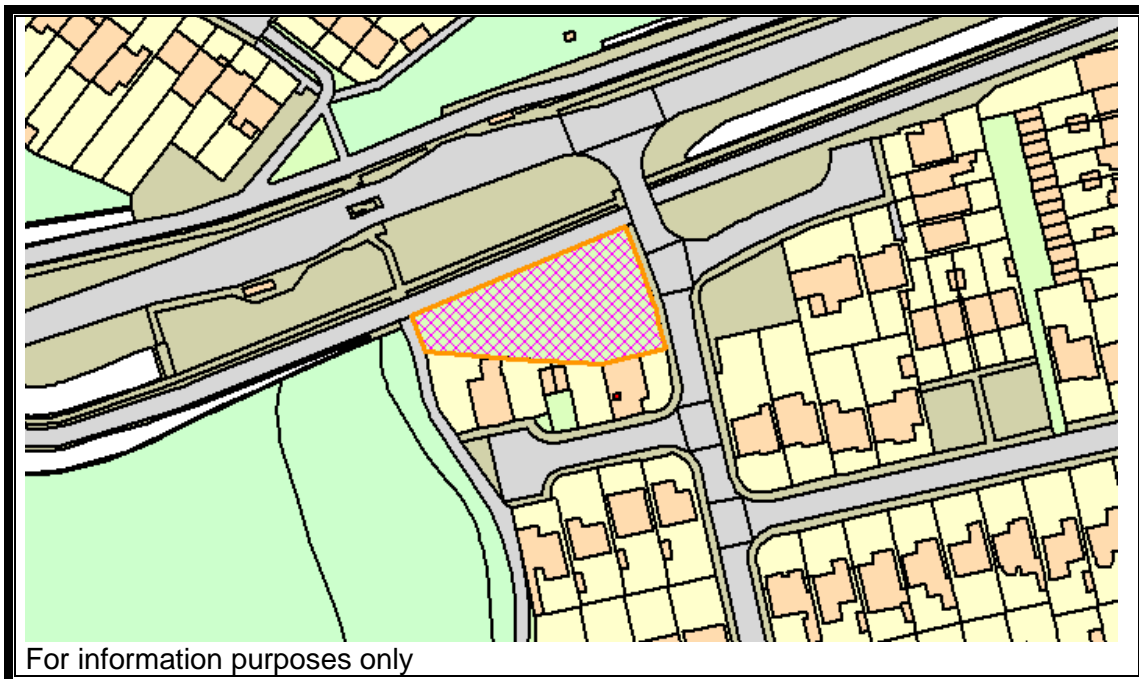


Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 January 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00357/OP
Location :	Land Adjacent 2 Marlborough Road, Stevenage, Herts
Proposal :	Outline planning permission (all matters reserved) for the erection of 2no. three to four bedroom dwellings
Drawing Nos.:	01; 01D; 03D
Applicant :	Stevenage Borough Council
Date Valid:	10 May 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The area of land in question is currently in the ownership of Stevenage Borough Council (SBC) and is designated as an area of informal open space. It is sited immediately along the northern side boundary of Nos. 2 and 4 Marlborough Road. It is a large area of grassland with a number of trees of varying age, size and species. The northern boundary of the site is then bounded by the public footpath and cycle network with the main highway of Six Hills Way beyond. To the rear of the site is an expansive area of woodland known as Great Collens Wood.

- 1.2 The overall land size is approximately 50m long and approximately 28m wide on the front eastern boundary, narrowing to approximately 8m wide on the rear western boundary. It has a site area of approximately 0.10 Hectares. A single hedgerow runs along the southern boundary of the site adjacent to the existing dwellings. A total of 13 trees are scattered across the site which are identified in the submitted ecological appraisal as: Cherry and Rowan to the east, a single Ash in the centre, and four Norway Maple to the west. A Weeping Willow and Pine are noted to be outside the site boundary to the south.

2. RELEVANT PLANNING HISORY

- 2.1 21/01279/OP. Outline planning permission (all matters reserved) for the erection of 3no. three bed dwellings. Withdrawn 09.02.2022.

3. THE CURRENT APPLICATION

- 3.1 This application seeks outline planning permission for the erection of 2no. three or four bedroom dwellings on the Council owned land (with all matters reserved). Whilst all the trees would be removed, 5 would be replaced within the site and the lost 8 trees would be replaced along Six Hills Way via funding secured through a Section 106 (s.106) Unilateral Undertaking.
- 3.2 An indicative site layout plan has been submitted, showing how the site could accommodate two dwellings with associated access, car parking provision and landscaping.
- 3.3 This application has been referred to the Planning and Development Committee for its decision as Stevenage Borough Council is the landowner and there have been more than 5 objections to the application.

