

Meeting: Planning and Development Committee **Agenda Item:**

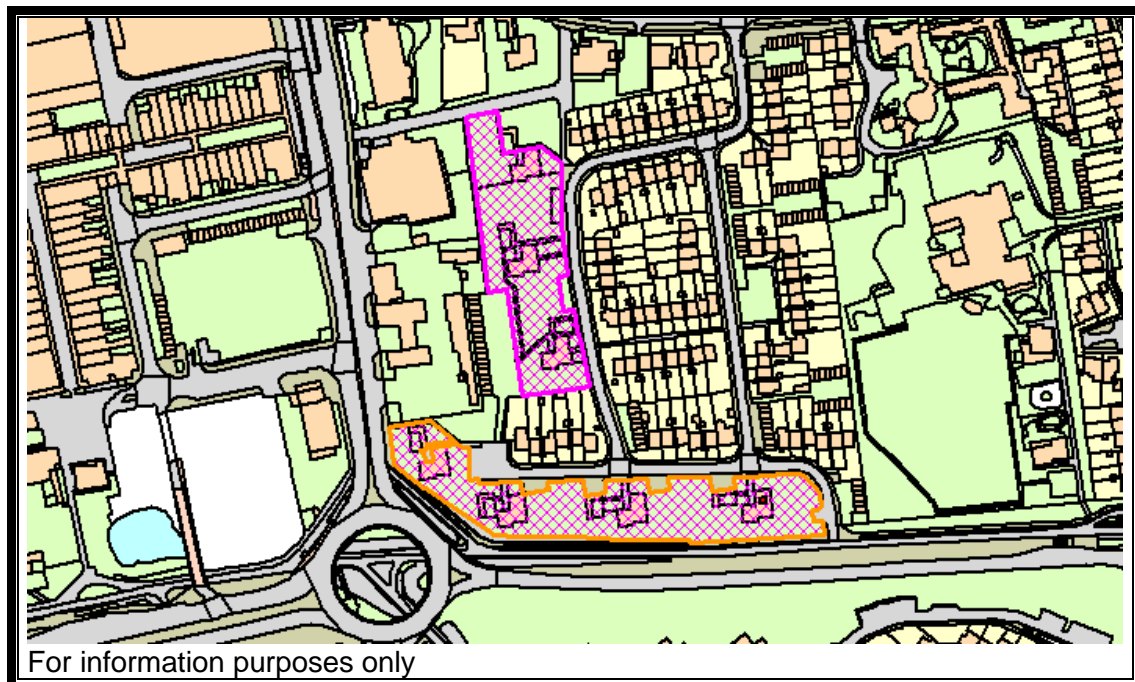
Date: 29 October 2024

Author: Linda Sparrow

Lead Officer: Zayd Al-Jawad

Contact Officer: Linda Sparrow

Application No :	24/00667/FP
Location :	1-17, 19-35, 37-53, 55-71, 85-101, 103-119 And 121-137 Penn Road, Stevenage.
Proposal :	Construction of 7 no. bin enclosures each to house 12 no. 360 litre wheelie bins on land adjacent to each of seven residential blocks
Drawing Nos.:	Site Location Plan; 267/835 Rev A; 267/811B Rev A; 267/813B Rev A; 267/815B Rev A; 267/817B Rev A; 267/819B Rev A; 267/821B Rev A; 267/823B Rev A;
Applicant :	Wates Living Space Ltd
Date Valid:	16 September 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises 7 buildings on the western and southern side of Penn Road. Residential dwellings of Penn Road and Fox Road lie to the east and north, the fire station and Holiday Inn hotel to the west, and the main highways of St George's Way and Six Hills Way to the west and south.

- 1.2. Each building is three storeys, L-Shaped with a dual pitched tiled roof and contain 9no. flats each. The buildings are currently undergoing a renovation approved under 24/00060/FPM and so are currently enveloped in scaffolding and screening. Once complete, the buildings will be white and grey render, white uPVC fenestrations and new balconies. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking is communal along Penn Road and shared with other residential dwellings.

2. RELEVANT PLANNING HISORY

- 2.1 24/00060/FPM - Retrofit of 7no. apartment blocks comprising the installation of external wall insulation in render and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell facade, replacement windows and doors; upgrade of external ventilation and replacement balconies. Granted permission at Committee 2 April 2024.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission to erect an external, detached, bin store to the front of each of the seven blocks. Each bin store will be able to accommodate up to 12no. 360 litre wheelie bins.
- 3.2 This application comes before the Planning and Development Committee because the owner of the buildings is Stevenage Borough Council and previous applications for these properties have been referred to Committee. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters to neighbouring properties, no comments were received.

5. CONSULTATIONS

5.1. Environmental Health

- 5.1.1 No objections to the work.

5.2 Waste and Recycling Department

- 5.2.1 Confirm that the bin stores will be open roofed and secured with Digi-locks the same as other recently installed stores at other SBC premises.

