

# Public Document Pack



## PLANNING AND DEVELOPMENT COMMITTEE

**Date: Thursday, 8 December 2022**

**Time: 6.30pm,**

**Location: Council Chamber**

**Contact: Lisa Jerome 01438 242203**

**committees@stevenage.gov.uk**

Members: Councillors: M Downing (Chair), A Brown (Vice-Chair), M McKay, S Barr, T Callaghan, M Creasey, C Howells, G Lawrence CC, Mrs J Lloyd, A Mitchell CC, C Parris, G Snell, A Wells and Ashley-Wren

---

## AGENDA

### PART 1

**1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

**2. MINUTES - 1 NOVEMBER 2022**

To approve as a correct record the Minutes of the previous meeting held on 1 November 2022.

Pages 3 – 26

**3. 21/01283/FPM NORTH CAR PARK, SIX HILLS HOUSE, SIX HILLS WAY, STEVENAGE**

To consider the erection of a 10 storey building comprising of 94 no. flats which consists of 11 no. studios, 36 no. 1 bedroom and 47 no. 2 bedroom units, associated parking, access and ancillary works.

Pages 27 – 80

**4. 22/00764/S106 MOXHAM HOUSE, GILES CRESCENT, STEVENAGE**

To consider a deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.

Pages 81 – 86

**5. INFORMATION REPORT - DELEGATED DECISIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 87 – 100

**6. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 101 – 102

**7. URGENT PART I BUSINESS**

To consider any Part I Business accepted by the Chair as urgent.

**8. EXCLUSION OF THE PRESS AND PUBLIC**

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

**9. URGENT PART II BUSINESS**

To consider any Part II Business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

## PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 1 November 2022

Time: 6.30pm

Place: Council Chamber

**Present:** Councillors: Michael Downing (Chair), Adrian Brown (Vice Chair), Maureen McKay, Sandra Barr, Teresa Callaghan, Matt Creasey, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Adam Mitchell CC, Claire Parris, Graham Snell, Anne Wells and Julie Ashley-Wren

**Start / End Time:** Start Time: 6.30pm  
End Time: 9.15pm

### 1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence and no declarations of interest.

### 2 **MINUTES - 4 OCTOBER 2022**

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 4 October 2022 be approved as a correct record and signed by the Chair.

### 3 **22/00369/FPM - BARNWELL LOWER SCHOOL, COLLENSWOOD ROAD**

The Committee considered a report in respect of application 22/00369/FPM for the erection of a new secondary school and new Stevenage Education Support Centre (SESC) building, together with associated works and refurbishments including the provision of games areas, informal play areas, a substation, landscaping and carparking, following the demolition of the vacant former Collenswood and Barnwell School buildings.

The Assistant Director Planning and Regeneration reminded Members that the Committee had deferred a decision on the previous application for this site to allow the applicant the opportunity to provide further information on the following three areas of concern:

- traffic in Redwing Close;
- pedestrian access; and
- acoustic fencing.

The Committee was informed that following the meeting, the applicant had made amendments to the plans and included an offer to sponsor a Traffic Regulation order on Redwing Close, two additional pedestrian accesses, the proposed acoustic fencing had been moved.

It was also advised that since the last meeting, new information relating to biodiversity net gain had been received and had resulted in further amendments as follows:

- The route of the footpath linking the site to Barham Road had been altered to limit tree loss;
- The proposed foul sewer would run underneath the path;
- The development would deliver 10.82% biodiversity net gain which would be achieved on-site.

The Committee had received addendum information regarding additional letters of representation, further information in relation to the biodiversity net gain assessment and a number of amendments to conditions.

The Development Manager then gave a presentation in respect of this application including a map, plans and photographs to demonstrate the location and character of the site.

The Chair then invited Barbara Erne, an objector to address the meeting. Mrs Erne's objections included the significant removal of trees, the proximity of the footpaths to residential gardens and the consequent noise and disturbance and potential security issues. Mrs Erne also expressed concern regarding the impact of pick-up and drop-off activity on surrounding roads and junctions and also the environmental damage which would be caused.

Councillor Wendy Kerby, Ward Councillor for Bandle Hill then addressed the Committee on behalf of residents within her ward. Similar to the previous speaker, concerns of local residents included the unacceptable traffic generation and that the local roads were not designed for the volume of cars that would be using them. Particular concern was the potential damage to the local roads and infrastructure caused by construction traffic during the development of the school.

