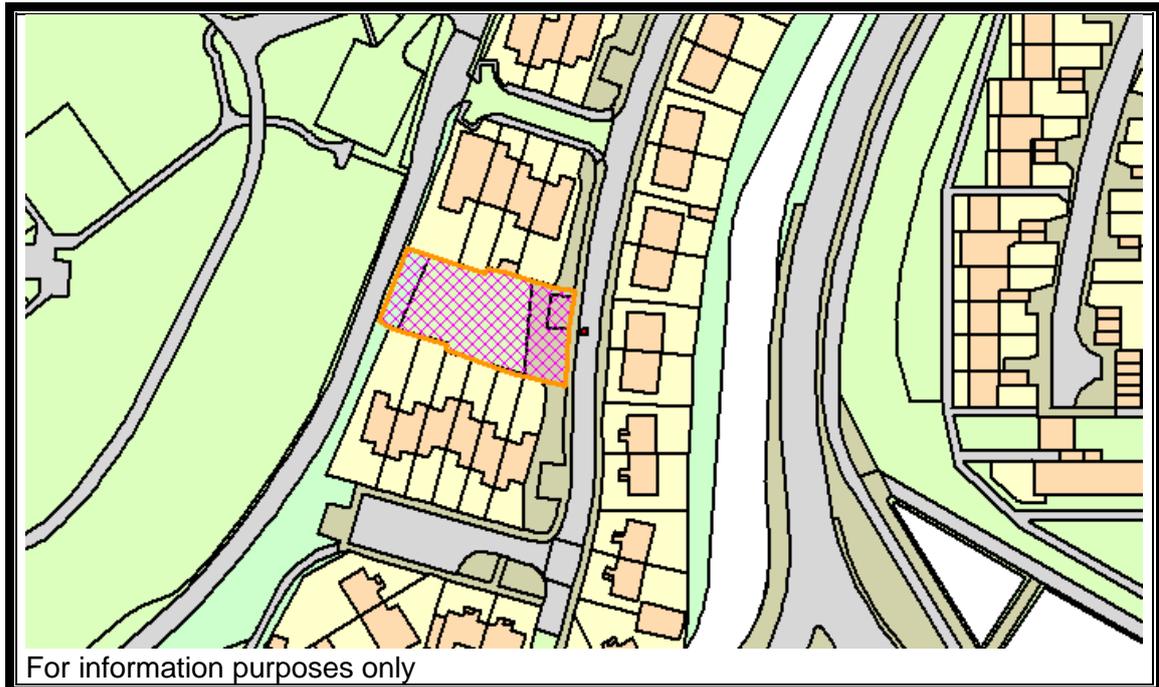


Meeting:	Planning and Development Committee	Agenda Item:
Date:	9 January 2024	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00637/FP
Location :	Land Opposite 25 and 26 St Albans Drive, Stevenage, Herts
Proposal :	Erection of 3 no. 3 bedroom dwellinghouses with associated parking, landscaping, access and ancillary works.
Drawing Nos.:	LS2077-01; 22077.su1.01; 22077.su1.02; 22077.wd2.03; 22077.wd2.04; 22077.wd2.05; 22077.wd2.01-B; 22077.wd2.02-A;
Applicant :	Stevenage Borough Council
Date Valid:	16 August 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The site currently comprises an informal area of public amenity space to the rear of two sets of terraces, Nos. 37 to 46 St Albans Drive which is fully laid to grass. The western boundary of the site is enclosed with tall, mature hedgerow and trees with the highway of Weston Road and the cemetery beyond, whilst the eastern boundary is open to the highway of St Albans Drive and has a communal parking bay for approximately 3 vehicles.