4. PUBLIC REPRESENTATIONS

- 4.1. This application was publicised by way of neighbour letters and two site notices. The following is a summary of the comments received. This is not a verbatim copy of these comments and full details can be found on the Council's website.

- 4.2. Comments were received from the following properties:-

- Marlborough Road: 2, 3, 4, 6, 10, 12, 14, 20, 36, 38, 40, 44, 50, 54, 56, 58, 64, 82, 88B,
- Wellington Road: 3, 6, 7, 8, 13, 27, 28, 35, 40, 46, 48,
- 12 Gilders, Sawbridgeworth
- Cromwell Road: 4, 5, 6, 18, 19, 26, 29, 43, 46, 48, 50, 51,

- 4.3. Summary of Comments:

- Unacceptable loss of trees.
- Detrimental impact on the natural habitat and wildlife site.
- Insufficient parking provision.
- Will exacerbate on-street parking issues in the area.
- Proposal will have a detrimental impact on highway safety, including the safety of pedestrians and cyclists.
- Council should consider double yellow lines on the junction to improve highway safety.
- Council should secure the provision of swift boxes.
- There is a need for more trees to be planted due to climate change.

- The development would exacerbate surface water flooding in the area.
- Unacceptable loss of open space which is widely used by the local community (including children and dog walkers).
- There is not a demand for additional houses to be constructed in Stevenage due to housing development taking place on Gresley Way.
- The development is just for profit and no benefit to the community.
- The development would have a detrimental impact on property values.
- Existing trees should be protected by a TPO.
- The proposed dwellings due to their limited size are below national standards.
- The dwellings do not have sufficient sized private garden areas.
- The applicant is an officer of the Council and this application is therefore, a misuse of Council resources.
- This estate was planned around the 24" water pumping main which runs through the estate. Can we please have a plan showing the location of this pipe;
- Concerned about impact on health due to burden on sewerage system;
- The applicant is a member of staff at the Council, can we be assured they have not had access to information that is not in the public domain;
- Has the land been sold to the applicant prior to the application submission and was it identified for housing development prior to the submission of the application?
- I have applied to purchase some of this land myself and would request that this application is not determined until my request to purchase has been approved;
- Water main is not located where the applicant says it is.

5. CONSULTATIONS

5.1. Thames Water

- 5.1.1 Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

5.2 Herts and Middlesex Wildlife Trust

- 5.2.1 The ecological report identifies a biodiversity net loss. The current shortfall is 0.743 habitat units and 0.048 hedgerow units. This can be secured via condition, or a financial contribution secured through a s.106 legal agreement which should be fully costed and sufficient to deliver the required units for a minimum of 30 years.

5.3 Herts County Council as Highways Authority

- 5.3.1 There have been no recorded accidents near the site in a rolling 5-year period. The new access is shown as 13m wide; if a full application is submitted there would be a need for two separate accesses with at least 1m between them. A construction management plan (CMP) will be required which should include, but not limited to, wheel washing, storage and construction vehicle parking. The highway authority would in the event of this becoming a full application, likely require conditions in respect of CMP, cycle storage etc.

5.4 SBC Arboricultural and Conservation Manager

- 5.4.1 Financial contributions would be required for re-planting at a ratio of 3:1 and I suggest the planting will take place along the wide verge of Six Hills Way.

5.5 SBC Parks and Amenities, Green Spaces Officer

- 5.5.1 There appears to be a significant loss of landscaping on paper and biodiversity net gain has not been achieved. Once we have a clearer understanding of the financial contribution required to provide a net gain of biodiversity, we can explore potential options for delivering within Stevenage.

5.6 SBC Environmental Health

- 5.6.1 If minded to grant permission, then we suggest conditions are added relating to contaminated land, dust emissions and noise.

5.7 Affinity Water

- 5.7.1 We need to inform you that a 24-inch trunk main crosses the development site. There is an easement associated with the main where no development is permitted. This asset and its associated easement should not be located within private curtilage as this makes it extremely difficult for us to effectively maintain the asset and access it in an emergency. For the development to proceed the affected infrastructure would need to be diverted. Due to the size of the development and the limitation to change the site layout to accommodate the easement requirement we object to the development proposal. You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best management practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the groundwater table (for example piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be varied out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

5.8 SBC Waste and Recycling Department

- 5.8.1 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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

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

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

6.2.3 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 79 of the NPPF. This will be in addition to the preparation of an Action Plan. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development under paragraph 11d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.

6.2.4 Turning to 5-year housing land supply, the Council 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 confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).

6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations, and it also has to produce an Action Plan in order to boost housing delivery.