Mr Bob Robinson of DPP Planning, on behalf of the applicant then addressed the Committee. Mr Robinson advised that there was a long history of educational use for the site and was allocated for a secondary school in the Local Plan. The proposed building was a similar footprint to what is already built on the site and would be a highly energy efficient building. Following the deferral of the application revisions had been made by the applicant in relation to the pedestrian footpath accesses, the acoustic fence, tree removal and additional planting.

The Chair thanked all speakers for their contributions to the meeting.

The Development Manager advised that although it would be possible to implement a Traffic Regulation Order on Redwing Close, the effectiveness of the Order was questionable and it would come at the expense of causing inconvenience to residents of the road, as well as visitors.

Members were informed that the introduction of new pedestrian accesses from Barham Road and Dene Lane would alleviate some of the issues associated with having Redwing Close as the sole access to the site. However, residents of Redwing

Close would undoubtedly remain subject to a degree of disturbance, whilst residents of roads which were previously largely unaffected (e.g. Barham Road) would now be subject to similar impacts.

The Development Manager advised that the impact of the relocation of the proposed acoustic fence was considered to be a positive change. The fence would remain effective as a barrier to sound transmission without appearing overbearing to the occupants of Marlborough Road or unduly overshadowing their gardens. As such, officers had concluded that the development would now have an acceptable impact on these properties.

Having regard to the above, the benefits of granting permission are considered to significantly outweigh the adverse impacts.

In response to a question regarding replacement tree planting, Officers agreed to request the applicant that any trees removed as a result of this application be replaced on a 3 – 1 basis.

Members agreed that the implementation of a Traffic Regulation Order would not manage the drop-off and pick-up activities in either Redwing Close or Barham Road.

A Member asked about the boundary between the school site and the SESC site. It was confirmed there would be a fence and dense planting to ensure screening between the two sites.

Officers advised that there would be conditions attached to the permission to ensure residents and residential streets were protected during construction of the development. This would also apply to the hours of the construction works. Resident engagement would be undertaken by the applicant including monthly letter drops and social media engagement.

Concern was expressed regarding the safety of residents crossing Magpie Crescent. The Assistant Director Planning and Regulation advised that although this was outside of this application and the responsibility of Herts County he would take the concerns away and raise them with the appropriate County Officers.

The Assistant Director also agreed to ensure that the conditions would provide protection for families and children crossing the access points into the site when going to Ashtree School.

It was **RESOLVED** that application 22/00369/FPM be granted planning permission subject to the conditions below and with the following amendments/comments:

- Replacement trees to be planted on a 3:1 ratio;
- The Construction Management Plan should include details of the specific health and safety action to be taken to protect pedestrians including small children at school pick up and drop off times;
- Officers agreed to consult with the County Council regarding Members concerns relating to the safety of pedestrians particularly crossing Magpie Crescent in order to reach the school entrance.

That planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:

- Travel Plan Monitoring
- Employment and Apprenticeship Opportunities

With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

## Conditions

### Conditions Relating to All Phases

#### *General Conditions*

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:  
FS0945-ALA-XX-ZZ-DR-L-0001 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0002 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0003 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0004 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0005 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0006 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0007 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0008 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0009 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0014 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0015 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0016 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0017 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0018 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0019 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0020 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0023 Rev P09  
FS0945-ALA-XX-ZZ-DR-L-0026 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0027 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0029 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0030 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0032 Rev P09

FS0945-ALA-XX-ZZ-DR-L-0033 Rev P09  
FS0945-JWA-ZZ-LG-DR-A-1001 Rev P02  
FS0945-JWA-ZZ-00-DR-A-1002 Rev P02  
FS0945-JWA-ZZ-01-DR-A-1003 Rev P01  
FS0945-JWA-ZZ-02-DR-A-1004 Rev P01  
FS0945-JWA-ZZ-R1-DR-A-1005 Rev P01  
FS0945-JWA-ZZ-LG-DR-A-1050 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3001 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3002 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3003 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-3004 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-4001 Rev P01  
FS0945-HEX-XX-XX-DR-C-9201 Rev P04  
FS0945-HEX-XX-XX-DR-C-9203 Rev P04  
FS0945-HEX-XX-XX-DR-C-9204 Rev P04  
714-ALA-XX--ZZ-DR-L-0006 Rev P01  
714-ALA-XX--ZZ-DR-L-0007 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0001 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0002 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0008 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0009 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0010 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0011 Rev P02  
FS1024-ALA-XX-ZZ-DR-L-0012 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0020 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0021 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0022 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0023 Rev P03  
FS1024-JWA-AA-00-DR-A-1001 Rev P02  
FS1024-JWA-AA-01-DR-A-1002 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-3001 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-3002 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-4001 Rev P01

2. The development to which this permission relates shall be begun before the expiration of three years from the date of this permission.
3. The materials used in the external surfaces of the development to which this permission relates shall be those listed on the application form, approved plans and accompanying documents unless otherwise agreed in writing by the local planning authority.
4. Unless otherwise agreed in writing by the local planning authority, no demolition, construction or maintenance activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of

doubt, no such work shall be carried out on Sundays or Bank Holidays.

