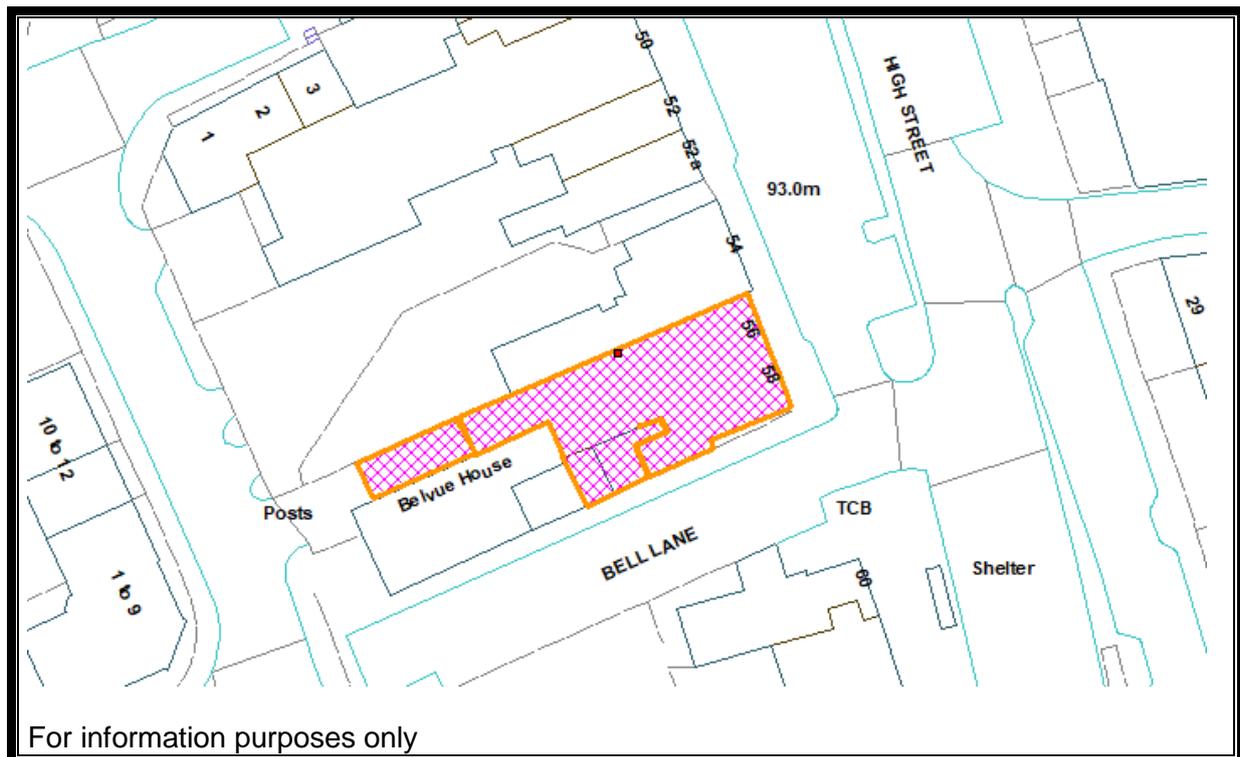


Meeting:	Planning and Development Committee	Agenda Item:
Date:	31 October 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00482/FP
Location :	Cinnabar, 56-58 High Street, Stevenage
Proposal :	Change of use of parking bays to facilitate construction of outdoor seating area associated with 56-58 High street
Drawing Nos.:	RL3883-02; 457-09-Rev B;
Applicant :	Russell Linard
Date Valid:	14 July 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The site comprises an unlisted building, in use as a bar/restaurant known as Cinnabar, on the western side of the Old Town High Street within the Old Town High Street Conservation Area. This area of the High Street is characterised by public houses, restaurants, bars and retail uses. There is likely some residential use above some of the High Street premises and there are some residential blocks of flats to the rear of the High Street along Primett Road. Adjacent to the southern flank elevation of the building is the small no-through road of Bell Lane.

