

**Meeting:** Planning and Development Committee  
**Agenda Item:** Planning and Development Committee  
**Date:** 31 October 2023  
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Application No:	23/00477/OP
Location:	Land between 146 & 225 Hopton Road, Stevenage, Herts, SG1 2LF
Proposal:	Outline planning permission with all matters reserved for the erection of 1no. detached three bedroom dwelling with associated car parking
Drawing Nos.:	01 Rev A; 02; 03 Rev A;
Applicant:	Stevenage Borough Council
Date Valid:	21 June 2023
Recommendation:	GRANT OUTLINE PLANNING PERMISSION



The above plan is for illustrative purposes only.

## **1 SITE DESCRIPTION**

- 1.1 The site extends to 250m<sup>2</sup> and comprises a roughly rectangular plot of land located between 146 and 225 Hopton Road in the Symonds Green area of Stevenage. The land is undeveloped and mostly laid to lawn, rising gently from east to west.
- 1.2 The site is not subject to any Local Plan designations or notable environmental constraints. There are no heritage assets or protected trees in its vicinity. The Filey Close Neighbourhood Centre lies approximately 150m to the south-east.

## **2 RELEVANT PLANNING HISTORY**

- 2.1 20/00571/FP - Change of use from public amenity land to residential (225 Hopton Road) – Application Permitted 12 November 2020

## **3 THE CURRENT APPLICATION**

- 3.1 The application seeks outline planning permission for the erection of a detached, two storey, three-bedroom dwellinghouse with two car parking spaces. Since all matters are reserved, the application is principally concerned with the principle of the development, whereas access, appearance, landscaping, layout and scale would be considered in detail at a later date.
- 3.2 The application comes before the Planning and Development Committee because the Council is the applicant.

## **4 PUBLIC REPRESENTATIONS**

- 4.1 The application was publicised by neighbour letters.
- 4.2 Three letters of objection were received. The material issues raised are summarised as follows:
- Inadequate car parking provision
  - Loss of existing car parking
  - Insufficient space for proposal / cramped appearance
  - Disruption to garden access and bin storage
  - Loss of privacy
  - Loss of trees and hedges
  - Loss of play space
  - Disruption during construction
- 4.3 Full copies of all representations are available on the Council's website.

## **5 CONSULTATIONS**

- 5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.
- 5.2 SBC Arboriculture and Conservation Manager
- 5.2.1 No objection, subject to replacement planting of three trees.
- 5.3 SBC Environmental Health Officer
- 5.3.1 No objection.

## 5.4 HCC Highways

5.4.1 No objection, subject to conditions relating to construction management, electric vehicle charging, and the provision of parking spaces.

## 5.5 Herts and Middlesex Wildlife Trust

5.5.1 No objection subject to off-site habitat provision and a condition to secure bat and swift boxes.

# 6 RELEVANT PLANNING POLICIES

## 6.1 Background to the Development Plan

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

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

## 6.2 National Planning Policy Framework

6.2.1 A revised National Planning Policy Framework (NPPF) was published in September 2023. This largely made minor corrections to the earlier July 2021 version and revised policy with respect to onshore windfarms. 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 73 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 the Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) in January 2022 (DLUHC have not yet published the latest HDT results), identifies that Stevenage delivered 79% of its housing requirement. This exceeds the 75% target and renders the adopted Local Plan housing policies as being in-date. However, this is still well below the 95% target which is set out in the NPPF (2021). Consequently, the Council has to apply a 20% buffer in its 5-year housing supply calculations. In addition, the Council also has to produce an Action Plan in order to boost housing delivery.

6.2.3 The Council prepared an Action Plan in July 2022 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. A copy of the Stevenage Borough Council published Action Plan is set out in the link below:

<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/housing-delivery-test-action-plan-2022.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 currently demonstrate a housing supply of 6.68 years (including 20% buffer).

6.2.5 The Council, based on its HDT score and 5-year housing land supply calculations, the Council is not currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2021). For reference, if this policy was to be engaged, it would mean the Local Plan policies would be classed as out-of-date.