5. Unless otherwise agreed in writing by the local planning authority, no deliveries or collections relating to demolition or construction activity shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such deliveries or collections shall be carried out on Sundays or Bank Holidays.
6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the local planning authority.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.
8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Table 11 and Table 12 of "Ecological Impact Assessment and Biodiversity Net Gain Report" authored by Surrey Wildlife Trust Ecology Services and dated 01/04/2022 and the methods as specified in "**Re: Michaela and SESC BNG Metric 22/00369/FPM**" authored by Surrey Wildlife Trust and dated **31/10/2022** unless otherwise agreed in writing by the local planning authority.
9. The development to which this permission relates shall be carried out in accordance with the methods specified in Section 5 of "Arboricultural Method Statement" reference RT-MME-156848-03 Rev F authored by Middlemarch and dated 18/10/2022, together with the accompanying Tree Protection Plans reference C156848-03-01 Rev C unless otherwise agreed in writing by the local planning authority.
10. The development to which this permission relates shall be carried out in accordance with "Site Waste Management Plan" authored by Bowmer and Kirkland Group and dated 29 June 2022 unless otherwise agreed in writing by the local planning authority.
11. The development to which this permission relates shall be carried out in accordance with "Construction Management Plan" reference FS1024-BNK-XX-XX-RP-W-0001 and dated 22/08/2022 **with timing of construction and demolition activities (including delivery times and removal of waste) avoiding school pick up/drop off times** unless otherwise agreed in writing by the local planning authority.



*Prior to Commencement*

12. No development shall take place (excluding site clearance and demolition) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the following principles:

- gravity drainage throughout (i.e. no need for pumping);
- limiting the surface water run off generated by the 1 in 100 year + 40% climate change critical storm to rates agreed by the relevant body to whom discharges would occur;
- Providing attenuation on-site for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
- ensuring site levels are set such that any 'allowable' flooding at the ground surface would be: contained outside of buildings for all events (including exceedance events); and also within the site boundaries to a maximum flood depth of up to 100mm during the 100 year plus 40% climate change storm events.

The scheme shall also provide the following:

- appropriate treatment before discharge;
- evidence of agreement (of principle and rates) from the relevant body or bodies to whom discharges would occur;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event;
- an updated detailed surface water drainage plan, showing all proposed discharge points, SuDS features and pipe runs (with sizes);
- detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features, including any connecting pipe runs, along with all corresponding detailed calculations/modelling;
- updated detailed exceedance flow path drawings for surface water for events greater than the 1 in 100 year plus climate change event, including surface water run-on from upstream of the site.

The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

13. No development shall take place (excluding site clearance and demolition) until a landscape and ecological management plan ("LEMP") has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (**48.42 habitat units**, 6.60 hedgerow units) to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of features to be managed;

- b) Aims and objectives of management;
- c) Appropriate management options for achieving target condition for all habitats, as described in the approved metric;
- d) Prescriptions for management actions, only definitive measures are acceptable;
- e) Preparation of an annual work schedule for a minimum of 30 years with measures clearly marked on plans;
- f) Details of the body or organisation responsible for implementation of the plan;
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
- h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be carried out in accordance with the approved LEMP.

#### Conditions Relating to Phase 1 – Michaela Community School

##### *General Conditions*

- 14. Cumulative plant noise emissions from Phase 1 of the development to which this permission relates shall not exceed the levels detailed in Table 2.2 of “Noise Assessment” reference 21688R02aPKJB at the nearest residential receptor unless otherwise agreed in writing by the local planning authority.
- 15. The multi-use games area on Phase 1 of the development to which this permission relates shall not be used after 21:30 hours on any day unless otherwise agreed in writing by the local planning authority.

##### *During Construction*

- 16. No development shall take place above slab level on Phase 1 of the development to which this permission relates until the post-demolition supplementary environmental investigation and remediation strategy, as detailed in Section 9.4 of “Geo-Environmental Assessment” reference 21-2426.01\_REP\_Michaela-Community-School\_Stevenage\_GEA\_220321, has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved remediation strategy.