- 1.2 To the eastern frontage of the site is a small parking area which serves the retail premises of Nos. 44-58. This area is separated from the High Street by a narrow footpath/kerb on the eastern side.
- 1.3 The High Street in general is served by parking bays along both sides of the highway. The bays allow for parking of vehicles perpendicular to the footpath and in places slope upwards from the carriageway to the footway. In the case of the application site, the parking bays in question run along the southern side elevation of the application property.
- 1.4 The Old Town High Street Conservation Area has a distinctive historic character and contains many Listed Buildings. Pavements and kerbs are typically finished with traditional materials, including small conservation kerb stones (tegular blocks). Bell Lane is a narrow road which allows for parking on both sides and traffic to pass through the centre and has the rear access yard for The Mulberry Tree public house on the southern side. This road also provides the access to the parking area to the front of the application site.

2. RELEVANT PLANNING HISTORY

- 2.1 99/00117/AD Externally Illuminated Shop Sign and Awning Sign. Withdrawn 24.06.2003.
- 2.2 05/00235/FP Change of use from A1 to A3. Approved 08.07.2005.
- 2.3 05/00501/FP Internal and external alterations including new shopfront to facilitate change of use from A1(Retail) to A3 (Restaurant). New 2.5m rear boundary fence. Approved 15.12.2005.
- 2.4 05/00615/FP Change of use of ground floor from A1 (Retail) to A4 (Drinking Establishment). Approved 08.02.2006.
- 2.5 09/00196/AD Display of 1no. non-illuminated canopy sign. Approved 14.08.2009.
- 2.6 14/00467/FP Change of use of Belvue House from B1 (Offices) to C1 (Hotel) and new extension to link with Cinnabar Café. Approved 24.10.2014.
- 2.7 19/00741/FP Proposed replacement external door sets. Approved 16.03.2020.
- 2.8 22/00552/FP Change of use of parking bays on Bell Lane frontage to use as ancillary seating area and construction of associated seating area structure, together with the installation of 3no. awnings. Withdrawn 18.07.2022.

3. THE CURRENT APPLICATION

- 3.1 The proposed works would see the parking bays immediately adjacent to the southern flank elevation of Cinnabar being closed, and the road level being raised up to meet the existing footway level. The extent of the closure would be 22m in length and 2.4m in width, which when taken with the existing footpath (2.1m wide) would provide a new widened footpath area of 4.5m wide. The area is to be used for informal seating comprising tables and chairs. The boundary of the area adjacent to the vehicular highway would be bounded by removable bollards which would also hold low level fabric banner signs no more than 0.6m in height.
- 3.2 Additionally, a small area of highway to the front of the premises would be filled in to widen the existing footpath by approximately 0.67m for a length of approximately 6m.
- 3.3 The applicant engaged in separate pre-application discussions with Herts County Council (HCC) as Highways Authority prior to the submission of the planning application. HCC advised at that stage that the built up area of footpath along the south of the application site should be

constructed in tarmac whilst the smaller built up area to the eastern frontage of the site should be constructed in Tegula blocks to match existing.

- 3.4 It is emphasised that the application is only seeking permission for the change of use of the parking spaces to highway forecourt for the use of outside seating. The provision of the outside seating itself is assessed and controlled by the Local Highway Authority under the relevant Pavement Licence. The following assessment does not therefore take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.
- 3.1 The application comes before the Planning and Development Committee as it has been called-in by Councillor Rossati. The Councillor called in the application due to the potential impact on neighbouring properties, car parking and highway safety.

4. PUBLIC REPRESENTATIONS

4.1 Following publicity of the application via letters, a site notice and press notice, public representations were received as follows:

4.1.1 There were 53 letters received in support of the application. A summary of their key points follows below:

- This is necessary and needed;
- Will provide a safe and enhanced experience for customers;
- More effective use of the area;
- Excellent idea and long overdue;
- Great for socialising and community spirit to engage with others within and outside the seating area;
- Will be very popular;
- Look forward to using it;
- Most people working or socialising in the High Street do not come via car so no impact on majority of users;
- Will improve service provided by Cinnabar and increase their customer base therefore increasing people into the High Street generally;
- The outside areas at the southern end of High Street have greatly improved that area so I think this application will improve the northern end's offerings;
- Great for entertaining clients for work;
- Will look good and improve the visual appearance of the area;
- Staff and food are excellent, this will encourage more people to visit;
- Will calm traffic in the area;
- Great for warmer evenings to enjoy a coffee and take in the ambience of the High Street;
- Will bring attractive café culture to the High Street.

4.1.2 There were 73 letters received objecting to the application. A summary of their points follows below:

- Will worsen parking issues;
- Not enough parking outside Tesco as it is;
- Longer free parking in Primett Road would help;
- Access to shops will be harder for disabled people as won't be able to park outside of the shops;
- How will this affect traffic flows?
- Will they pay additional business rates for enlarged area and will they pay rent on it?
- Yet more parking spaces being removed;
- People will be forced to park on double yellow lines as nowhere else to park;
- Pedestrians will struggle to navigate around tables;

- Takes valuable public space for what will be occasional and seasonal use;
- The parking spaces are public property and should not be taken over by a private business;
- You cannot favour hospitality uses over retail, office, services etc
- British weather is not conducive to outdoor eating and drinking;
- Have SBC asked any other business if they have been impacted by the temporary use?
- Businesses will collapse if there is no parking, just look at Hoddesden High Street;
- Will not preserve the conservation area;
- Only one disabled parking space in the vicinity;
- Primett Road is not an alternative for elderly, disabled or wheelchair user as its too far away;
- Canopies are not in keeping with the area;
- Less revenue for Traffic wardens;
- Permit parking in surrounding roads and removal of spaces on High Street makes it hard for staff of shops to be able to park without paying large daily car park fees;
- Will infringe on the Charter Fair unless it is fully dismantlable;
- Why favour one company to the detriment of all other businesses;
- HCC have a scheme proposed that will drastically harm the High Street and this application will not help the situation;
- Will set a precedence for more parking to be lost to outdoor seating areas;
- This area is used by the Charter Fair to house their generating equipment, and this must not be impeded;
- They've managed this long without outdoor seating so they can continue to go without;
- Nobody in Stevenage wants this;
- Eating outside next to parking spaces will be terrible for health from the pollution and exhaust fumes;
- How does a business just acquire land they don't own and put seating on it?
- Prioritising pedestrians and cyclists over cars will be disastrous to the High Street;
- Put in more electric vehicle charging points;

4.2 Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1 SBC Engineering Department

5.1.1 As local parking authority, we have supported the applicant for the last two summer seasons by providing temporary barriers on Bell Lane for an outside seating area. The loss of parking during these periods has not cause problems in the area and we remain supportive of permanently extending the footway width in this area. The change of use would not remove the highway status of the land and it would therefore remain highways land, maintainable at public expense and any tables and chairs would need a licence. New parking restrictions would be required along the seating area and the applicant will be required to cover the Council's costs in making the Traffic Regulation Order.

5.1.2 Following comments sent to Herts County Council by the Eastern Counties Section of the Charter Fair, the engineering department confirmed that the Showman's Guild does not have any rights to specifically occupy the parking bays in question, only a general right to hold a fair in the High Street. As there are to be no permanent structures on the land then there should be no issues caused to the Charter Fair.

5.2 Herts County Council as Highways Authority

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
- 5.2.2 A plan was first submitted in June 2023 which did not quite match up with the pre-app discussions the applicant had with us a few months earlier. The Highway Authority queried this with the applicant, and they have now submitted a revised plan which shows tapered edges either side of the proposed footway build-out. Removable bollards are proposed along the new footway edge (set 0.5m back from the kerb, with reflective bandings). Canvas sheets are shown to be attached between these bollards, with a maximum height of 600mm. This ensures that pedestrians crossing over Bell Lane will have a clear view of approaching vehicles and vice versa. The proposed tables at the two ends of the build out have been reduced down from double tables to single to ensure the new footway along here provides a continuous usable width of 2 metres.
- 5.2.3 Overall, the broad principle of removing the small number of roadside parking bays here is acceptable to the Highway Authority, recognising a shift away from private motorcar use and the need to embrace more sustainable modes of travel to tackle the urgent climate crisis. The County Council is also supportive of the High Street recovery.
- 5.2.4 The latest plan has been reviewed by our Safety team. The comments raised have been largely addressed in the revised plan, although vehicle tracking information was suggested. It has now been confirmed by Stevenage's refuse & recycling service that they do not route a refuse vehicle along Bell Lane. It is also noted that the Mulberry Tree pub, which has a vehicle access onto Bell lane, has another main vehicle access onto Primett Road, and that overall, the other properties which front onto Bell Lane seem to have full vehicle access from other parts of the network. With this in mind, and given the footway build-out largely replicates the location of the existing parking bays, it is not considered that existing routine vehicle movements along Bell Lane will be adversely affected by this proposal.
- 5.2.5 There is an existing vehicle crossover at the western end of the proposed build-out and this will be closed off (with the raised kerb reinstated) as shown on the plan. The applicant says this crossover leads to now redundant storeroom used by Cinnabar - however the storeroom / building that the access leads to sits outside the applicant's red line. The LPA may want to double check that the removal of this crossover will not have consequences in the future for other occupiers.
- 5.2.6 Additionally, there will be a small footway build-out to the front of the site onto the High Street service road. Extension of the double yellow lines is proposed here, as well as along the Bell Lane footway build-out - as shown on the submitted plan.
- 5.3 B.E.A.M.S
- 5.3.1 If the seating area can be justified then BEAMS can, in principle support the change of use. The use of tarmac is not sufficiently sympathetic to the Conservation Area and enhancements should be sought through the use of tegula blocks to match the existing High Street footpaths. Are 13 bollards needed as this seems excessive? The proposal could result in visual clutter which will result in less in substantial harm to the significance of the conservation area.
- 5.4 SBC Environmental Health
- 5.4.1 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 September 2023. 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.

6.3 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;
SP8 - Good Design;
TC9 – High Street Shopping Area;
IT5 - Parking and Access;
IT8 – Public Parking Provision;
NH10 – Conservation Areas;

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Old Town Conservation Area management Plan 2012

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 to consider in the determination of this application are the impact of the loss of the parking spaces and the impact of the works on the character and appearance of the conservation area.

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 proposal will see the loss of 4 public parking spaces. These spaces are all short-term parking spaces. The proposed works would see the area levelled and finished with tarmac, as per HCC Highways recommendations and finished with kerbing stones to match existing. The smaller area to the front of the premises would not result in the loss of any parking spaces and would be levelled and finished in matching tegula blocks and kerbing stones as existing. The proposed materials would be conditioned to ensure they are similar to existing and preserve the character and appearance of the Conservation Area.

7.2.2 There has been several letters of objection to the proposal based on the loss of parking and the impact this has on shoppers having to walk further from other nearby parking, and the impact on local businesses. Letters of support have identified a need for outdoor seating associated with such uses that keep the area alive outside normal shop trading hours over the need for the retention of the parking bays.

7.2.3 Looking firstly at the loss of the parking bays in terms of parking, the Council adopted its Parking Provision and Sustainable Transport SPD in October 2020 which outlines the Council's prescribed standards for parking based on development type for new proposals. The SPD also summarises the Council's aims to reduce private car use and work towards a modal shift to promote non-car modes of transport. This is in line with the aspirations of the NPPF, Hertfordshire County Council's Local Transport Plan 4 and the adopted Local Plan (2019) to promote sustainable development and to locate new development where it is highly accessible by passenger transport, walking and cycling.

7.2.4 The High Street is served by parking bays along both the eastern and western sides of the highway, with vehicles parking perpendicular, at a 90-degree angle to the footpath. The parking bays extend from the south close to the roundabout junction with Letchmore Road northwards to Middle Row and then further parking is provided north of Middle Row on the western side to the front of the application site and nearby shops. Parking is then also available off Church Lane, with two surface level car parks in close proximity of the High Street to the west, and also two large car parks off Primett Road, referred to as the old Waitrose car park and one further south which is often used for parking of vehicles when the State Fair (also known as Charter Fair) is held in Stevenage each year.

7.2.5 The Council's adopted Policies IT5 and IT8 refer to parking provision and mention specifically public parking provision, the loss of which should be justified or replaced elsewhere. The proposal clearly does not allow for the lost parking to be re-provided as part of the development, as Policy IT8 requires, and this refers more to larger scale development where provision can be re-sited.

7.2.6 In this case, whilst a robust argument has not been made about the parking loss or demand, the sustainable location of the parking bays and the limited number of spaces being lost (4 spaces), weighs heavily in favour of the proposal. Objections highly emphasise the loss of parking and likely inability for people to park closely to existing shops. Given the level of parking available along the rest of the High Street and the close proximity of the surface level car parks

both to the east and west of the site it is argued that the loss of these spaces is negligible in this location.

- 7.2.7 The loss of the parking spaces is not considered to prevent elderly and disabled drivers from accessing facilities in the High Street. The bays are located in a small side street between a public house and a bar/restaurant with only one side served by a pedestrian footpath. As such, given the physical attributes of these spaces, they may be difficult to use for those who are disabled or who have poor mobility due to age. Additionally, it is important to note that these bays are not designated disabled bays and so their loss would not result in the loss of specially designated disabled parking.
- 7.2.8 The temporary measures in place to allow businesses to operate during restrictions of lockdown and COVID measures has been working well, despite mixed reviews from the public. It is noted nearby restaurant businesses have undertaken similar temporary measures. It is noted that the applicant has a temporary license for the closure of the parking spaces and the placement of tables and chairs, which runs 1 January 2023 to 1 January 2024. This temporary licence is actively being used at present and the land is currently closed off to vehicular parking by large red and white temporary barriers.
- 7.2.9 Herts County Council (HCC) as Highways Authority have advised that they do not wish to restrict the proposal, nor have they raised any concerns or objections. The Council's Engineering department, which includes overseeing parking and enforcement in the Town, have advised that they support the proposal. They feel the widening of the footpath adjacent to the application site would improve pedestrian amenity. They have further advised that they would be willing to work with the applicant, at the applicants' expense, to design and build the footway extensions.
- 7.2.10 Given the proposal would only result in the loss of four bays, the location is highly sustainable and there is a good level of alternative parking in close proximity of the site, it is considered the loss of the parking spaces is acceptable in this instance in this location.
- 7.2.11 The second area of objections raised in respect of the loss of the spaces is the knock-on effect for local businesses. This issue stems from the people not being able to park so closely to their destination and businesses being affected as a result. There would still be sufficient parking bays available in close proximity to surrounding businesses than those the subject of this application. Furthermore, the future impact on businesses is not surmountable to this specific application, given the retail industry as it is at present, and also following the COVID pandemic.
- 7.2.12 Whilst, the retention of businesses is an important factor in ensuring the vitality of the Old Town, this also stems to the continued use of non-retail premises including uses that provide night time and entertainment within a mixed use area. It is not considered therefore that the loss of four parking spaces can be accounted for any future impact on local businesses when adequate parking provision is still available in the locality.

7.3 Impact on the Character and Appearance of the Conservation Area

- 7.3.1 The High Street is located within the Old Town Conservation Area, of which there is a Management Plan (CAMP) highlighting the key buildings and areas that have historic and architectural value as Heritage Assets. Both the CAMP and the Local Plan make note of the significance of the High Street as the former A1/Roman road linking London to the North of England. This includes the provision of the parking bays on both sides of the road adding to the character and visual appearance of the High Street but does not refer to the additional parking areas in small side streets, such as Bell Lane.
- 7.3.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise of planning functions with respect to any buildings or other land in a

conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 7.3.3 The NPPF (2023) outlines the need to assess the impact of development on a Heritage Asset and to 'take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Furthermore, Paragraph 197 of the NPPF goes on to suggest LPA's 'take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'.
- 7.3.4 Paragraph 199 of the NPPF (2023) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.3.5 Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.3.6 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.3.7 Policy NH10 of the Local Plan (2019) states that development proposals affecting a conservation area should have regard to the relevant Conservation Area Management Plan SPD.
- 7.3.8 In this case there are two factors, the loss of an area of parking that forms part of the Conservation Area as a Heritage Asset against the contribution of the area being available as a forecourt area to allow the provision of outside seating for a local business, in a sustainable location. The Council's Listed Building and Conservation Area consultants BEAMS have provided comment and have not raised concerns over the loss of the parking bays. They advised they would support the build out of the footpath with matching materials, but they have raised concerns over the use of tarmac surfacing on the southern side. They also advise that any bollard or protection barriers should be of good design and appearance.
- 7.3.9 Notwithstanding their concerns over the use of tarmac, they have advised that the harm from its use would be less than substantial. Their concern over the tarmac stems from its appearance not being in keeping with the remainder of the Conservation Area, which contains the use of traditional paving slabs and tegula blocks. However, it is worth noting here that the footpaths along the High Street are the responsibility of Herts County Council and they would not require any form of planning permission from the Local Planning Authority to replace them either fully or partially, with tarmac. As such, the use of tarmac as a material choice, whilst not generally in keeping with the Conservation Area, is the material of choice stipulated by HCC as the owner and responsible authority for the footpath.
- 7.3.10 It is the opinion of officers, on balance, that the works to remove the parking bays and create the forecourt area, as well as level out a small area of highway to the front of the premises, would be at the lower end of 'less than substantial harm' to the historic character and appearance of the Conservation Area and the historic importance of this Heritage Asset given the majority of the parking bays along the High Street are retained and still available for use.
- 7.3.11 BEAMS have not raised any objections or concerns relating to the appearance of the bollards or canvas banners. They have however, raised a question as to the number of bollards and whether 13 are required as they result in visual clutter. It is Officer's opinion that the number

of bollards is acceptable. They are evenly spaced to provide a clear barrier between the users of the seating area and passing vehicles. To have a lower number of bollards would potentially result in gaps to the safety barrier, thus increasing the potential for conflict between the two areas.

7.3.12 Whilst it's noted that there is harm, the consideration of the public benefits have to be taken account of. The PPG states that – In considering the public benefits that may be derived from the proposed development, the Planning Practice Guide (PPG) advises that they should be of a nature and scale that will be of benefit to the public at large and not just be a private benefit. Whilst a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:

- Sustaining or enhancing the significance of a heritage asset and the contribution to its setting;
- Reducing or removing risks to a heritage asset;
- Securing the optimum viable use of a heritage asset in support of its long terms conservation.

7.3.13 The existing business operates from 56-58 High Street, which, whilst this is not a Listed Building, it is noted as a building of local importance in the Old Town CAMP, and, whilst it is a private business, the proposal would help protect the viability of this business and therefore the locally important building also. The use of the proposed highway forecourt area would reduce the risk of the heritage asset becoming vacant which could potentially impact its long-term preservation.

7.3.14 Furthermore, if any future applications are submitted for further reduction in parking areas they would be considered on their own merits and in respect of their impact on the historic character and possible erosion of the Conservation Area.

7.4 Residential Amenity

7.4.1 Policies SP8 and GD1 of the Local Plan 2019 require development proposals to have regard to the guidance contained within the Design Guide SPD (2023). Policy GD1 also requires that development does not adversely impact the amenities of neighbouring occupiers. Appendix C of the Design Guide SPD states that the Council will assess proposals for residential development in terms of their impacts on privacy, outlook, and natural light.

7.4.2 There are residential dwellings to the rear of the premises along Primett Road and likely to be others above neighbouring premises. In this regard, whilst Environmental Health were consulted as part of this application, they have not provided any comments. Notwithstanding this, they were consulted at the pre-application stage and raised no concerns or objections although they did recommend that a condition be imposed to restrict the use of the area to be closed by 23:00hours.

7.5 Other Matters

Community Infrastructure Levy

7.5.1 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	Zone 2: Everywhere else

	Stevenage Extension		
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		

- 7.5.2 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.
- 7.5.3 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.
- 7.5.4 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

- 7.5.5 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.5.6 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.5.7 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.5.8 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.5.9 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal does not comprise the removal of disabled parking spaces and there would be sufficient space on the public footpath for person(s) who are disabled to safely pass the outdoor seating area without hindrance.

7.6 Other Matters Raised in Representations

- 7.6.1 A number of concerns were received relating to the Charter Fair and whether this proposal would interfere with or prevent the set up and operation of the fair. The Council's Engineering department, who are the Council's main point of contact for the fair, have advised that the Showman's Guild does not have any rights to occupy specific areas, but rather it simply entitles them to hold the fair in the High Street. The loss of these 4 parking spaces is not considered to interfere with or harm the Charter nor will it prevent it from being held.

8. CONCLUSIONS

- 8.1 The proposal to remove areas of existing parking along the northern side of Bell Lane, to the south of 56-58 High Street to allow for the creation of a highway forecourt to allow for ancillary seating for Cinnabar is considered acceptable. The loss of four parking spaces would not adversely impact the current parking provision along the High Street and within the Old Town generally, and the impact on the Conservation Area is not considered to be harmful to its character of historic significance.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
RL3883-02; 457-09-Rev B
REASON:- For the avoidance of doubt and in the interests of proper planning
 - 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 - 3 Prior to the first use of the seating area hereby approved, the removable bollards and removable banners shall be installed, the existing crossover to the west of the site shall be closed and double yellow lines shall be implemented as shown on approved plan 457-09-Rev B. No other furniture other than that shown on the approved plan shall be installed or erected unless an application for planning permission is first sought from the Local Planning Authority.
REASON:- In the interests of highway safety and to ensure the development has an acceptable appearance and preserves the character and appearance of the Conservation Area.
 - 4 The materials to be used in the construction of the built out seating area and the built out area to the eastern frontage of the application site shall be as per approved plan 457-09-Rev B to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
 - 5 Unless otherwise agreed in writing by the Local Planning Authority, the outdoor seating area hereby approved shall not be in operation before 08:00 hours or after 23:00 hours on any day. Outside of these times, all tables and chairs shall be removed to leave a clear and unobstructed area to the front and side of the building.
REASON:- in the interests of pedestrian and highway safety and to protect the amenities of the occupiers of neighbouring properties.

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.

INFORMATIVE

1 **Public Information on Planning Applications**

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

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

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

5 **Hertfordshire County Council as Highways Authority**

Licence for tables and chairs in the highway: before proceeding with the installation, the applicant must apply for, and be granted, a licence agreement under the Highways Act 1980 in order to legally place tables and chairs on public highway land. Further information is available via the website at <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

6 **Hertfordshire County Council as Highways Authority**

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of

Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.

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