6.2.6 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. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.

6.3 Planning Practice Guidance

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

6.4 National Design Guide

6.4.1 The National Design Guide 2019 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

6.5 Adopted Local Plan (2019)

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

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP7: High quality homes;
Policy SP8: Good design;
Policy SP11: Climate change, flooding and pollution;
Policy SP12: Green infrastructure and the natural environment;
Policy IT5: Parking and access;
Policy IT6: Sustainable transport;
Policy HO5: Windfall sites;
Policy HO9: House types and sizes;
Policy GD1: High quality design;
Policy FP1: Climate change;
Policy FP7: Pollution;
Policy FP8: Pollution sensitive uses;
Policy NH5: Trees and woodland;
Policy NH6: General Protection for Open Space.

6.6 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
The Impact on Biodiversity SPD 2021
Developer Contributions SPD 2021

6.7 Community Infrastructure Levy

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

7. APPRAISAL

7.1.1 The main issue for consideration in the determination of this application is its acceptability in land use policy terms.

7.1.2 As this is an outline planning application with all matters reserved, only the principle of development is to be considered at this stage. Matters pertaining to access arrangements, parking provision, layout, appearance, and landscaping are to be reserved for future consideration as part of a reserved matters application(s).

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

7.2 Principle of Development

Provision of Housing

7.2.1 The National Planning Policy Framework (NPPF, 2023) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is an area of public open space in Marlborough Road, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'.

7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.

7.2.4 Policy HO5 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.

7.2.5 The land in question forms a small area of open space with trees scattered throughout. Due to the presence of the trees, and its siting adjacent to highway networks, the land is not wholly suitable as an area of play space for children and therefore does not serve any formal purpose other than as a softening of the urban environment. Informally, the land is reported to be used by children and dog walkers. Notwithstanding, there is a much larger and more suitable area of public open space approximately 250m to the south-east.

7.2.6 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.

7.2.7 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is approximately 1.5km to The Hyde Neighbourhood Centre on Shephall Way, approximately 1.5km to the Sainsbury's superstore

on Magpie Crescent, both of which equates to a 20-minute walk/5-minute drive. The Town Centre is approximately 3km. The Marriotts Secondary School is approximately 1km (15-minute walk/5-minute drive) and Barnwell Secondary School is approximately 2.5km (25-minute walk/5-minute drive). Ashtree Primary School is approximately 650m (10-minute walk/3-minute drive). A bus route operates along Six Hills Way with bus stops opposite Marlborough Road and the comprehensive cycle network runs along Six Hills Way adjacent to the site. As such, the application site is considered to have a very good level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a sustainable location.

- 7.2.8 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.
- 7.2.9 It is possible that the development would have a detrimental impact on neighbouring properties but if this were the case, these impacts would arise from the detailed design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Surrounding land is in residential use and the proposed development would be consistent with this. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The potential impacts arising from the detailed design of the development are considered later in this report.
- 7.2.10 Paragraph 60 of the NPPF (2023) states that to support the Governments objective of significantly boosting housing supply, it is important that a sufficient amount, and variety, of land comes forward where it is needed, that the needs of groups with specific housing requirements are met, and that land with permission is developed without unnecessary delay. In addition, para 60. of the NPPF states that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community. As such, the proposed development would contribute to the aim of boosting housing supply without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide three new dwellings and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be limited and therefore only attracts moderate weight in favour of the proposal.
- 7.2.11 Policy HO9 (House types and sizes) of the Local Plan (2019) states that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the Borough. The Design Guide SPD (2023) outlines that housing is an area of weakness across the town. One of the main issues is the lack of an appropriate mix of housing sizes, types, and tenures with a high proportion of three-bedroom terraced properties, and a lack of one- and two-bedroom properties.
- 7.2.12 The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National guidance, and, where appropriate, densities will need to be raised in order to meet these targets for new homes. This will need to be carefully balanced with the need to retain open space provision within the urban area as access to open space was a key original feature of the town.
- 7.2.13 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 two dwellings 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 these as market units 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.

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

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

Loss of Public Open Space

7.2.15 The area of land in question is currently in the ownership of SBC and is designated as an undesignated area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.

7.2.16 The area of land in question is sited immediately along the northern side boundary of No.2 Marlborough Road. It is a large area of grassland with a number of trees of varying age, size and species. The northern boundary of the site is then bounded by the public footpath and cycle network with the main highway of Six Hills Way beyond. To the rear of the site is an expansive area of woodland known as Great Collens Wood.

7.2.17 The overall land size is approximately 50m long and approximately 28m wide on the front eastern boundary, narrowing to approximately 8m wide on the rear western boundary. It has a site area of approximately 0.10 Hectares. A single hedgerow runs along the southern boundary of the site adjacent to the existing dwellings. A total of 13 trees are scattered across the site which are identified in the submitted ecological appraisal as: Cherry and Rowan to the east, a single Ash in the centre, and four Norway Maple to the west. A Weeping Willow and Pine are noted to be outside the site boundary to the south.

7.2.18 Given the large number of trees for the size of the space, it is likely that the site would not be wholly useable as a play space but does provide a limited area of useable public space. Further, it does offer a positive contribution to the visual amenities of the area, although its presence adjacent to the highway and cycle network would make it less than ideal in safety terms for younger residents. Local residents have stated that the site is often used by children and dog walkers. With regards to the trees, the Council's Arboricultural and Conservation Manager has assessed the application and raised no concerns or objections so long as a financial contribution is secured for the replacement of any tree lost, which is not being re-planted on site, at a ratio of 3:1, to be planted along the highway verge of Six Hills Way.

7.2.19 The indicative site layout plan indicates that at least 5 trees will be re-planted within the site. On this basis, 8 trees would be lost which would require the re-planting of 24 trees. This is discussed in more detail in the trees and landscaping section of the report below.

7.2.20 There is a large area of public open space at the southern end of Marlborough Road which is sited away from vehicular highways and is therefore a safer, and larger, public open space

for members of the public, especially children, to enjoy safely without conflict from passing motor vehicles. This site is approximately 250m to the south.

- 7.2.21 There are a large number of mature trees, hedgerows, wild highway verges and substantial woodlands in the vicinity which all provide a haven for wildlife and are not due to be removed.

Conclusions on Principle of Development

- 7.2.22 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 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.

- 7.2.23 In addition, due to the under-delivery of housing as identified in recent HDT scores published by DLUHC in December 2023 (see paragraph 6.2.3), paragraph 11(d) of the NPPF is engaged and that there is now a presumption in favour of delivering sustainable development. In addition, the Council's specific policies on housing are deemed to be out of date, so significant weight must be given to increase the delivery of new homes as required under the NPPF. In providing two new market dwellings, the development would make a small but nonetheless significant contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwellings, but this is a neutral matter. The construction activity would provide a small boost to the local economy.

- 7.2.24 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.

- 7.2.25 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 two market dwellings. It follows that the development is acceptable in principle.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 It is noted that appearance, landscaping, layout and scale are reserved for future consideration, and it is therefore not possible to determine the final impact on the character and appearance of the area 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.

- 7.3.2 In terms of design, paragraph 131 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 135 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 139 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.3.3 Paragraph 136 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”.

7.3.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.3.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns’ built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment, and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

7.3.6 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council’s Design Guide SPD (2023) generally reflects the aforementioned policies requiring development to respect surrounding buildings in terms of scale, massing, height, and design. As such, it encourages good design as it can enhance the appearance of places.

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

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

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

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

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

- Context – enhances the surroundings;
- Identity – attractive and distinctive;

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

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

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

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

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

7.3.12 The indicative layout shows 2no. dwellings; one would have a plot size of approximately 580sqm whilst the other would have approximately 440sqm. Whilst the layout shows each property to only have 2 parking spaces identified, plot 2 can accommodate at least 3 vehicles and plot 1 can accommodate at least 6 or 7 along the length of the indicatively detailed driveway.

7.3.13 In comparison, No.2 Marlborough Road has a plot size of approximately 288sqm whilst No.4 Marlborough Road has a plot size of approximately 360sqm and most houses in the immediate area have off-street parking for 2-4 vehicles. Accordingly, the plot sizes and off-street parking provision through the provision of front curtilage parking of the proposed dwellings is similar to those of surrounding properties and are therefore considered to have an acceptable layout that is in keeping with the surrounding area.

7.3.14 The site occupies the corner location as you enter Marlborough Road from six Hills Way and is highly visible from many vantage points. Plot 1 would be sited towards the rear of the site whilst plot 2 would be towards the front of the site. Both would be angled slightly away from Six Hills Way whilst still fronting on to Marlborough Road. The front elevations would be south-east facing whilst the rear gardens would be north-west facing.

7.3.15 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.

7.4 Impact upon Neighbouring Amenity

7.4.1 As stated previously in this report in section 7.4, detailed design and layout are reserved matters. However, an assessment of the likely impact on neighbouring properties will be undertaken to ascertain if two dwellings on this site would cause harm to neighbouring amenities.

7.4.2 The most affected properties would be Nos. 2 and 4 Marlborough Road on the southern boundary of the site; No.9 Marlborough Road to the east and No.1 Wellington Road to the south-east.

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

No of Storeys	Type of Separation	Min. distance (metres)
Between existing and new 2 storey or a mix of 1 and 2 storey dwellings	Back to Back	25m
	Back to Side	15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back	20m
	Back to side	12m
Over 2 storeys between existing and new dwellings	Back to Back	35m
	Back to Side	25m
Between new dwellings over 2 storeys in height	Back to Back	30m
	Back to Side	20m

7.4.4 The indicative site layout indicates that with regards to No. 2 Marlborough Road, the front of the proposed dwellings would be facing their side elevation. In this regard, there is no minimum separation distance set out in the SPD. Further, this neighbour has no windows on their side elevation. With regards to No.4, Plot 1 would have a side-to-side orientation with this neighbour and again, this neighbour has no windows in their side elevation and there are no minimum side to side separation distances in the SPD.

7.4.5 Turning to No. 9 Marlborough Road, this property would have a front to side orientation with the site and is located approximately 30m to the east. Again, this neighbour has no windows in their side elevation and there are no minimum front to side separation distances in the SPD.

7.4.6 Lastly, No.1 Wellington Road has their rear elevation facing the front elevations of the proposed dwellings. There are no front to rear separation distances in the SPD, but this neighbour is approximately 35m from the front of plot 2 (plot 1 is set back behind No. 2 Marlborough Road).

7.4.7 Accordingly, the indicative layout is considered acceptable as the proposed dwellings would be suitably separated from the surrounding properties so as to not result in undue levels of harm from overlooking, loss of privacy, reduced daylight or sunlight.

7.5 Impact upon amenities of future residents

7.5.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. Whilst layout is a matter for future

consideration, the proposed private amenity space as shown on the indicative layout plan will be assessed against the Council's Design Guide (2023) to confirm the site is capable of providing a satisfactory living environment for up to two dwellings.

- 7.5.2 The adopted Design Guide (2023) states that there is a requirement to provide 50sqm of private amenity space for each new dwelling. The indicative layout plan identifies that plot 1 would have a useable space of approximately 135sqm to the rear of the dwelling whilst plot 2 would have approximately 125sqm to the rear and northern side. Each plot would have approximately 10m in depth off the rear elevation. This is considered acceptable for a larger detached family dwelling.
- 7.5.3 With regard to the requirements for new residential properties to meet Nationally Described Space Standards (NDSS) as defined by Policy GD1 of the adopted Local Plan (2019), the indicative site layout suggests the properties would have an internal floor space of approximately 155sqm. This would substantially exceed the minimum requirements of 3- or 4-bedroom properties, which range between 84sqm and 124sqm dependant on number of occupiers. As such, these larger family dwellings are considered acceptable.
- 7.5.4 Additionally, the NDSS require double bedrooms to be at least 11.5sqm and single bedrooms to be at least 7.5sqm. No details of internal room sizes have been presented at this stage. However, as layout is reserved for future consideration, this can be assessed in future applications, although given the much larger overall floor area, it is expected that individual rooms sizes will meet or exceed the minimum standards.

7.6 Parking Provision and Highways Implications

- 7.6.1 Access arrangements and parking provision are reserved for future consideration. However, an assessment of whether the indicative parking arrangements are acceptable will be undertaken.
- 7.6.2 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Provision and Sustainable Transport SPD (2020) requires 3-bedroom units to have 2 spaces and 4-bedroom units to have 2.5 spaces, rounded up to 3 spaces. Whilst the indicative layout shows each property to only have 2 parking spaces identified, plot 2 can accommodate at least 3 vehicles and plot 1 can accommodate at least 6 vehicles along the length of the indicatively detailed driveway. It is not clear from the plans if integral garages are planned but at this stage, the curtilage parking is indicated to meet the required standards. Comments from local residents about the lack of parking provision for each dwelling is noted. However, whilst the plans are indicative and are only showing 2 cars for illustrative purposes, the curtilages can accommodate the standards required.
- 7.6.3 Turning to visitor parking provision, the Council's Parking Standards SPD (2021) sets out that there is a requirement to provide 0.25 visitor parking spaces per dwelling. This would equate to a requirement of 1 visitor parking space. The submitted indicative layout plan does not provide for visitor spaces. However, there is an area to the front of plot 2 which measures approximately 10m deep and 10m wide which could be removed from the curtilage of this plot to provide a visitor parking area without reducing the plot of this property to such an extent that it would fail to meet relevant planning policy requirements. In this regard, whilst the submitted plans do not provide reference to visitor parking, it is considered that the site offers sufficient space for it to be provided as part of a future reserved matters application without compromising the dedicated parking spaces or pedestrian movements around the site.
- 7.6.4 Herts County Council (HCC) as Highways Authority have assessed the application and raised no concerns. They advise that should future reserved matters applications come forward then they would require the submission of a construction management plan and details of cycle storage and waste/recycling storage.

- 7.6.5 The overriding concern from local residents relates to on-street parking in the vicinity. Officers undertook site visits and found that whilst there is some on-street parking near to the site, especially of vans close to junctions, and no parking restrictions, there was no discernible level of congestion found. Further, all houses in the area appear to have off-street parking for at least 2-3 vehicles which meets the standards for 3- and 4-bedroom dwellings in the Parking Provision SPD. HCC Highways also advised that there have been no accidents near the site in a rolling 5-year period and they have raised no concerns relating to highway safety.
- 7.6.6 Given the size of the front curtilages, it is unlikely that there would be an overspill of parking onto the adjacent highway network from these two dwellings.
- 7.6.7 Cycle parking and electric vehicle charging would be reserved matters for future consideration. However, an assessment needs to be made to ensure they can be accommodated. In regard to cycle parking, the Council's Parking Standards SPD stipulates for this development, there is the requirement to provide 3 spaces per 3-bedroom unit and 4 spaces per 4-bedroom unit. The plot sizes and layouts are of sufficient size that secure cycle parking can be accommodated within the rear gardens without compromising the overall amenity of the rear gardens. Full details of the size and location would be a matter for the reserved matters application in future, but it is considered that the development would be acceptable in this regard.
- 7.6.8 Turning to electric vehicle parking, The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network, but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases.
- 7.6.9 Whilst no details are required as part of this outline application, it is considered that the proposed parking spaces could meet the aforementioned requirements. This would be requested as part of any future reserved matters application and secured via condition.
- 7.6.10 Concerns from local residents regarding flooding from hardstands is noted. This can be mitigated through the imposition of a condition which requires hardstands for parking to be constructed from permeable surfacing or measures put in place to absorb surface water run-off within the curtilage.
- 7.6.11 Concerns from local residents regarding the safety of users of the nearby cycleway are noted. HCC Highways raised no concerns in this regard. Notwithstanding this, the proposed access for the dwellings is approximately 10m from the cycleway which is considered an acceptable distance so as to not restrict visibility of users.
- 7.6.12 Given the aforementioned assessment, and through the use of appropriately worded conditions, the development would be in accordance with the policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2023) and PPG.

7.7 Impact on the environment

- 7.7.1 The application site according to historic OS Maps of the site, sets out that prior to the surrounding housing development being developed out in the 1960s, the site was part of open fields. Therefore, there would be very low risk of contamination.
- 7.7.2 Following consultation with the Council's Environmental Health Section, they do not raise any concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy is submitted for approval in the event contaminants are identified during the construction phase of development.

7.7.3 Concerns from local residents regarding the sewer network being unable to cope with additional dwellings are noted. However, Thames Water were consulted on the application, and they have confirmed that they have no concerns or objections to the proposed development.

Groundwater

7.7.4 The application site is not located within a Source Protection Zone (SPZ) and no concerns have been raised by Thames Water. It is noted that Affinity Water state the site is within a SPZ; our records indicate the site is within Zone 3 which covers the entirety of Stevenage and is not therefore an area of specific concern.

7.7.5 A number of objections were received in relation to the location of Affinity Water mainline water pipes running through the site. The previous application for 3 dwellings was withdrawn due to Affinity Water raising concerns about the siting of the dwellings in the “no-build” zone around their infrastructure.

7.7.6 Affinity Water were consulted on this revised application and re-affirmed their objections on the basis that no building should take place within 10m either side of the 24-inch water main which runs through Marlborough Road and crosses the northern part of the site. A Deed of Transfer between Stevenage Development Corporation and Lee Valley Water Company dated 21 February 1964 does not state any easement widths around the water main within which building is excluded. Further, the standard Affinity Water Easements for a 24-inch pipe is 8m (4m either side).

7.7.7 As such, the objection from Affinity Water on the basis that no building should take place within 10m either side of the pipe is not agreed as it does not meet their own standards and is therefore deemed unreasonable. The indicative site layout shows that the two dwellings could be sited on this land without infringing on an 8m easement.

Air Quality

7.7.8 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within or in close proximity to an Air Quality Management Area (AQMA).

7.7.9 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.

7.7.10 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small rise in NO₂ emissions which in accordance with IAQM/EPUK guidance is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council’s Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

7.7.11 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.

7.7.12 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the

CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.

7.7.13 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these would be dealt with by the Borough Council's Environmental Health department.

7.7.14 Environmental Health have assessed the application and raised no concerns in relation to noise. Should future issues arise then Environmental Health would have powers to act in this regard.

Light Pollution

7.7.15 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:

- a) the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
- b) health and safety of the public; and
- c) The compliance with statutory environmental quality standards.

7.7.16 Turning to the operational side of the development, the applicant has not submitted a detailed lighting strategy. However, any external domestic lighting is not considered likely to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties. Notwithstanding, details of external lighting can be dealt with at the reserved matters stage.

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

7.8 Trees and Landscaping

7.8.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.

7.8.2 Landscaping is a reserved matter for future consideration and as such full landscaping details and details of tree protection measures for the retained trees on site would be submitted as part of a future application.

7.8.3 A total of 13 trees are scattered across the site which are identified in the submitted ecological appraisal as: Cherry and Rowan to the east, a single Ash in the centre, and four Norway Maple to the west. A Weeping Willow and Pine are noted to be outside the site boundary to the south. The proposed development would see the re-planting of 5 trees within the site and the retention of the large hedgerow on the southern side of the site, although it is acknowledged that there would be an overall loss of 8 trees.

7.8.4 The Council's Arboricultural and Conservation Manager has assessed the application and raised no concerns or comments about the loss of the trees. He has requested that the lost trees will need to be replaced at a ratio of 3:1 and would like this carried out along the highway verge of Six Hills Way. Whilst comments from local residents objecting to the loss

of trees is noted, there would be 24 new trees provided in the vicinity, which is a net gain overall of 11 trees (a 2% increase) which is considered a public benefit to the scheme.

7.8.5 In 2019 the Council declared a climate emergency. The Climate Change Strategy (Sept 2020) outlined the target of planting at least 2000 new trees by 2030. This scheme will assist the Council in delivering this target.

7.9 Biodiversity, Ecology and Protected species

7.9.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and 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:

- i. Permitted development;
- ii. Householder development, including extensions;
- iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
- v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building.

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

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

7.9.4 The trees around the site have potential for nesting birds, and it is therefore recommended that any tree works, or scrub removal is undertaken outside of the bird breeding season (which runs from March – August inclusive). If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged.

7.9.5 None of the trees on site have bat roosting potential. It is recommended that any external lighting is directed away from retained trees to minimise any potential impacts on foraging or commuting bats.

7.9.6 The ecological appraisal concludes that the site habitats have limited ecological interest, and given the size of the site, there are limited opportunities for habitat retention or creation and as such a biodiversity net gain is not achieved. This is discussed in more detail below. The report goes on to conclude that suitable mitigation measures for bird and bat boxes as well as hedgehog cut-outs should be considered. This would be a matter for a future reserved matters application, although a condition can be imposed at this stage to ensure that it is secured through the reserved matters.

7.9.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be a shortfall of 0.743 habitat units and 0.048 hedgerow units. Herts and Middlesex Wildlife Trust advise that to get to 10% net gain the applicant will need to provide a financial contribution. The biodiversity financial contribution would be secured via a s106 legal agreement should planning permission be granted and the money would be spent on improving biodiversity on another site in Stevenage to be agreed with the Council's Green Spaces Development officer, although they have indicated that it could be used towards the provision of 100sqm of scrub habitat at Fairlands Valley Park.

7.10 Other Matters

Sustainable construction and climate change

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

- reducing energy demand;
- using passive environmental systems, e.g., natural ventilation;
- daylighting and passive solar gains;
- using high levels of insulation and air tightness in the fabric of the building;
- specifying energy efficient services, controls, and appliances;
- implementing water recycling and the provision of water butts;
- using renewable energy;
- using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
- using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.

7.10.2 No details have been provided with the application and therefore it is considered appropriate to impose a condition on any decision issued to secure the details.

Waste and Recycling

7.10.3 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. Layout is a reserved matter and as such details for the provision for general waste and recycling will be submitted under a future application. However, the indicative layout plan shows that both properties have sufficient plot sizes to be able to store the required vessels within their rear gardens and be within 15m of the road in terms of drag distance which complies with the 30m maximum in Manual for Streets.

Community Infrastructure Levy

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

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

7.10.5 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.

7.10.6 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.

Equality, Diversity and Human Rights

7.10.7 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.

7.10.8 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.

7.10.9 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.

7.10.10 The proposed development would not have any material impact on persons with any of the protected characteristics listed under the Equalities Act.

7.11 Matters Raised in Representations

- 7.11.1 Matters relating to profit and impact on house values are not material planning considerations and as such cannot be taken into consideration when determining this application.
- 7.11.2 The dwellings under construction on land to the east of Gresley Way were granted planning permission by East Herts District Council and the land is not within the boundary of Stevenage Borough Council. As such, suggestions that the proposed dwellings are incorporated into this development or that this development negates the need for housing within Stevenage are not material planning considerations with respect to this application. Notwithstanding and as set out in para 7.2.3 of this report, Stevenage has an identified need for housing in which this development would make a small contribution towards.
- 7.11.3 A number of questions were raised relating to the applicant. The application has been submitted by the Estates Department of Stevenage Borough Council. The application form was completed with an Estates Officer's name rather than the Estates Department. The land has not been sold to the applicant, nor is he applying as a private individual. Accordingly, it is not considered that there has been any mis-use of office. In line with the Council's Constitution, as the applicant is Stevenage Borough Council, the application has been referred to the Planning Committee to be determined.
- 7.11.4 The owner of No.2 Marlborough Road has applied to the Estates Department to purchase some of the land after the application was submitted. This is a matter for the Estates Department to deal with and is not a reason to refuse, or defer determining, the application. Moreover, the sale of land is not a material planning consideration and is a commercial matter.
- 7.11.5 Requests to install double yellow lines would be a matter for the Council's Engineering department to deal with and is not a consideration for this application.

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 required to apply the tilted balance by reason of its housing delivery position. Accordingly, Paragraph 11(d) of the NPPF is engaged and the subsequent presumption in favour of sustainable development is a key material consideration in the assessment of this application. This policy position tilts the planning balance in favour of the application.
- 8.2 The proposed development would result in the delivery of 2no. three- or four-bedroom dwellings, which would make a small but nonetheless significant contribution towards meeting the Borough's housing needs. This is due to paragraph 11(d) of the NPPF being engaged. 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 The trees to be removed would be replaced on site with five trees. Additionally, through a S.106 Unilateral Undertaking, the Council can secure funding for an additional 24 trees to be planted in the Six Hills Way area which will provide a substantial public benefit. It would also

compensate for the trees which will be lost via this development. Further, financial contributions will be secured via a legal agreement to deliver a 10% net gain in biodiversity. This carries moderate weight in favour of the proposal.

- 8.5 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. RECOMMENDATIONS

- 9.1 That outline planning permission is GRANTED subject to the applicant having first entered into a s.106 Unilateral Undertaking to secure/provide financial contributions towards:-

- Funding for 24 new trees;
- Securing the provision of a 10% net gain in Biodiversity off-site within Stevenage;
- S.106 monitoring fee.
- Monitoring fee.

- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair and Vice Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

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

01; 03D;

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

- 2 Approval of the details of the layout, scale, appearance, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of any part of the development.

REASON:- To comply with the provisions of Regulations 6 and 7 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before 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

- 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON:- To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

- 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 7 of "Preliminary Ecological Appraisal" authored by CSA Environmental and dated May 2023 unless otherwise agreed in writing by the Local Planning Authority.
REASON: To prevent unacceptable harm to habitats and species.
- 9 No development shall commence (including site clearance) until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Management Statement shall include details of:
- a) Construction vehicle types and numbers;
 - b) Access arrangements to the site;
 - c) Construction and storage compounds including areas designated for loading/unloading and turning areas;
 - d) Timing of construction activities (including delivery times and removal of waste) to avoid school pick up/drop off times;
 - e) Provision of sufficient on-site parking for contractors/operatives prior to commencement of construction activities;
- REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).
- 10 Before any development commences, including any site clearance or demolition works, any trees on the site shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.
REASON:- To ensure that the retained tree(s) are not damaged or otherwise adversely affected during site operations.
- 11 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 12 No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a) roads, footways;
- b) cycleways;
- c) foul and surface water drainage;
- d) visibility splays;
- e) access arrangements;
- f) parking provision in accordance with adopted standard;
- g) loading areas;
- h) turning areas.

REASON:- To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 13 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.

- 14 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.

- 15 Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.

REASON: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

- 16 No development shall take place above slab level until details (make, model, location) of integrated (installed within the brickwork) bat boxes, integrated swift boxes and hedgehog holes in boundary fencing has been submitted to and approved in writing by the Local Planning Authority. These must be fully installed in accordance with the approved details prior to occupation and retained as such thereafter.

REASON:- To conserve and enhance biodiversity in accordance with NPPF

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

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

INFORMATIVE

1 Public Information on Planning Applications

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

2 **Community Infrastructure Levy**

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

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this.

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

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

3 **Building Regulations**

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

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

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

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

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

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

4 **Party Wall etc. Act 1996**

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

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

5 Hertfordshire County Council as Highways Authority

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway.

If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

6 Hertfordshire County Council as Highways Authority

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

7 Hertfordshire County Council as Highways Authority

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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 December 2023 and Planning Policy Guidance.