17. Prior to commencement of the enhancement works to the playing field on Phase 1 of the development to which this permission relates, a contractor's specification for the works prepared in accordance with "A Feasibility Study for the construction of natural turf winter sport pitches at Michaela School and Stevenage SESC" authored by TGMS Sports Surface Consultants and dated 17 March 2022, which includes an implementation programme, shall be submitted to and approved in writing by the local planning authority in consultation with Sport England. The playing field enhancement works shall then be implemented in accordance with the approved specification and implementation programme.
18. The acoustic fencing on Phase 1 of the development to which this permission relates (labelled "F5" on drawing FS0945-ALA-XX-ZZ-DR-L-0009 Rev **P09**) shall be Jacksons Fencing 12K Envirofence. It shall be 3m in height as measured from finished ground level and shall have a superficial mass of at least 10kg/m<sup>2</sup>. The fencing shall be installed prior to first use of the multi-use games area and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
19. Prior to commencement of works to construct the multi-use games area on Phase 1 of the development to which this permission relates, a scheme for pitch lighting shall be submitted to and approved in writing by the local planning authority. No pitch lighting whatsoever shall be installed other than in accordance with the approved pitch lighting scheme.
20. Prior to the commencement of works to provide the car parking within Phase 1 of the development to which this permission relates, a scheme for the provision of electric vehicle charging, including spaces designed to achieve a passive standard, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of Phase 1 of the development and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

*Prior to Occupation or Use*

21. Prior to the beneficial occupation of Phase 1 of the development to which this permission relates, a verification report, demonstrating that the remediation criteria agreed under Condition 16 of this permission have been achieved, shall be submitted to and agreed in writing by the local planning authority.
22. Prior to the beneficial occupation of Phase 1 of the development to which this permission relates, all car parking, service and manoeuvring areas shall be implemented in full as shown on the approved plans. Those areas shall be permanently kept free from obstruction and maintained for their intended purpose thereafter unless otherwise agreed in writing by the local planning authority.

23. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a delivery and service plan shall be submitted to and approved in writing by the local planning authority. The approved delivery and service plan shall then be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
24. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, the cycle parking shall be implemented in full as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the local planning authority.
25. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, an updated travel plan shall be submitted to and approved in writing by the local planning authority. The plan shall include a mechanism to increase the amount of cycle parking provided at the site in future should this be identified as necessary to meet the objectives of the plan during monitoring. It shall also include a timetable for implementation. The approved plan shall then be implemented in accordance with the approved timetable and adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
26. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the local planning authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
27. Prior to first use of the multi-use games area on Phase 1 of the development to which this permission relates, a noise management plan prepared in accordance with Paragraph 3.6.3 of "Noise Assessment" reference 21688R02aPKJB shall be submitted to and approved in writing by the local planning authority. The approved noise management plan shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
28. All planting and other soft landscaping as shown on drawing numbers FS0945-ALA-XX-ZZ-DR-L-0003 Rev **P09** through FS0945-ALA-XX-ZZ-DR-L-0008 Rev **P09** and FS0945-ALA-XX-ZZ-DR-L-0023 Rev **P09** **which shall include replacement tree planting at a ratio of 3:1,** shall be carried out no later than the first planting and seeding seasons following beneficial occupation of Phase 1 of the development to which this permission relates unless otherwise agreed in writing by the local planning authority.
29. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing

the savings in regulated carbon dioxide emissions to be achieved by Phase 1 versus Part L of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

30. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
31. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement shall be provided to the local planning authority. The agreement shall apply to the sports hall, multi-use games area, natural turf playing field and the supporting ancillary facilities within Phase 1 as a minimum and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in compliance with the approved agreement.

*Post-Completion*

32. No tree within Phase 1 of the development to which this permission relates and shown as retained on “Tree Retention and Removal Plan” reference FS0945-ALA-XX-ZZ-DR-L-0027 Rev P08 shall be felled, uprooted, destroyed, topped or lopped within five years of the substantial completion of Phase 1 unless otherwise agreed in writing by the local planning authority.
33. Any trees or other plants comprised in the landscaping works for Phase 1 of the development to which this permission relates (as shown on drawing numbers FS0945-ALA-XX-ZZ-DR-L-0003 Rev P09 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P09 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P09), which within a period of five years from the substantial completion of Phase 1 die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Conditions Relating to Phase 2 – SESC

*General*

34. Cumulative plant noise emissions from Phase 2 of the development to which

this permission relates shall not exceed the levels detailed in Table 2.2 of “Noise Assessment” reference 21689R02aPKJB at the nearest residential receptor unless otherwise agreed in writing by the local planning authority.