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).
- 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 22nd May 2019. As of the 22nd 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 undertaking a review of the Local Plan and is undertaking a Regulation 18 consultation. Following this consultation period, the Council will seek to amend the Local Plan and then undertake a Regulation 19 consultation in the Winter of 2024. This will be where a further opportunity for representations can be made on the amendments to the Local Plan before it is submitted for examination to a planning inspector. The Council intends to submit the Local Plan for Examination in Public (EiP) in early 2025 with the aim to adopt an updated Local Plan by June 2025. As the updated Local Plan progresses through the relevant stages outlined above, more weight can be applied to the respective policies until its formal adoption by the Council.

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 SP8: Good design;
Policy GD1: High quality design;

6.6 Local Plan Partial Review (2024)

- 6.6.1 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).

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

6.7 Supplementary Planning Documents

- 6.7.1 Stevenage Design Guide Supplementary Planning Document January 2023.

6.8 Community Infrastructure Levy

- 6.8.1 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 only issue in the assessment of the application is the impact on the character and appearance of the area, impact on residential amenities and waste and recycling.
- 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.
- 7.2.5 The buildings are located on the western and southern sides of Penn Road and are highly prominent from a number of different public vantage points both to the front and the rear. There is a modest amount of soft landscaping in the form of shrubs and trees around the buildings.
- 7.2.6 The proposed enclosures will be located to the front of buildings 1-17, 19-35, and 37-53 and to the rear of buildings 55-71, 85-101, 103-119, and 121-137, adjacent to the existing brick-built stores and drying area. Each enclosure will measure 4.8m long, 3.6m wide and 1.45m high and will be constructed in treated hit and miss timber set between concrete posts. Similar new enclosures at Council owned flatted developments have been installed with Digi locks on the gates to prevent unauthorised access by non-residents and the Assistant Operations Manager has confirmed the same will apply here.

- 7.2.7 With regards to the enclosures that will be at the front of the buildings, these will be set back between 3.5m and 4m from the public footpath. While it is noted that the bin enclosures will be visible from the public realm, it is considered that the overall amenity of the street scene will not be harmed. The bin enclosures are approximately 1.45m in height and as low as they can be whilst still obscuring the bins from view and remaining at a safe height; this therefore minimalizes the visual impact of the enclosures.
- 7.2.8 In terms of location, the bin stores will be located adjacent to the existing stores areas, either to the front or rear of the building depending on each building's layout. They will not be adjacent to public footpaths and therefore will not impact on passing members of the public.
- 7.2.9 In terms of design, the bin enclosures will be timber and not include a roof. This is a design choice of the Council and no new bin enclosures erected by the Council have roofs. A roofed enclosure would need to be significantly taller to accommodate internal head room and would therefore have a greater impact on the street scene.
- 7.2.10 The timber enclosures are considered visually acceptable and will screen view of the bins from the public, thereby improving the visual amenities of the area.

7.3 Impact on residential amenities

- 7.3.1 Paragraph 135 of the NPPF (2023) sets out that planning decisions should ensure places are created 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.* .
- 7.3.2 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.
- 7.3.3 Under previous applications for similar style bin stores which are located at Walden End and Buckthorn Avenue, the Operations Manager advised that "*current good practice is for waste storage areas to be fenced off and located at least 10m away from buildings and other risk areas.*" In this instance, the bin stores are located between 6.5m and 10m from the entrances to the buildings. This is considered an acceptable distance to reduce the risk of fires, rat infestations, odours and other associated issues, whilst also remaining a reasonable walking distance for residents.
- 7.3.4 The new enclosures are located away from the entrance points to reduce the impact of odours and has adequate capacity to prevent overfilling; therefore, minimising the impact on residential amenity.

7.4 Waste and Recycling

- 7.4.1 The design guide SPD requires developments to provide for the storage and collection of waste from site.
- 7.4.2 The proposed development would provide adequate space and storage of waste arising from the site and would amount to a significant upgrade over the existing facilities. The distance for operatives collecting the bins is acceptable. The proposal is considered acceptable in this regard.

7.5 Biodiversity Net Gain

- 7.5.1 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. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.
- 7.5.2 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 below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

7.6 Equality, Diversity and Human Rights

- 7.6.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.6.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.6.3 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.
- 7.6.4 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.
- 7.6.5 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. 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.
- 7.6.6 The proposal will not block or reduce accessibility of the buildings by persons using pushchairs, wheelchairs, or other mobility aids. The enclosure itself will be accessible by all persons through level access. Accordingly, the development will not affect persons of protected characteristics.
- 7.6.7 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.

8. CONCLUSIONS

- 8.1 The proposal is considered to be in accordance with the development plan and 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 following conditions and informatives:
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; 267/835 Rev A; 267/811B Rev A; 267/813B Rev A; 267/815B Rev A; 267/817B Rev A; 267/819B Rev A; 267/821B Rev A; 267/823B Rev 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 The external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.
REASON:- To ensure a satisfactory appearance upon completion of the development.

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

- 1 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.

INFORMATIVES

- 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, 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).

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 **Biodiversity Net Gain**

Applications where Biodiversity Net Gain is not required as development is considered De Minimis

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 below the de minimis threshold, meaning development which:
 - a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

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 – Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework December 2023 and Planning Practice Guidance.