

Meeting: Planning and Development Committee **Agenda Item:** Committee
Date: 29 October 2024
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Application No : 24/00681/FP
Location : Garages 13, 14, 15, And 16 Adjacent To 11 Oundle Path
Proposal : Retrospective planning permission for retention of single garage following demolition of existing two sheds and raising height of two garages
Drawing Nos.: 267/836-P3; Site Location Plan;
Applicant : Laurence Haynes – Stevenage Borough Council
Agent: Ms Kim Randall
Date Valid: 20 September 2024
Recommendation: **GRANT PLANNING PERMISSION**



1. SITE DESCRIPTION

- 1.1 The application site comprises 3no. garages within a Council owned garage compound. The site lies to the south-east of Oundle Path and to the west of Mandeville. One garage was previously 2no. sheds which were demolished and re-built as one garage.

2. RELEVANT PLANNING HISTORY

- 2.1 None

3. THE CURRENT APPLICATION

- 3.1 This application seeks retrospective planning permission for the retention of 1no. newly built garage and works to raise the height of the roof of 2no. existing garages to be in line with the height of the newly constructed garage.
- 3.2 This application is being referred to the Planning and Development Committee as Stevenage Borough Council is the applicant and landowner.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of a site notice, no comments have been received.

5. CONSULTATIONS

- 5.1. SBC Garage Services Department

- 5.1.1 No comments received.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 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-to-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 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 Adopted Local Plan (2019)

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

- Policy SP8: Good design;
- Policy IT5: Parking and access;
- 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 The following supplementary planning documents are relevant to determining the application:

- Parking Provision Supplementary Planning Document October 2020
- Stevenage Design Guide Supplementary Planning Document January 2023.

6.8 Community Infrastructure Levy

6.8.1 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.

7. APPRAISAL

7.1 The main issues in the assessment of the application are the impact on the character and appearance of the area, impact on neighbouring amenity and car parking provision.

7.1.1 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 Design and visual impact

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 Previously, the site was occupied by a pair of brick and timber construct sheds comprising corrugated sheet metal roofs which were in very poor condition and were much shallower than surrounding garages so as to be unusable by vehicles (See figure 1).



Figure 1: Photograph of sheds prior to their demolition.

7.2.6 The new garage is constructed with matching materials to the surrounding garages, and, whilst taller, this is marginal and not overly perceptible due to the topography of the compound.

7.2.7 The depth of the garage, however, is 0.9m deeper than surrounding garages which is highly noticeable in the street scene. It is acknowledged that the depth is at odds, visually, with the surrounding garages and is noticeable from the public domain in Oundle Path. However, this has been done to meet the internal space standards of new garages as set out in the Parking Standards SPD at 6m deep and the garage would not be acceptable for car parking if it were smaller.

- 7.2.8 Further to the above, it is important to note that the existing garages were constructed prior to current internal space standards and would generally not be sufficient for parking of most modern vehicles. The new standards have been designed to allow for parking of vehicles and additional storage space, for example, for bicycles, to meet modern living conditions.
- 7.2.9 The height of two adjacent garages were increased at the time of construction to allow for continuous rainwater guttering to be installed. The height was increased by approximately 0.2m which is acceptable and barely perceptible in the street scene.
- 7.2.10 Accordingly, whilst the new garage is deeper than surrounding garages, which is at odds with the visual amenities of the area, this is considered acceptable in this instance, in this location, to be acceptable in planning terms as the depth is required to provide a garage that meets the current space standards. The public benefits of providing a secure garage which meets current standards would be the resultant removal of a vehicle which currently parks on-street and would help to free up capacity on the highway. Whilst this benefit is limited due to the quantum of development, it is considered sufficient to outweigh the harm caused to the character and appearance 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 The impact on the adjacent residential dwelling, No.11 Oundle Path, will be negligible, and would only arise from the increase in height of the new garage and the adjacent two that were refurbished. The increase in height is approximately 0.2m which is barely perceptible and not considered to give rise to harm to neighbouring amenities.

7.4 Car Parking and Cycle Provision

National Planning Policy Framework and Planning Practice Guidance

- 7.4.1 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

- 7.4.2 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.
- 7.4.3 The site formerly comprised 2no. brick and timber sheds which were in very poor condition and substantially shallower than surrounding garages. As such, they were not useable as garages for parking of vehicles.
- 7.4.4 The replacement garage, at 6m deep and 3.8m wide internally meets the standards for new garages such that it can accommodate a modern vehicle and additional storage space. In this regard, the garage is considered acceptable.

7.5 Biodiversity, Ecology and Protected Species

- 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.
- 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 The development does not block access to any other garage by persons using pushchairs or wheelchairs, or other mobility aids. The garage itself is accessible by all persons through level access. Accordingly, the development will not affect persons of protected characteristics.
- 7.6.6 It is considered that the decision has had regard to this duty. The development will not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objective 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/REASONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
267/836-P3; Site Location 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 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.

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,
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.