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

### 6.3 Planning Practice Guidance

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

### 6.4 National Design Guide

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

### 6.5 Stevenage Borough Local Plan

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP7 High Quality Homes
- SP8 Good Design
- SP11 Climate Change, Flooding and Pollution
- SP12 Green Infrastructure and the Natural Environment
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- HO5 Windfall Sites
- HO9 Housing Types and Sizes
- GD1 High Quality Design
- FP1 Climate Change

FP2 Flood Risk in Flood Zone 1  
FP7 Pollution  
FP8 Pollution Sensitive Uses  
NH5 Trees and Woodland  
NH6 General Protection for Open Space

## 6.6 Supplementary Planning Documents

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

Parking Provision and Sustainable Transport SPD 2020  
The impact of Development on Biodiversity SPD 2020  
Developer Contributions SPD 2021  
Design Guide SPD 2023

## 6.7 Community Infrastructure Levy

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would be liable for CIL at a rate of £100/m<sup>2</sup>.

# 7 APPRAISAL

7.1 The main issues in the assessment of the application are as follows:

- The principle of the development
- Standard of accommodation
- Character and appearance
- Impact on neighbouring amenities
- Parking
- Highway safety
- Ecology, arboriculture and biodiversity
- Flood risk and drainage
- Climate change and sustainability
- Developer obligations and CIL

## 7.2 Principle of Development

### 7.2.1 *Provision of Housing*

7.2.1.1 The application proposes the provision of one new dwelling. The application site is a “windfall” site, since it is not allocated for any specific purpose in the Local Plan.

7.2.1.2 Policy SP7 of the Local Plan sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites.

7.2.1.3 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:

- a) The site is on previously developed land or is a small, underused urban site;
- b) There is good access to local facilities;
- c) There will be no detrimental impact on the environment and the surrounding properties;
- d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,

e) The proposed development would not overburden existing infrastructure.

- 7.2.1.4 The land between 146 and 225 Hopton Road was historically used as play space but the play equipment was removed many years ago and part of the land was incorporated into the garden of n° 225 following the grant of planning permission under application reference 20/00571/FP. Consequently, the land no longer serves any formal purpose other than as a gap in surrounding built form.
- 7.2.1.5 Informally, the land is still used by local children for play. However, its quality is significantly diminished by the aforementioned removal of play equipment and reduction in size, which has been further reduced by informal parking and storage of bins. The remaining area is relatively small and the ground is uneven. With a much larger and more suitable open area just 100m to the north-east, it is expected that the site is used infrequently for this purpose.
- 7.2.1.6 In light of the above, the site is considered to be a small, underused urban site. In this respect, the proposal accords with criterion (a) of Policy HO5.
- 7.2.1.7 The site benefits from reasonably good access to local facilities, with the Filey Close Neighbourhood Centre approximately 150m or a five minute walk to the south-east. The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts. In these respects, the proposal accords with criteria (b), (d) and (e) of Policy HO5.
- 7.2.1.8 It is possible that the development would have a detrimental impact on neighbouring properties but if this is the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is predominantly in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.
- 7.2.1.9 Policy HO9 of the Local Plan requires new residential developments to provide an appropriate range of market and affordable housing types and sizes. In doing so, regard should be had to the Borough's objectively assessed needs, the location and accessibility of the site, and existing imbalances in the Borough's housing stock.
- 7.2.1.10 The Borough's existing stock is weighted heavily towards dwellings with three bedrooms and as a consequence, the greatest need is for dwellings with fewer bedrooms or larger "aspirational" homes. The development would not address this imbalance since it is also for a three-bedroom dwelling.
- 7.2.1.11 However, despite the imbalance, there remains a need for further three-bedroom properties in the Borough. The development would help to meet this need, albeit one dwelling would not make a significant contribution on its own. A three-bedroom dwelling is also considered to be appropriate given that it would be surrounded by other units of a similar size. Providing this as a market unit is acceptable since there is no requirement for developments of fewer than 10 dwellings to offer affordable housing. For these reasons, the proposal is considered to accord with Policy HO9.

## 7.2.2 *Loss of Open Space*

- 7.2.2.1 The site constitutes an undesignated area of open space. It serves a structural purpose, providing a gap in surrounding built form to give the area a slightly more open character.