- 1.2 The surrounding properties are generally two storeys in height and of a uniform scale, design, and materials. They are constructed of red brick to the ground floor and buff/yellow brick to the first floor with dual pitched tiled roofs. Opposite the site, to the east, is a pair of bungalows constructed with red brick with dual pitched tiled roofs.
- 1.3 During the case officer's site visit it was noted that there appears to be some moderate on-street parking congestion in only some parts of St Albans Drive, with the northern and southern ends being most congested.

2. RELEVANT PLANNING HISTORY

- 2.1 None.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of 3no. three-bedroom dwellings with 6no. car parking spaces on land which is owned by the Council and designated as an informal area of public open space.
- 3.2 The existing communal parking bay will be retained in-situ and remain unchanged.
- 3.3 This application has been referred to the Planning and Development Committee for its decision as Stevenage Borough Council is the landowner and applicant and there have been more than 5 objections to the application.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of site notices, 117 letters of representation were received.
- 4.2 A summary of the comments received are set out below:

- Lack of public engagement;
- Loss of public open green space for children to play and dog walkers;
- Already lost children's playground and now this land;
- There would be no green space left in the street;
- Area is used by local nursery in the summer;
- Many school children use this road to access local schools;
- Unattractive and out of keeping with area;
- Loss of outlook and privacy;
- Loss of views;
- Will block daylight and sunlight;
- Exacerbate on-street parking congestion;
- Construction traffic will block the road and access to properties;
- Disruption from construction noise, dust and traffic;
- Only for the wealthy and not local residents;
- Do not need 3 houses when 800 are being built across the road on Forster Country;
- Swift and bat boxes should be installed;
- Loss of wildlife;
- Will remove rear access to gardens;
- Is it even financially viable/possible to build 3 houses?
- Could increase crime rates;
- Will affect house prices;

- Will lose the parking bay next to the site;
- Greed of Council;
- Build them somewhere else;
- Side extension to No.46 refused on grounds of being detrimental to open character of street scene;
- Does not comply with front to back or back to side separation distances;
- Contrary to policy HC4 for loss of health and community facilities;
- No biodiversity net gain identified;
- Solar panels and air source heat pumps are not adequate under Building Regulations to meet climate change adaptations;
- This is not a fabric first approach development and will not likely achieve future homes standards;
- No drainage strategy supplied – remove greenspace, remove natural flood defence;
- There is enough housing in the town if it was used properly;
- Residents who have lived here 20-30 years should not have to put up with this;
- Cycle sheds need to be at the front not in rear gardens to encourage their use.

4.3 The aforementioned is not a verbatim copy of the objections which have been raised. Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1. Thames Water

5.1.1 Having reviewed the details, we have no comments to make at this time.

5.2. SBC Environmental Health

5.2.1 No objections subject to standard conditions for contaminated land, dust emissions and noise.

5.3. SBC Parks and Amenities Green Spaces Manager

5.3.1 A Biodiversity Net Gain calculation is required and if a shortfall is identified then a financial contribution will be required to off-set the loss elsewhere. We have concerns regarding the hedgerow and scrub habitat along the western boundary and loss of habitat – we would need to see full landscaping proposals to ensure benefits to local wildlife are secured. All rear access paths must be hard landscaped. Details of the landscape management will be required. Planting adjacent to the car parking areas is of concern so consideration will be required for opening of car doors, vehicle overhangs, visibility, access and egress. Planting will need to ensure no washing of soil on to surrounding paths and roads.

5.4. Herts County Council as Highways Authority

5.4.1 The Highways authority does not wish to restrict the granting of planning permission subject to conditions requiring details of visibility splays.

5.5. Herts Police Crime Prevention Design Advisor

5.5.1 Pleased to see the scheme designed to meet Secured by Design as this is proven to reduce incidents of burglary by more than 70% and can also significantly reduce opportunities to commit vehicle crime and anti-social behaviour. There were 17 incidents between August 2022 and July 2023, of which 10 were for anti-social behaviour and 4 were assaults. Given this, we support the application.

5.6. SBC Arboricultural and Conservation Manager

- 5.6.1 From an Arboricultural viewpoint, I have no objections. However, the boundary fences must not impact on the mature hedgerow to the rear. The mature Ash and Field Maple trees in the hedgerow could potentially impact on the proposed gardens in the afternoons and therefore a condition will be required to secure relevant and necessary works to the hedgerow.

5.7 Herts and Middlesex Wildlife Trust

- 5.7.1 No comments provided.

5.8 Affinity water

- 5.8.1 No comments provided.

5.9 SBC Waste and Recycling Manager

- 5.9.1 No comments provided.

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 issues for consideration in the determination of this application are the acceptability of the proposal in land use policy terms, both as a windfall housing site and loss of amenity space; design and impact on the character and visual amenity of the area; amenity of future occupiers and neighbouring properties; and highways, access and parking provision.

7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material 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 St Albans Drive, 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 which is fully grassed. There is a mature hedgerow containing some trees on the western rear boundary whilst the western front boundary is open to the vehicular highway. Informally, the land is used by local children for play and is of a good size to accommodate this informal function. There are some smaller pockets of open space within the street, and a much larger area 100m to the north which is fully bounded by residential dwellings and soft landscaping so as to provide a safer environment for children to play without encountering vehicular traffic.
- 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 located close to an established bus route along Canterbury Way and Great Ashby Way. Two secondary schools, two primary schools, the historic Old Town High Street and the St. Nicholas Neighbourhood Centre are within 10-20 minutes' walk, whilst a large Sainsbury's supermarket is a 5-10 minute drive. As such, the application site is considered to have a good level of access to local facilities and alternative forms of travel to the private car and therefore deemed to be within a reasonably 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 Government's 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 three 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 on the western side of St Albans Drive, bounded by terraced dwellings to the north and south and the vehicular highway to the east. It is a modest sized area of grassland. The western boundary contains a mature hedgerow, associated scrub habitat and some mature trees, with the highway of Weston Road beyond.
- 7.2.17 The overall land size is approximately 730sqm and measures approximately 40m deep and 20m wide. It is fully laid to grass with an area of communal off-street parking at the front. It offers a strong, positive contribution to the street scene and wildlife. There is another similar, albeit smaller area of land just to the north and a further, much larger area of land at the far northern end of the road although this only appears to be publicly accessible via a small alleyway which may not be immediately clear to members of the public. There is a substantial public open park between Great Ashby Way and Ripon Road which offers football pitches, generalised open space and a children's play area.
- 7.2.18 Given the aforementioned assessment, it is considered that there are other areas of amenity space for recreation use and suitable hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against. The benefits of providing additional housing are considered to outweigh any harm caused by the loss of this small area of open space.
- 7.2.19 There is a large area of public open space at the northern end of St Albans Drive, 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 100m to the north.
- 7.2.20 There are a large number of mature trees, hedgerows, wild highway verges and wooded areas in the vicinity which all provide a haven for wildlife and are not due to be removed.

Conclusions on Principle of Development

- 7.2.21 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.
- 7.2.22 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. Therefore, in providing three new market dwellings, 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 dwellings, but this is a neutral matter. The construction activity would provide a small boost to the local economy.
- 7.2.23 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.
- 7.2.24 Having regard to the above, it is considered that the loss of the open space is justified, given the significant benefits of providing three market dwellings due to paragraph 11(d) of the NPPF being engaged. It follows that the development is acceptable in principle.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 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.
- 7.3.2 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 application site is located in a residential area. The properties in this neighbourhood are uniform in scale, design, and massing and all have good sized private rear gardens. The properties are all constructed in red brick at ground floor and buff-yellow brick at first floor with dual pitched tiled roofs. There are some bungalows which are constructed with red brick and dual pitched tiled roofs.
- 7.3.13 In terms of visual appearance, the submitted plans show that the proposed terrace of dwellings would be two storey and constructed with red brick and a dual pitched tiled roof with solar PV panels on the western front roof slope and a flat roof canopy over the front door. The prevailing character on this western side of St Albans Drive is for the terraces to be aligned north to south, whilst this proposal seeks to align the properties east to west. Whilst this would be at odds with the character on the western side of the road, the properties on the eastern side of the road are aligned in the same manner as the proposed dwellings so it would not be entirely out of keeping with the overall setting of the street scene.
- 7.3.14 The siting of the parking spaces to the front of the development is acceptable as this is the case for a number of communal parking areas along the road.
- 7.3.15 The western boundary hedgerow and trees would remain untouched and would therefore preserve this high-quality amenity and screen the properties from Weston Road.
- 7.3.16 Comments from local residents regarding a previously refused planning permission for No.46 St Albans Drive on the basis of harming the street scene are noted. The application in question, 19/00207/FPH was withdrawn by the agent and not refused. This application related to the erection of a two-storey side extension on an end of terrace dwelling adjacent to the vehicular highway. This would have extended the building line towards the highway to the detriment of the rhythm of the street scene. The proposed development that forms this current application is not the same and the proposed dwellings would be set behind the established building line and therefore this historic application is not a material consideration in the assessment of this current application.
- 7.3.17 Overall, the proposed development would be acceptable in design, scale and massing and with the use of high-quality materials, it would have an acceptable appearance in the street scene and therefore not unduly harm the visual amenities of the area.

7.4 Impact on Neighbouring Amenities

Outlook and Amenity

- 7.4.1 In relation to the impact of the proposed development on existing residential amenity, the most affected properties would be Nos. 37-42 to the south and Nos. 43-46 to the north. Nos.25 and 26 are the closest properties to the east of the site.
- 7.4.2 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

- 7.4.3 Given the orientation of the proposed dwellings, they would have a back to side relationship with the northern and southern neighbouring properties. In this regard, there is a requirement for a minimum separation distance of 15m. The submitted plans show that this would be achieved at first floor level. There is no front-to-front separation distance in the Design Guide, however the front of the proposed dwellings would be approximately 28m from the front of the bungalows to the east of the site. This is considered acceptable.
- 7.4.4 There are 2no. windows proposed at both ground floor and first floor on both side elevations of the proposed dwellings. However, these would all serve bathrooms or W.Cs and as such would be obscurely glazed so no direct overlooking or loss of privacy would occur in this regard between the dwellings and the neighbouring properties. In terms of future protections, it is not possible to install new windows at first floor on the side elevations that are clear glazed without planning permission so the Council would be able to control this aspect in future if it were to arise.
- 7.4.5 In terms of outlook, the separation distance between the rear habitable windows of the northern and southern neighbouring properties is adequate to ensure a level of outlook is maintained. The habitable rooms in the proposed dwellings would have sufficient outlook to both the front and rear.

Daylight and Sunlight

- 7.4.6 An independent sunlight and daylight assessment by a qualified and competent person has been undertaken in line with the guidance set out in the Building Research Establishment (BRE) (2022) "Site Layout Planning for Daylight and Sunlight, a guide to good practice" and submitted with the application. The following sections of this report relate to the submitted assessment.
- 7.4.7 The results confirm that the proposed development does not fully comply with the BRE numerical guidelines (see 7.4.9). However, the BRE guide makes clear that, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.
- 7.4.8 Dealing with daylight, the BRE guidelines operate on the principal that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the VSC is below 27% but is not reduced to less than 0.8 times its former value, then the reduction in daylight would not generally be noticeable to the owner/occupiers and therefore, the level of impact is not sufficient to warrant refusal. Further, the distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 7.4.9 All windows on properties 37 to 43 St Albans Drive that require a pass for VSC do so, except one at No.41 (identified as window 39 in the report). However, the room served by that window, is also served by another window which passes the test; further the failed window is already partially obstructed by the projecting wing of No.41.
- 7.4.10 With regards to the daylight distribution test, all rooms with a requirement for daylight pass the daylight distribution test.
- 7.4.11 Turning to sunlight and overshadowing, all windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the

total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

- 7.4.12 All gardens and open spaces tested meet the BRE recommendations for overshadowing.
- 7.4.13 The submitted report also identifies that there would be a very small increase to shadowing of the rear gardens of the northern neighbouring properties but that this overshadowing would be limited to the bottom of the gardens and would not impact on the dwellings nor the immediate rear patio areas (appendix 3 of the submitted Daylight and Sunlight Assessment).
- 7.4.14 The results demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties. Non-compliance with the BRE recommendations is limited to the vertical sky component test in respect of one window at 41 St Albans Drive. Taking into account the overall high level of compliance with the BRE recommendations, and the mitigating factors set out in 7.4.9, there is no daylight or sunlight reason why planning permission should not be granted.

Private Amenity Space

- 7.4.15 In respect to private amenity space, section H (Homes and Buildings) of the Design Guide SPD (2023) requires that all dwellings should have private amenity space. Developments should normally aim to achieve a minimum useable communal area of 50 square metres per dwellings with a minimum depth of 10m. Garage courts, parking areas and bin storage areas are not considered as part of the useable garden amenity requirements.
- 7.4.16 The submitted site layout plan shows that all dwellings would meet this requirement and the development is therefore acceptable in this regard.
- 7.4.17 The existing footpath access to the rear gardens of existing dwellings would be retained so no loss of access to those gardens already served by rear access would occur. It is noted that No.37 to the south does not have a rear gate on their boundary and so whilst the development would extend along their rear garden, it would not be removing any existing access. Additionally, Nos. 43 and 44 to the north do not currently have a footpath to the rear of their garden for access but under the proposed development, a footpath would extend across their rear gardens allowing for future access subject to easement permissions from the future landowners. Rear access for the middle property in the proposed terrace would be via a footpath that runs around the northern and western boundary of the northern house in the terrace.

Living Space Standards

- 7.4.18 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards (NDSS). Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.
- 7.4.19 The submitted plans show that all dwellings exceed the overall floor space standards for a two storey, three-bedroom, four person dwelling and all bedrooms meet the minimum floor space requirements.
- 7.4.20 The proposed development would have sufficient private amenity space and gross internal floorspace which ensures the amenities of future occupiers would be acceptable and therefore the proposed development would comply with Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2023) and planning practice guidance.

7.5 Car Parking and Cycle Provision

- 7.5.1 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. The submitted site layout plan shows that 6 spaces will be provided to the front of the development, adjacent to the existing communal parking bay.
- 7.5.2 Turning to disabled parking, in line with the Council's adopted Standards, 5% of the total number of spaces should be designated for disabled persons and should be incorporated within the provision and not necessarily in addition to it. The submitted plans show one space which is acceptable.
- 7.5.3 Visitor spaces are required at a standard of 0.25 spaces per dwelling, so 3 units will require 0.75 spaces, rounded up to 1 space. As the parking is unallocated then additional visitor spaces would not need to be provided.
- 7.5.4 It is noted that the existing three bay communal parking area at the front of the site will be retained as it is.
- 7.5.5 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). The recently adopted SPD requires one cycle parking space per bedroom. The submitted plans show that there is a cycle storage area within the rear garden of each property which is considered acceptable. Comments from local residents regarding the provision being within the front curtilage are noted, however, it is considered that providing the storage within the rear gardens is safer for the occupants.
- 7.5.6 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. This can be secured with a suitably worded condition.
- 7.5.7 Herts County Council (HCC) as the Highways Authority have assessed the application and are satisfied that the development would not cause harm to highway safety and the Local Planning Authority has no reason to go against the advice of the Highway Authority in this regard.
- 7.5.8 A major 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 with no parking restrictions, there was no discernible level of congestion found close to the site. Most of the congestion appears to be at the northern and southern ends of St Albans Drive. Further, houses in the area appear to have off-street parking for at least 2 vehicles which meets the standards for 2- and 3-bedroom dwellings in the Parking Provision SPD. HCC Highways raised no concerns relating to highway safety.
- 7.5.9 The Highways Authority have requested that a condition is imposed should permission be granted that requires the submission of a Construction Management Plan (CMP) prior to commencement of development. The CMP would require full details of the construction vehicle numbers, parking arrangements, traffic management and storage compounds amongst other things, to be submitted and approved by HCC Highways before the development can commence. In this regard, suitable mitigations can be put in place to minimise impacts on local residents. Failure to comply with the requirements of the CMP can be dealt with through the Council's enforcement powers where necessary.
- 7.5.10 The Highways Authority have also requested a condition requiring the submission of a plan showing the vehicle – pedestrian visibility splays. This plan has been submitted by the

applicant prior to a decision being made and therefore it is considered acceptable to impose a condition requiring adherence to this plan.

7.5.11 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.

7.6 Impact on the Environment

7.6.1 The application site is an area of open grassland and prior to the original development, the site was part of open fields. Therefore, there would be very low risk of contamination.

7.6.2 Following consultation with the Council's Environmental Health section, they have raised no concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy to be submitted for approval in the event that contamination is identified during the construction phase of development.

Groundwater

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

Air Quality

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

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

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

Noise Pollution

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

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

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

Light Pollution

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

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

7.6.11 Turning to the operational side of the development, the dwelling would be set back from the main highways and therefore any external lighting is not considered to prejudice highway safety or cause a substantive nuisance to neighbouring residential properties.

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

7.7 Trees and Landscaping

7.7.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. The site contains no trees although there is a mature hedgerow with associated scrub habitat and mature trees along the western boundary of the site.

7.7.2 The Council's Arboricultural Manager and Green Spaces Development Officer have raised no concerns from an Arboricultural viewpoint although they have raised concerns over the potential impact on the boundary hedgerow. The Arboricultural Manager has requested that a management plan is provided to undertake works to some of the trees within the hedgerow to ensure there is no impact between the trees and the proposed dwellings. This can be secured via a condition. They have also requested that any boundary treatments are carefully considered to ensure they do not impact on the hedgerow and associated scrub habitat and that all footpaths in that area are hard surfaced to ensure access to the hedgerow for maintenance.

7.8 Biodiversity, Ecology and Protected Species

7.8.1 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.

- 7.8.2 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, hedgerows, 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.
- 7.8.3 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.
- 7.8.4 The trees on the western boundary 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.
- 7.8.5 None of the trees 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.
- 7.8.6 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 should be considered. This can be secured via a suitably worded condition.
- 7.8.7 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 shortfall of 0.07 habitat units, which equates to a 2.03% loss. 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.

7.9 Other Matters

Sustainable construction and climate change

- 7.9.1 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.

7.9.2 The submitted Design and Access Statement provides details of the sustainability of the proposed development. It will be constructed to Building Regulations M4(1) standards and include the following, which can be secured via a condition:-

- Solar photovoltaic panels;
- Air source heat pumps for heating and hot water;
- Construction materials sourced from environmentally sustainable sources;
- All materials recycled wherever possible;
- Fabric first build approach;
- High levels of thermal insulation;
- Low emission heating appliances to meet Part L of the Building Regulations;
- Water saving measures such as flow restrictors, aerated taps and dual flush toilets;
- South facing windows are not expansive in size to minimise solar gains;.

7.9.3 Comments from local residents regarding the use of air source heat pumps and solar PV panels not meeting Building Regulations are noted. In addition, comments around the development also not being a fabric first development which fail to meet Future Homes Standards is also noted. However, these would be for the relevant Building Control authority to determine under any future Building Regulations applications and any subsequent changes to the scheme would be dealt with via formal discharge of planning conditions or amendments to the planning application under Section 73 of the Town and Country Planning act 1990 (as amended).

Waste and Recycling

7.9.4 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The layout plan shows that the properties have sufficient plot sizes to be able to store the required vessels within their rear gardens. The plans also include two areas for placements of receptacles on collection days that are adjacent to the parking area at the front of the site, and within 15m of the road in terms of drag distance, which complies with the 30m maximum in Manual for Streets.

Community Infrastructure Levy

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

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

Retail development	£60/m ²
All other development	£0/m ²

7.9.6 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.

7.9.7 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.

Equality, Diversity and Human Rights

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

7.9.9 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.

7.9.10 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.9.11 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use and the dwelling has been assessed to not result in harm to neighbouring properties through overlooking or loss of privacy. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.

7.9.12 The scheme also seeks to deliver the necessary disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size and construction standards and have been located in an appropriate location in close proximity to the entrance of the dwellings.

7.9.13 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

7.10 Matters Raised in Representations

7.10.1 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. It is not for

the Council as Local Planning Authority to consider why the Council as landowner is selling the land for development as this is a commercial decision which is not a material planning consideration. The Local Planning Authority can only assess the application on material considerations and issues relating to the development proposal which have been covered in the preceding report.

- 7.10.2 Whilst financial viability is a material consideration, it is only for consideration on larger development proposals where the developer is unable to meet planning obligations such as affordable housing or financial contributions. Where developments are for less than 10 houses, the Local Planning Authority is not required to consider development viability.
- 7.10.3 The dwellings under construction on land known as Forster Country is not relevant to the determination of this application. Each application is determined on its individual merits and the Council's own housing stock/empty properties is not a material consideration in this application. Notwithstanding and as set out in section 6 of this report, Stevenage has an identified need for housing in which this development would make a small contribution towards.
- 7.10.4 The land being used as a cut through by local school children is noted, however, the development does not impact on the public footpaths which adjoin the site so pedestrians would not be impacted in this regard and could still navigate through St Albans Drive.
- 7.10.5 Comments regarding the publication of the application are noted. The application was received on 16 August 2023 and all letters to neighbouring properties were sent out on 17 August 2023. Any postal delays in the receipt of the letters are out of the control of the Council. Additionally, a site notice was erected at the site on 22 August 2023 which was 3 working days from the application being received as a valid submission. In this regard, the Council undertook its requirements for publication of the application in an acceptable and timely manner in accordance with Central Government legislation.
- 7.10.6 Policy HC4 of the Local Plan relates to health, social and community facilities as defined by the Town and Country Planning (Use Classes) Regulations 2020 for classes C2, D1 (now E or F1) and D2 (now Sui Generis, E or F2). As the application relates to an area of open space, it is not covered by this policy.
- 7.10.7 Development proposals that are classified as minor (less than 10 houses) are not required to provide a Flood Risk Assessment, providing the development does not fall within Flood Zone 2 or 3. Notwithstanding, surface water flooding is a consideration in the determination of this application. Dealing firstly with flooding from for example rivers and watercourses, the site is located within Flood Zone 1 as defined by the Strategic Flood Risk Assessment which is a supporting document to the adopted Local Plan and the Environment Agency Flood Risk Maps and is therefore considered to be at low risk to flooding.
- 7.10.8 With respect to Surface Water Flooding, the site is identified by the Environment Agency Flood Maps as being of very low risk to surface water flooding (the area has the chance of flooding of less than 0.1% per year). It should be noted that Flood Zone 1 is the primary zone for development as per the NPPF (2023) and relevant planning legislation. Further, Thames Water raised no concerns or objections in this regard or in relation to sewer network capacity. As such, whilst the concerns around the potential for flooding once the development is built out are noted, the additional risk of surface water flooding from the development is deemed to be low due to the site not being identified as being high risk to flooding.

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 3no. three-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. There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only three dwellings, it is considered that these benefits would be limited and only attracts limited weight in favour of the proposal.
- 8.4. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.5. The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and is acceptable in this regard; this carries moderate weight in favour of the proposal.
- 8.6. The development has been assessed to be acceptable in terms of private amenity space in accordance with the adopted Design Guide (2023) and Policy GD1 of the Local Plan (2019). This carries moderate weight in favour of the development.
- 8.7. 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.
- 8.8. 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 planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-
 - Securing the provision of a 10% net gain in biodiversity off-site within Stevenage;
 - SBC Section 106 monitoring fee – 2.5% of the total financial obligations.
- 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, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, 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:
LS2077-01; 22077.su1.01; 22077.su1.02; 22077.wd2.03; 22077.wd2.04; 22077.wd2.05; 22077.wd2.01-B; 22077.wd2.02-A;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 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.
- 4 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.
- 5 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
- 6 The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of "Ecological Impact Assessment" authored by Ecology by Design dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To prevent unacceptable harm to habitats and species.
- 7 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 numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic 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) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays only (These times relate to works which are audible at the boundary)
- l) hours of construction operations including times of deliveries and removal of waste;

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 8 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.

- 9 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of works to the hedgerow, and associated trees and scrub habitat. The scheme shall include details of all existing trees and hedgerows on the land and details of intended works.

REASON:- To ensure that the retained hedgerow and associated trees are suitably managed.

- 10 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.

REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.

- 11 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON:- To ensure the development has an acceptable appearance.

- 12 No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.

REASON:- To ensure a satisfactory appearance for the development.

- 13 No development shall take place above slab level until details (make, model, location) of integrated (installed within the brickwork) bat boxes and integrated swift boxes have 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

- 14 Prior to the first occupation of the dwellings hereby permitted the parking provision, access and visibility splays as shown on approved plan 22077wd2.01-B, shall be constructed, hardsurfaced and made ready for use. Any new areas of hardstanding created, or existing areas which are replaced, shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 15 Prior to the occupation of the dwellings hereby permitted, the parking spaces shown on approved plan 22077wd2.01-B shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development.
- 16 The development hereby approved shall be constructed in accordance with the measures to address climate change as laid out in the Design and Access Statement by Kyle Smart Associates dated June 2023.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 17 Prior to the first occupation of the dwellings hereby permitted, the cycle storage as shown on plan 22077wd2.01-B shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
REASON:- To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 18 Prior to the first occupation of the dwellings hereby permitted, the general waste and recycling storage associated with the development shall be implemented in accordance with the details as specified on plan number 22077wd2.01-B.
REASON:- To ensure the general waste and recycling storage is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.
- 19 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 20 Any trees or plants comprised within the approved plans which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 21 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
REASON:- Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

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

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

INFORMATIVE

1 Public Information on Planning Applications

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

2 Community Infrastructure Levy

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

This application may be liable for CIL payments and you are advised to contact the CIL Team for clarification with regard to this. If your development is CIL liable, even if you are granted an exemption from the levy, please be advised that it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (as amended) that CIL Form 6 (Commencement Notice) must be completed, returned and acknowledged by Stevenage Borough Council before building works start.

Failure to do so will mean you risk losing the right to payment by instalments and a surcharge will be imposed. NB, please note that a Commencement Notice is not required for residential extensions if relief has been granted.

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

3 Building Regulations

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

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

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

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

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation

Drains (when laid or tested)
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

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

4 Party Wall etc. Act 1996

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

5 Herts Police Crime Prevention Design Advisor

Prior to construction the developer is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. The reason for this is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' - Security of Building Regulations".

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

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.

8 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.

9 Hertfordshire County Council as Highways Authority

Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

10 Hertfordshire County Council as Highways Authority

Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

11 Hertfordshire County Council as Highways Authority

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

12 Environmental Health

During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.

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 Practice Guidance.