8.1 In summary, it has been established that the proposed dwelling fails to accord with criterion (a) of Policy HO5 as it would be located on land which does not meet the definition of previously developed land as stated within the NPPF (2021) nor is it considered to be a small underused urban site.
- 8.2 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.3 The development would provide one additional dwelling, making a limited contribution to the aim of boosting housing supply, which in this instance, would not be through the redevelopment of a sustainable brownfield site. This is a limited public benefit to the proposal given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal.
- 8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only one dwelling, it is considered that these benefits would be limited and only attracts limited weight in favour of the proposal.
- 8.5 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and is acceptable in this regard; this carries moderate weight in favour of the proposal.
- 8.7 The development has been assessed to be acceptable in terms of private amenity space in accordance with the adopted Design Guide (2023) and Policy GD1 of the Local Plan (2019). This carries moderate weight in favour of the development.
- 8.8 Taking the aforementioned into account, whilst the proposed development would not be strictly in accordance with Policies HO5(a) and NH6, it has been demonstrated that there would be public benefits arising from the development in the form of economic contributions from construction and future occupiers. The proposal has been demonstrated to not harm the character and appearance of the area nor the amenities of neighbouring properties, and so it has been identified in the overall planning balance, that the overall benefits of the scheme outweigh any policy conflicts identified. Therefore, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 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, as well as 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:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
L1200/11-B; L1200/12-B; L1200/01; L1200/02; L1200/13; L1200/14; L1200/21; L1200/LP;
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 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 dwelling 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.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.
REASON:- To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 5 No demolition or construction work which is audible at the site boundary relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 6 Prior to the first occupation of the dwelling hereby permitted the parking provision as shown on approved plan L1200/11-B, shall be constructed, hardsurfaced and made ready for use. Any new areas of hardstanding created, or existing areas which are replaced, shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 7 The visitor parking space shown on approved plan L1200/11-B shall be made available for visitors only and shall not be used as additional parking by the occupiers of the dwelling hereby approved.
REASON:- To ensure that adequate parking facilities are available to visitors in the interest of highway safety.

- 8 Prior to the occupation of the dwellinghouse hereby permitted, the parking spaces shown on approved plan L1200/11/B 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
- 9 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 10 Prior to the first occupation of the dwelling hereby permitted, the cycle storage as detailed on plan L1200/11-B shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
REASON:- To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 11 Prior to the first occupation of the dwelling hereby permitted, the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified on plan number L1200/11/B.
REASON:- To ensure the general waste and recycle store is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.
- 12 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.
- 13 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.
- 14 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).
- 15 Prior to the commencement of development, the hazel tree in the adjacent woodland shall be coppiced to the satisfaction of the Local Planning Authority upon submission of an application for works to a tree protected by a Tree Preservation Order.
REASON:- To ensure the development does not have an adverse impact on the adjacent woodland area.

- 16 Prior to the first occupation of the dwelling hereby approved, the boundary treatments as shown on approved plan L1200/11/B shall be erected and completed.
REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 17 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, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. 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:
- 1) Construction vehicle numbers, type, routing;
 - 2) Access arrangements to the site;
 - 3) Traffic management requirements;
 - 4) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
 - 5) Siting and details of wheel washing facilities;
 - 6) Cleaning of site entrances, site tracks and the adjacent public highway;
 - 7) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - 8) Provision of sufficient on-site parking prior to commencement of construction activities;
 - 9) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - 10) 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.
 - 11) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays only (These times relate to works which are audible at the boundary)
 - 12) hours of construction operations including times of deliveries and removal of waste;
- REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way.
- 18 Notwithstanding the provisions of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions or loft conversions including dormer windows / roof extensions shall be constructed on the dwelling hereby approved unless permission is granted on an application made to the Local Planning Authority.
REASON:- To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the locality.

For the Following Reason(s):-

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

INFORMATIVES

1 **Public Information on Planning Applications**

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

2 **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 **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**
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.
- 8 **Hertfordshire County Council as Highways Authority**
Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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 Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance.