

Meeting:	Planning and Development Committee	Agenda Item:
Date:	12 August 2024	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	07702 874529

Application No:	24/00387/FPH
Location:	The Barn, Stebbing Farm, Fishers Green, Stevenage
Proposal:	Retention of carport
Drawing Nos.:	Site Location Plan, Site Layout Plan, Elevation
Applicant:	Dr Carl O'Brien
Date Valid:	10 June 2024
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is a detached barn conversion at Stebbing Farm located off Fishers Green Road. It is situated within the curtilage of Stebbing Farm Farmhouse, a Grade II* listed

building in what was originally the farmyard. This application seeks planning permission for the retention of a carport on a plot of land belonging to The Barn. The plot of land measures approximately 6.5m by 12.8m and is contained by a 2-metre high brick wall. The plot currently contains the car port with parking for two cars and a garden shed.

2. RELEVANT PLANNING HISTORY

- 2.1 2/0040/90/FP – Conversion of timber barn to house, detached double garage, raise height of eastern boundary wall to 2 metres granted planning permission 12 February 1993.
- 2.2 2/0041/90/LB – Works to convert barn within curtilage of a listed building to dwelling house involving re-roofing, re-cladding, insertion of doors, windows and ancillary alterations beyond granted listed building consent 12 February 1993.
- 2.3 08/00454/FP – Replacement shed granted planning permission 2 October 2008.
- 2.4 15/00065/FPH – Replacement of velux window with dormer window granted planning permission 8 May 2015.

3. THE APPLICATION

- 3.1 This application seeks planning permission for the retention of a timber framed carport with a low pitch pyramidal roof clad in slate. The carport is sited to the south of the garden shed adjacent to the eastern boundary with No. 3 Kessingland Avenue, the back garden of which faces onto the application property. The carport is supported by four timber posts and measures 3.6m in height (maximum ridge height), with an eaves height of 2.4m. Measured from the application property, the rear post is 78cm from the boundary, the middle post is 58cm and the front post is 37cm from the boundary wall, respectively.
- 3.2 This application was called-in by Councillor Jackie Hollywell to the Planning and Development Committee for a decision. This is due to concerns about the structure being visible from neighbouring properties in Kessingland Avenue and the highway.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letter and the erection of a site notice, 12 objections have been received from Nos. 1, 3, 4, 5, 7 and 9 Kessingland Avenue and two representations of support from Nos. 1 and 3 Stebbing Farm. It should be noted that 5 of the objections have been received from the owner of No.5 Kessingland Avenue (one of which is co-signed with the owners of No.3). Three of the objections have been received from the owner of No.3 Kessingland Avenue, one of which is co-signed with the owners of No.5 and one has been submitted on behalf of the owners of No.3 by a planning consultant. One of the objections is from an address in Ware, outside of the town. A summary of the objections received are as follows:

- Ruins neighbour amenity and should be removed or lowered in height.
- Carport dominant and out of proportion when viewed from No.3 Kessingland Ave.
- Roof tiles do not match those on The Barn.
- Should Listed Building Consent be sought as well?
- Looks prominent and out of place when viewed from No.5 Kessingland Ave.
- No prior consultation with neighbours to minimise impact.
- Is guttering to be fitted and drainage considered?

- Plan fails to show the Access IN Road used by all residents of Stebbings Farm. Unless ownership of road has changed, it was never with The Barn.
- Plan does not show the dividing wall directly to the side of the Carport which divides the owner's land from that acquired by a previous owner, a strip which leads to the front fence and which was previously partly block paved to provide extra parking.
- The carport is actually inset from the boundary of No. 5 and overlooks far more of the garden of No. 3.
- The oak beams of the carport may be in keeping with the internal structure of The Barn, but do not reflect the outside appearance and character of any of the existing buildings.
- The height of the carport is not shown clearly on the carport plan.
- The position of the building and its closeness to the boundary wall, its height, its roof make up and its general structure as well as the mis-matching bricks on top of the wall has meant that the erection of the carport has, particularly for the occupants of No 3 Kessingland Avenue, changed completely the visual outlook and the garden ambiance for the people living in the houses facing the erected car port.
- Query over type of roof tiles used due to sharp knife used to cut them.
- The Carport will be more visible in the Autumn from the farm gate when the trees have lost their leaves.
- Carport extremely close to boundary with Nos. 1 and 3 Kessingland Avenue, is this in keeping? Are there limitations on height and width?
- Carport not in keeping within the curtilage of the Grade II* Listed Stebbings Farm neither in design, colour or construction.
- The front elevation plans fail to include the dimensions of the huge 20 degree pitched roof that already sits on a 2.5 metre structure, which in itself is large and overpowering.
- Imposing structure that dominates the elderly residents of No. 3 Kessingland Avenue's beautifully kept garden.
- Misdated communications sent to select Kessingland Avenue residents.
- Had this exact application been made fairly, fully, correctly and prior to any works starting in the first place, there is no way it would have been given permission without some compromise. Negotiations with the Kessingland Avenue neighbours should continue i.e. lowering of the roof considerably or the structure removed in its entirety.
- The provided elevation plans fail to provide any scale.
- Only a single elevational drawing of the building has been submitted; full elevational details of the building should be required, with an identified scale, and scale bar, to ensure that the building in situ matches the drawings submitted.
- The Barn should be considered a curtilage listed building, and the car port would sit within their settings.
- The carport would appear as a discordant and alien feature, appearing as a contrived addition rather than taking a design led approach which responds positively to the site's context and position.
- The siting of the proposal to the front of the barn, which fails to respect or respond to the historic layout and form of the Listed Curtilage as an agricultural compound, urbanising the site and furthering the harmful appearance of a residential curtilage.
- The proposal is considered to result in less than substantial harm to the setting of the Listed Buildings.
- The proposal does not include any heritage statement which describes the significance of the heritage asset, or the impacts that the proposal has on the heritage asset; as such, it is considered that the application is invalid, and fails to properly recognise the impacts of the proposal on the Grade II* Listed Buildings in line with NPPF requirements, and the validation requirements of Stevenage Borough Council.
- The proposal would result in heritage harm and would not offer any mitigating public benefits to outweigh this harm.
- The proposal is considered to result in a significant overbearing and enclosing impact, which has significant and unacceptable residential amenity impacts on the residents of No. 3 Kessingland Avenue.

- 4.2 Two representations of support have been received from the owners of Nos. 1 and 3 Stebbing Farm:
- Structure is well and thoughtfully designed, in keeping with the existing buildings and enhances the curtilage of the listed building.
 - The car port that has been erected is very much in keeping with the properties in Stebbing Farm, it has been sympathetically and beautifully built with top quality materials.
- 4.3 The aforementioned is not a verbatim 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 BEAMS (Council's Heritage Consultant)

- 5.1.1 The barn is a former farm building, subsequently converted to residential use. It lies to the south of Stebbing Farmhouse (a grade II* listed building) but is now in separate ownership. The Barn was converted to residential use in 1993 whilst in the ownership of Stebbing Farmhouse (which was added to the statutory list in 1976) and was ancillary to the principal listed building at the time the building was listed. As such, the barn was, and still should be, considered a curtilage listed building. Listed building consent would be required for any alterations to the barn itself, whilst planning permission would be required for any development within its curtilage. The area surrounding Stebbing Farm is now built up with modern housing, its former rural setting has been lost.
- 5.1.2 The application is for construction of a car port (already erected) within the garden and adjacent to the driveway, to the east of The Barn. The car port has an oak frame, is open sided with a low pitch pyramidal roof clad in slate.
- 5.1.3 Whilst the roof form / material does not relate well to that of The Barn (which has a traditional pitch roof, clad in clay tile), the car port is set back from the road, part concealed by planting and its low pitch roof does help to limit its visual prominence as seen from the road. It reads as a subordinate structure to the barn and its wider setting is now suburban in character.
- 5.1.4 The car port is not visible from Stebbing Farmhouse (the grade II* listed building). As such the setting (and significance) of Stebbing Farmhouse (designated heritage asset) is preserved. BEAMS also takes the view that the due to the relatively modest nature of the proposed carport, the setting and significance of the curtilage listed, The Barn, is preserved.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:
- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
 - The Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted 2012)
 - The Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (adopted 2014)

- The Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)

6.2 National Planning Policy Framework

6.2.1 A revised National Planning Policy Framework (NPPF) was published in 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 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 In order for a Local Plan to be effective, they need to be kept up-up-date. The NPPF states policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. This is reflected under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which sets out local planning authorities must review local plans every 5 years from their adoption to ensure that policies remain relevant and effectively address the needs of the local community.

6.2.4 The Stevenage Borough Local Plan (2011 – 2031) was formally adopted by the Council on the 22 May 2019. As of the 22 May 2024, the adopted Local Plan is 5 years old and as such, is deemed to be out-of-date. This means that the policies contained in the local plan are deemed to have limited weight with greater weight applied to the framework of policies in the NPPF.

6.2.5 The council is currently carrying out a partial review and update of the local plan. On 5 July 2024, a schedule of proposed changes was published for the first stage of public consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Paragraph 48 of the NPPF 2023 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.2.6 Where there are emerging policies which are relevant to the application, these will be highlighted in the main body of this report.

6.3 Planning Practice Guidance

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

6.4 National Design Guide

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

6.5 Stevenage Borough Local Plan

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

Policy SP8: Good Design

Policy SP13: The Historic Environment

Policy GD1: High Quality Design

Policy NH9/8: Areas of archaeological significance (Fishers Green)

6.5.2 The wording for the above policies within the Local Plan Review document has not changed.

6.6 Supplementary Planning Documents

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

Stevenage Design Guide SPD (2023)

6.7 Community Infrastructure Levy

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would not be liable for CIL as it is a householder application.

7. APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are the impact of the carport on the character and appearance of the area, the impact on the setting of The Barn, which is curtilage listed, the impact on the amenities of neighbouring occupiers and the car 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 Impact on the Character and Appearance of the Area

National Planning Policy Framework and Planning Practice Guidance

- 7.2.1 Chapter 12. Achieving well-designed and beautiful places of the NPPF (2023) stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. Where development is not well designed, permission should be refused.
- 7.2.2 The National Design Guide 2019, which was published by the Government, is a material consideration in the determination of planning applications. It states that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.3 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.

Development Plan

- 7.2.4 Whilst the policies contained in the local plan have limited weight, Policy SP8 generally reflects the requirements of the NPPF in that it requires new development to achieve the highest standards of design and sustainability. In addition, Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

Supplementary Planning Document

- 7.2.5 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.
- 7.2.6 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.

- 7.2.7 In terms of visual impact on the public realm, whilst the roof form and tiles do not relate well to that of The Barn (which has a traditional pitch roof, clad in clay tile), the car port is set back from the road, part concealed by planting and its low pitch roof does help to limit its visual prominence as seen from the road. Viewed from the access up the driveway, it relates well to the brick wall and adjacent timber shed in terms of appearing as a collection of subordinate outbuildings related to The Barn.
- 7.2.8 The low pitch pyramidal roof clad in slate tiles has been chosen to reduce the height of the structure. The applicant has advised matching clay tiles would have required a steeper pitch, increasing the overall height. It is considered the siting, height and roof design of the carport does not harm the character and appearance of the wider neighbourhood when viewed from the highway and is considered acceptable in this regard.

7.3 Impact on setting of The Barn (curtilage listed)

- 7.3.1 The NPPF sets out policies for conserving and enhancing the historic environment at Section 16. This indicates at paragraph 201 that local planning authorities should consider the significance of any heritage assets affected by a proposed development, including any contribution made by their setting. The designated assets identified as potentially most affected by this proposal are the curtilage listed application property 'The Barn' and the grade II* listed Farmhouse.
- 7.3.2 The barn is a former farm building, subsequently converted to residential use in 1993. It lies to the south of Stebbing Farmhouse (a grade II* listed building) but is now in separate ownership. The Barn was converted to residential use whilst in the ownership of Stebbing Farmhouse (which was added to the statutory list in 1976) and was ancillary to the principal listed building at the time the building was listed. As such, the barn was and still should be, considered a curtilage listed building. Listed building consent would be required for any alterations to the barn itself, whilst planning permission would be required for any development within its curtilage. As the car port is not attached to the Barn, listed building consent is not required. The area surrounding Stebbing Farm is now built up with modern housing, and its former rural setting has been lost.
- 7.3.3 Regarding listed buildings, S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.3.4 Case Law has determined that in this context 'preserve' is taken to mean 'to do no harm'. The NPPF requires 'great weight' to be given to conserving the significance of designated heritage assets (paragraph 205). This is regardless of whether any harm may be 'substantial harm' or 'less than substantial harm' (paragraph 205). Any harm should require 'clear and convincing' justification (paragraph 206). If a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (paragraph 207).
- 7.3.5 In undertaking that balancing, Case Law has confirmed that the presumption to preserve in the 1990 Act is a strong one and must be given 'considerable importance and weight'. For instance, less than substantial harm is not a less than substantial planning issue. However, that presumption is not irrefutable and can be outweighed by circumstances important enough to justify it. A decision maker that has followed the processes set out in the NPPF can be considered to have discharged their duties under the 1990 Act. The balancing, however, is not 'equal' the presumption to preserve must come first.

- 7.3.6 Advice has been sought from the Council’s heritage consultant (BEAMS), who confirmed the carport reads as a subordinate structure to The Barn and its wider setting is now suburban in character. The carport is not visible from Stebbing Farmhouse (the grade II* listed building). As such the setting (and significance) of Stebbing Farmhouse (designated heritage asset) is preserved. BEAMS also takes the view that due to the relatively modest nature of the carport, the setting and significance of the curtilage listed, The Barn, is preserved. Officers agree with this assessment.
- 7.3.7 The representation submitted on behalf of the owners of No.3 Kessingland Avenue by a planning consultant states the application should be accompanied by a heritage statement which describes the significance of the heritage asset, or the impacts that the proposal has on the heritage asset for the application to be valid. Paragraph 200 of the NPPF also recommends this.
- 7.3.8 The planning authority does not have a local validation list and instead relies on national requirements when validating applications. Paragraph: 022 Reference ID: 14-022-20140306 of the National Planning Practice Guidance Notes sets out the national information requirements for planning applications. It states a heritage statement is not required to validate a planning application. It is therefore considered the application is valid without one. Notwithstanding this, the local planning authority has followed the processes set out in the NPPF and can be considered to have discharged its duties under the 1990 Act in respect of assessment of heritage impact, including seeking the advice of an independent heritage consultant.
- 7.3.9 The application site is also located within the Fishers Green area of archaeological significance within the Local Plan, where policy NH9 states where a development proposal affects an area of archaeological significance or has the potential to affect important archaeological remains on adjoining sites, developers will be required to submit the results of an archaeological field evaluation. The supporting policy justification advises small-scale infill development, such as domestic extensions, and other minor works will pose little or no threat to any remains and homeowners will rarely be expected to secure archaeological recording. Policy NH9 of the Local Plan Review document continues to designate the site as falling within the Fishers Green area of archaeological significance with no change to the policy wording.
- 7.3.10 Given the carport frame has not required foundations to be dug and largely sits on top of existing ground, it is considered the structure poses little or no threat to any remains and would not therefore require archaeological recording.

7.4 Impact upon Neighbouring Amenity

National Planning Policy Framework and Planning Practice Guidance

- 7.4.1 Paragraph 135 of the NPPF (2023) sets out that planning decision should ensure create places with a high standard of amenity for existing and future residents. Paragraph 124 of the National Design Guide states that “Good design promotes quality of life for the occupants and users of buildings. This includes function – buildings should be easy to use. It also includes comfort, safety, security, amenity, privacy, accessibility and adaptability”. Paragraph 126 of the National Design Guide also emphasises that “well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation. The quality of internal space needs careful consideration in higher density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important”.

Development Plan

- 7.4.2 Whilst the policies contained in the local plan have limited weight, Policies SP8 and GD1 of the Local Plan 2019 which generally reflect the good design principles outlined in the NPPF and National Design Guide, requires that development does not adversely impact the amenities of neighbouring occupiers.

Supplementary Planning Document

- 7.4.3 Appendix C of the Design Guide SPD states that the Council will assess proposals for residential extension in terms of their impacts on privacy, outlook, and natural light.

- 7.4.4 The neighbours living on Kessingland Avenue with rear gardens backing onto the The Barn have raised several concerns about the impact the carport has on their amenity. The concerns are best summed up by comments received from the owner of No.1:

“The position of the building and its closeness to the boundary wall, its height, its roof make up and its general structure as well as the mis-matching bricks on top of the wall has meant that the erection of the carport has, particularly for the occupants of No 3 Kessingland Avenue, changed completely the visual outlook and the garden ambiance for the people living in the houses facing the erected car port”.

- 7.4.5 The main criticism is that the carport is too high and overbearing when viewed from the rear rooms and gardens of the houses on Kessingland Avenue, in particular No.3 which is most affected. During a site visit to No.3, the carport was observed from the rear conservatory and garden. Whilst it has a visual impact on the occupiers of this property i.e. they can see it, it is not considered that its height or design cause harm to outlook, light or privacy which are material considerations in terms of amenity. A change to, or loss of a view from a dwelling is not a material planning consideration.

- 7.4.6 The car port is sited approximately 12m from the rear elevation of the conservatory of No.3 and it is considered this is sufficient distance for its height not to result in a significant overbearing and enclosing impact that would justify a refusal of planning permission. The owner of No.3 would disagree; however, it is officers’ professional judgement that there is no loss of amenity to No.3 or any other dwelling backing onto The Barn, only a change of view.

- 7.4.7 Given the above assessment, it is considered the carport does not have a detrimental impact on the amenities of neighbouring residential properties. As such, the structure accords with the policies in the adopted Local Plan (2019), the Council’s Design Guide SPD (2023), the NPPF (2023) and PPG.

7.5 Parking Provision

National Planning Policy Framework and Planning Practice Guidance

- 7.5.1 Chapter 9. Promoting Sustainable Transport of the NPPF (2023) sets out a requirement to consider transport issues, which includes parking, at the earliest stages of a development proposal. Paragraph 115 of the NPPF (2023) states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” Taking this into consideration, paragraph 116 of the NPPF (2023) stipulates that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other

- public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.

Development Plan

- 7.5.2 Whilst the policies in the Local Plan have limited weight, Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.
- 7.5.3 The carport has been built to provide cover for the two parking spaces which serve The Barn and has not resulted in any loss of parking provision for this dwelling. The existing parking arrangements are considered acceptable.

7.6 Biodiversity Net Gain

- 7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.
- 7.6.2 This is subject to exemptions, an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015). Applicants for planning permission are required to make a statement as to whether the biodiversity gain condition will apply if permission is granted.
- 7.6.3 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply. In their statement, it sets out that a householder application means an application for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

7.7 Other Matters

Drainage

- 7.7.1 The applicant has confirmed that guttering will not be added to the eaves. Rainwater runoff drains into an existing drainage gully at the base of the carport.

Application Drawings

- 7.7.2 The representation submitted on behalf of the owners of No.3 Kessingland Avenue by a planning consultant states the provided elevation plan fails to provide any scale. Front elevation drawing ref. A0.100 includes a scale bar and is drawn at scale 1:50 at A3. The criticism that only a single elevational drawing of the building has been submitted is also

made. The plan shows a 3D frame of the building and the front elevation. This is considered sufficient to enable an assessment that the building in situ matches the drawings submitted.

7.7.3 Paragraph 023 Reference ID: 14-023-20140306 of the National Planning Practice Guidance Notes states as a minimum, applicants will need to submit a 'location plan' that shows the application site in relation to the surrounding area. Additional plans and drawings will in most cases be necessary to describe the proposed development, as required by the legislation (see article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015. These may be requested by the local planning authority through their local list of information requirements, where it is reasonable to do so.

7.7.4 Any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions. The application is accompanied by a site location plan drawn to scale with the direction of north shown. Also included is a proposed site plan showing the footprint of the carport drawn to scale with the direction of north shown. As stated above, a scaled elevational drawing is also provided with a scale bar. It is considered these plans meet the national requirements and the application is valid.

Community Infrastructure Levy

7.7.5 As indicated above, 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	

7.7.6 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.

7.7.7 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. This application would not be CIL liable as it is for householder development.

Equality, Diversity and Human Rights

- 7.7.8 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.
- 7.7.9 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.7.10 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.
- 7.7.11 It is considered that the decision has had regard to this duty. The carport provides a shelter for the parking of motor-vehicles, so has no direct impact in terms of persons with protected characteristics. It has a level access in terms of where it has been positioned and the posts do not cause obstructions. A person with a wheelchair / using a buggy would not be hindered by the carport. 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.

8. CONCLUSION

- 8.1 In conclusion, the carport is considered to be in accordance with the development plan taken as a whole and there are no other material considerations which warrant a decision other than in accordance with the development plan.

9. RECOMMENDATIONS

- 9.1 That retrospective planning permission be GRANTED subject to the following conditions and informatives:
- 1 The development hereby permitted shall be retained in accordance with the following approved plans:
Elevation A0.100; Site Location Plan; Site Layout Plan;
REASON:- For the avoidance of doubt and in the interests of proper planning

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

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

INFORMATIVE

1 **Public Information on Planning Applications**

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

2 **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, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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).

3 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as application is for householder permission.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Stevenage Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

1. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

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.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Policy Guidance.