- 7.2.2.2 Policy SP12 of the Local Plan seeks to protect the green infrastructure, natural environment and landscape of Stevenage. It states the Council's intention to preserve and enhance locally important linear features, including structural open space along major routes through the town.
- 7.2.2.3 Accordingly, Policy NH6 states that planning permission for development of any existing, unallocated open space will be granted where the loss of open space 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.
- 7.2.2.4 As noted above, the quality and accessibility of the application land is limited by reductions to its size, the removal of play equipment, its topography, and informal use for parking and storage of bins. There are no known interventions to improve its quality or accessibility and there is a much larger and higher quality alternative space a short distance away, which would remain available for community use.
- 7.2.2.5 The land does still serve a purpose in providing a gap in surrounding development, thereby giving the area a more open feel. However, the gap is relatively small compared to other similar gaps on Hopton Road and if the development were to go ahead, a gap would remain on the opposite, eastern side.

### 7.2.3 *Conclusions on Principle of Development*

- 7.2.3.1 Overall, the site is considered to be suitable for the provision of housing. It is a small, underused urban site surrounded by existing residential development within a predominantly residential area. Developing the site for residential purposes would not have any fundamentally unacceptable impacts on the environment or surrounding properties, nor would it overburden existing infrastructure or compromise the delivery of housing on allocated sites.
- 7.2.3.2 In providing one new market dwelling, the development would make a small but nonetheless positive contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwelling but this is a neutral matter. The construction activity would provide a small boost to the local economy.
- 7.2.3.3 The benefits of retaining the site as structural open space are considered to be limited considering its size, suitability for other uses (e.g. recreation), and the presence of other much larger and higher quality open space in the immediate vicinity. The informal use of the site for parking and the storage of bins reinforces this view.
- 7.2.3.4 Having regard to the above, it is considered that the loss of the open space is justified, even by the relatively modest benefits of providing one market dwelling. It follows that the development is acceptable in principle.

### 7.3 Standard of Accommodation

- 7.3.1 Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Policy FP8 of the Local Plan states that planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing or proposed pollution generating uses.
- 7.3.2 Layout, appearance and scale are reserved matters and therefore, the final standard of accommodation cannot be determined at this stage. It is nonetheless necessary to determine whether an acceptable standard of accommodation could be provided should outline permission be granted.

- 7.3.3 The submitted plans show a dwelling with a footprint of 54m<sup>2</sup> and the application form states that the dwelling would have two storeys. Assuming that the entire footprint minus the front section (which appears to be a porch) would be two storey, the dwelling would have a gross internal area (“GIA”) of approximately 103m<sup>2</sup>.
- 7.3.4 The highest standard for a two storey dwelling with three bedrooms is a GIA of 102m<sup>2</sup>. The development is therefore capable of meeting the standards.
- 7.3.5 In terms of natural light, outlook and ventilation, it is expected that the dwelling would be dual aspect and would therefore benefit from ample daylight and sunlight, views beyond the site boundaries to the east and west, and opportunities for passive ventilation. This would make a positive contribution to future occupants’ quality of life.
- 7.3.6 As for privacy, it is clear that the occupants of 146 and 225 Hopton Road would be able to look out over the rear garden of the proposed dwelling. However, it is not unusual for neighbours to have a degree of aspect over one another in a medium density residential setting where houses are arranged side-by-side.
- 7.3.7 According to the plans, the rear garden would measure approximately 95m<sup>2</sup>. This exceeds the 50m<sup>2</sup> recommended by the Design Guide SPD and would be acceptable.
- 7.3.8 Overall, it is considered that the proposed development would be capable of providing a very good standard of accommodation for future occupants. In this respect, the proposal accords with Policy GD1. Since there are no significant sources of pollution nearby, the proposal also accords with Policy FP8.

#### 7.4 Character and Appearance

- 7.4.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design, which includes form of built development, elevational treatment and materials, along with how the development would integrate with surrounding urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
  - hard and soft landscape;
  - technical infrastructure – transport, utilities, services such as drainage; and
  - social infrastructure – social, commercial, leisure uses and activities.
- 7.4.3 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
  - the form and scale of buildings;
  - their appearance;
  - landscape;
  - materials; and
  - their detailing.



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

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

7.4.5 The Council's Design Guide SPD (2009) sets out that a high-quality environment is essential for providing a good quality of life. A well-designed and managed space not only provides a visually attractive environment but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.

7.4.6 Layout, appearance and scale are reserved matters and it is therefore not possible to determine the final impact on the character and appearance of the area cannot be determined at this stage. It is nonetheless necessary to assess whether the development could be designed in such a way as to have an acceptable impact.

7.4.7 The plans show the dwelling as having a simple rectangular footprint save for a small front projection, with a width of 8.4m and a depth of 7.8m. In these respects, it would be very similar to its neighbours, which all have a similar layout and dimensions. It is also shown sited slightly back from n° 146 and slightly forward of n° 225, which would avoid any disruption to the established building line.

7.4.8 The only significant respect in which the proposed dwelling would necessarily differ from surrounding development is that it would be detached, whereas its neighbours are all laid out as terraces. Although unusual for the area, the dwelling would not appear so out of place as to warrant refusal of the application, given that it would appear to be entirely in keeping with its surroundings in all other respects.

7.4.9 Objections to the application have been made on the grounds that the dwelling would have a cramped appearance. Officers disagree with this view since the dwelling is shown as separated from its neighbours by 2.7m on the northern side and 2m on the southern side on the plans. This is not especially generous but is more than sufficient to prevent the dwelling from appearing cramped.

7.4.10 Having regard to the above, it is considered that the proposed development could be designed in such a way as to be sympathetic to surrounding development and have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan.

## 7.5 Impact on the Environment and Neighbouring Occupiers

7.5.1 Policy FP5 of the Local Plan requires development proposals to consider contamination and be supported by an appropriate preliminary risk assessment (PRA), demonstrating that any necessary remediation and subsequent development poses no risk to the population, environment or groundwater bodies.

- 7.5.2 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.5.3 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.5.4 *Contamination*
- 7.5.4.1 The site is not known to be or suspected to be contaminated, nor is its historic use one which is likely to have caused contamination. Accordingly, a preliminary risk assessment is considered to be unnecessary and the contamination risks associated with the proposal are considered to be negligible. Nevertheless, a condition is recommended to ensure that any unexpected contamination is dealt with properly if discovered during the construction phase.
- 7.5.5 *Noise Pollution*
- 7.5.5.1 The introduction of an additional residents to the road would undoubtedly lead to some increase in noise. However, there is nothing to suggest that the character or intensity of noise would amount to anything over and above what would ordinarily be expected from a single family dwellinghouse. Within an area predominantly made up of single family dwellings, this is considered to be appropriate.
- 7.5.6 *Light Pollution*
- 7.5.6.1 No external lighting is proposed and any spillage from internal lighting would be within the bounds of what would ordinarily be expected from a single family dwelling. This is considered to be acceptable. A condition is recommended to control any external lighting which might be installed at the site in future.
- 7.5.7 *Privacy*
- 7.5.7.1 The proposed dwelling would be likely to provide views very similar to those afforded by neighbouring properties i.e. occupants would be able to look out over neighbouring gardens. It is recognised that n<sup>o</sup> 146 and n<sup>o</sup> 225 currently only have one directly adjoining neighbour each and as such, the development would result in greater overlooking of their properties.
- 7.5.7.2 However, as set out above, the resultant relationship is considered to be typical for dwellings laid out side-by-side at medium densities. Consequently, it is considered that the overlooking would not in any way result in intolerable living conditions for neighbouring occupiers.
- 7.5.8 *Natural Light*
- 7.5.8.1 As shown on the submitted plans, the development would comfortably pass the 45 degree test in respect of the nearest habitable room windows at each neighbouring property. Some overshadowing of 146 Hopton Road would occur but this would be limited to the morning hours and is considered acceptable.
- 7.5.9 *Overbearing Appearance*
- 7.5.9.1 According to the submitted plans, the proposed dwelling would be separated from its neighbours by 2.7m to the north and 2m to the south. Its rear building line would also be roughly in line with that of its neighbours, projecting only slightly beyond that of n<sup>o</sup> 146. Given this, the development would be highly unlikely to appear overbearing when viewed from neighbouring properties.

#### 7.5.10 *Demolition and Construction Impacts*

7.5.10.1 The disruptive effect of demolition and construction work is a material consideration and has been raised in the objections to the application. Some disruption is inevitable, insofar as vehicle movements and noisy work will be necessary to complete the development. However, the impacts can be mitigated, for example by employing dust suppression techniques, limiting the hours when deliveries can be made, and limiting the hours when work can be carried out.

7.5.10.2 To this end, it is recommended that a construction management plan be secured by condition. Subject to this condition, it is considered that the impacts of demolition and construction could be mitigated to an acceptable degree.

#### 7.5.11 *Conclusions on Environment and Neighbouring Occupiers*

7.5.11.1 Having regard to the above, it is concluded that the proposed development would not result in any fundamentally unacceptable impacts on the environment and could be designed in such a way as to ensure acceptable living conditions for neighbouring occupiers. In these respects, the proposal is considered to accord with Policies HO5, FP5, FP7 and GD1 of the Local Plan.

#### 7.6 Parking

7.6.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to the standard, a three bedroom house should be provided with two car parking spaces. The site is not located within a residential accessibility zone, so no discount is applied.

7.6.2 The proposed development would provide two car parking spaces, in accordance with the standard. These would be provided on land in front of the proposed dwelling which currently acts as a grass verge.

7.6.3 This land was originally not included within the application site boundary, which led HCC as Highway Authority to object to the proposal on the grounds that the parking spaces could not be secured. The Council's Estates Team have since confirmed that the land is within SBC ownership and updated the application site boundary accordingly.

7.6.4 HCC as Highway Authority also objected on the grounds that the three existing spaces to the front of the site would be lost. Members of the public objected to the application on the same grounds. However, the two new parking spaces were submitted as "additional" and the Estates Team have since confirmed that it was always the intention to retain the existing three spaces.

7.6.5 HCC have since updated their advice and confirmed that they have no objection to the application, subject to conditions to ensure that the parking spaces would be provided prior to occupation and to secure electric vehicle charging. On this latter point, a condition is considered to be unreasonable because the spaces would be unallocated, on-street spaces. However, provision of the spaces prior to occupation is considered to be reasonable and a condition to this effect is recommended. Subject to this condition, it is considered that the proposed level of car parking would be in accordance with the published standards. It is therefore considered to be acceptable.

7.6.6 In terms of cycle parking, the standard requires three spaces to be provided. Cycle parking is not shown on the submitted plans but based on the layout, it is clear there would be sufficient space to provide the required number of spaces.

7.6.7 Having regard to the above, the proposed parking arrangements are considered to be acceptable. In this respect, the proposal accords with Policy IT5 of the Local Plan.

## 7.7 Highway Safety

- 7.7.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.
- 7.7.2 HCC as Highway Authority originally objected to the scheme on the grounds that satisfactory site access could not be demonstrated since the land to the front of the proposed dwelling (which would connect the site to the public highway) was not included within the application site boundary. They have since updated their advice and confirmed that they have no objection to the application on highway safety grounds, subject to a condition to secure a construction management plan.
- 7.7.3 Subject to the above condition, it is considered that the proposed development would not have any unacceptable impacts on highway safety or any severe residual cumulative impacts on the highway network.

## 7.8 Ecology, Arboriculture and Biodiversity

- 7.8.1 Policy SP12 of the Local Plan requires the protection of assets of ecological and biodiversity value. Policy NH5 states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.8.2 The NPPF and accompanying PPG require the Council to achieve measurable net gains in biodiversity at development sites across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity.
- 7.8.3 The application is supported by a preliminary ecological appraisal, which assesses the site as having limited habitats and low suitability for notable species. A typical range of precautionary measures are recommended, for example carrying out site clearance outside of the bird nesting season, along with enhancements such as the provision of bat and bird boxes. Subject to these recommendations being implemented, it is considered that the development would have an acceptable impact on ecology.
- 7.8.4 The site contains a mature silver birch tree which would be felled to accommodate the development. The Council's Arboriculture and Conservation Manager has confirmed that the felling is acceptable subject to replacement planting on a three-for-one basis, which would be secured when landscaping is put forward for consideration as a reserved matter. Two other nearby off-site trees would also require protection during the construction phase.
- 7.8.5 A biodiversity net gain assessment has also been submitted alongside the application, which shows that the development would result in an on-site area habitat net loss of 94.54%. This would be mitigated by off-site habitat creation equating to 0.55 units, resulting in an overall net gain of 10%. Since the Council is the applicant, this would be secured by a memorandum of understanding between the relevant heads of department rather than a S106 agreement.
- 7.8.6 Having regard to the above, it is considered that the proposed development would have an acceptable impact on ecology, biodiversity, and trees. In this respect, the proposal accords with Policies SP12 and NH5 of the Local Plan.

## 7.9 Flood Risk and Drainage

- 7.9.1 The application is for minor development and the site is located wholly within Flood Zone 1, outside of any critical drainage area. As such, there is no policy requirement for a site-specific

flood risk assessment to be carried out or for the scheme to incorporate SuDS. The flood risk associated with the development is considered to be negligible.

7.10 Climate Change and Sustainability

7.10.1 Policy FP1 of the Local Plan states that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

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

7.10.2 The application is not supported by an energy strategy and no detailed measures have been put forward in terms of adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.10.3 Subject to the above condition, the proposal would accord with Policy FP1 of the Local Plan 2019.

7.11 Developer Obligations and CIL

7.11.1 *CIL*

7.11.1.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

7.11.1.2 The proposed development would be liable for CIL at a rate of £100/m<sup>2</sup>.

7.11.2 *Biodiversity Obligations*

7.11.2.1 The development would be required to provide 0.55 off-site habitat units in order to achieve an overall 10% net gain in biodiversity. This would be secured by way of a memorandum of understanding between the relevant heads of department. The typical mechanism for securing such a contribution, a S106 agreement, is not available in this instance because the Council is the applicant.

## 7.12 Human Rights and Equalities

- 7.12.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.12.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. 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.
- 7.12.3 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.
- 7.12.4 The proposed development would not have any material impact on persons with any of the protected characteristics listed under the Equalities Act.

## **8 CONCLUSIONS**

- 8.1 The policies considered to be most relevant for determining this application are listed above in Section 6.5.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up-to-date. The Council is not required to apply the tilted balance by reason of its housing land supply or housing delivery positions. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 8.2 The proposed development would result in the delivery of one three-bedroom dwelling, which would make a small but nonetheless positive contribution towards meeting the Borough's housing needs. The application has demonstrated that the scheme would be capable of providing a good standard of accommodation. The provision of good quality housing carries significant weight in favour of the proposal.
- 8.3 Noting that access, appearance, landscaping, layout and scale are reserved matters and would be considered in detail at a later date, the proposed development is considered to be acceptable in all other respects. These are neutral matters.
- 8.4 Having regard to the above, the proposal is considered to accord with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

## **9 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions and the completion of a memorandum of understanding to provide:

- Off-site habitat creation equal to 0.55 units

- 9.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), and 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.

### **Conditions**

#### *General Conditions*

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

01 Rev A  
02  
03 Rev A

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

2. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter “the reserved matters”) shall be obtained in writing from the local planning authority before any development is commenced.

**REASON:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. In the case of any reserved matter, application for approval must be made to the local planning authority not later than the expiration of three years from the date of this permission.

**REASON:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.

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

6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

7. 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 prevent unacceptable risks to human health as a result of contamination

8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of "Preliminary Ecological Appraisal" authored by CSA Environmental and dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To prevent unacceptable harm to habitats and species.

*Prior to Commencement*

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

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

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

10. No development shall take place (including site clearance or demolition) until a tree protection plan has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved plan.

**REASON:** In the interests of the health and longevity of trees worthy of retention.



*Prior to Occupation*

11. Prior to the beneficial occupation of the development to which this permission relates, the car parking shall be provided as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

12. Prior to beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

13. Prior to beneficial occupation of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the proper storage and disposal of waste.

14. Prior to beneficial occupation of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved versus Part L of the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

**INFORMATIVES**

1. The applicant is advised that the storage 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. 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.

4. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto: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).

5. 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

### **Pro-active Statement**

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

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2023).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.