35. The multi-use games area on Phase 2 of the development to which this permission relates shall not be used after 21:30 hours on any day unless otherwise agreed in writing by the local planning authority.

*During Construction*

36. No development shall take place above slab level on Phase 2 of the development to which this permission relates until the post-demolition supplementary environmental investigation and remediation strategy, as detailed in Section 9.4 of the “Geo-Environmental Assessment” reference 21-2426.01\_REP\_SESC\_Stevenage\_GEA\_220321, has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved remediation strategy.

37. The acoustic fencing on Phase 2 of the development to which this permission relates (labelled “F5” on drawing FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04) shall be Jacksons Fencing 12K Envirofence. It shall be 3m in height as measured from finished ground level and shall have a superficial mass of at least 10kg/m<sup>2</sup>. The fencing shall be installed prior to first use of the multi-use games area and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

38. Prior to commencement of works to construct the multi-use games area on Phase 2 of the development to which this permission relates, a scheme for pitch lighting shall be submitted to and approved in writing by the local planning authority. No pitch lighting whatsoever shall be installed other than in accordance with the approved pitch lighting scheme.

39. Prior to the commencement of works to provide the car parking within Phase 2 of the development to which this permission relates, a scheme for the provision of electric vehicle charging, including spaces designed to achieve a passive standard, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of Phase 2 of the development and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

*Prior to Occupation or Use*

40. Prior to the beneficial occupation of Phase 2 of the development to which this permission relates, a verification report, demonstrating that the remediation criteria agreed under Condition 36 of this permission have been achieved, shall be submitted to and agreed in writing by the local planning authority.

41. Prior to the beneficial occupation of Phase 2 of the development to which this permission relates, all car parking, service and manoeuvring areas shall be implemented in full as shown on the approved plans. Those areas shall be permanently kept free from obstruction and maintained for their intended purpose thereafter unless otherwise agreed in writing by the local planning authority.
42. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, the cycle parking shall be implemented in full as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the local planning authority.
43. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, an updated travel plan shall be submitted to and approved in writing by the local planning authority. The plan shall include a timetable for implementation. The approved plan shall then be implemented in accordance with the approved timetable and adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
44. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a refuse vehicle strategy, demonstrating how refuse vehicles will enter, service and leave Phase 2, shall be submitted to and approved in writing by the local planning authority. The refuse vehicle strategy shall then be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
45. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the local planning authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
46. Prior to first use of the multi-use games area on Phase 2 of the development to which this permission relates, a noise management plan prepared in accordance with Paragraph 3.6.3 of "Noise Assessment" reference 21689R02aPKJB shall be submitted to and approved in writing by the local planning authority. The approved noise management plan shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
47. All planting and other soft landscaping as shown on drawing numbers FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04, FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04 and FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04 **which shall include replacement planting at a ratio of 3:1**, shall be carried out no later than the first planting and seeding seasons following beneficial occupation of

Phase 2 of the development to which this permission relates unless otherwise agreed in writing by the local planning authority.

48. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved by Phase 2 versus Part L of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
49. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

#### *Post-Completion*

50. No tree within Phase 2 of the development to which this permission relates and shown as retained on "Tree Retention and Removal Plan" reference FS1024-ALA-XX-ZZ-DR-L-0020 Rev P04 shall be felled, uprooted, destroyed, topped or lopped within five years of the substantial completion of Phase 2 unless otherwise agreed in writing by the local planning authority.
51. Any trees or other plants comprised in the landscaping works for Phase 2 of the development to which this permission relates (as shown on drawing numbers FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04, FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04 and FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04), which within a period of five years from the substantial completion of Phase 2 die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

#### **Informatives**

1. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.



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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227.

5. Building Regulations

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

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

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

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

instances these are usually:

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

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

#### 6. 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk) .

7. The applicant is reminded that asbestos removal and remediation falls under the authority of the Health and Safety Executive. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary, this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.
8. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

9. School Travel Plan: Modeshift STARS is the national schools accreditation scheme that has been established to recognise schools that have demonstrated excellence in supporting cycling, walking and other forms of sustainable and active travel. The scheme encourages schools across the country (including Hertfordshire) to promote and increase levels of sustainable and active travel in order to improve the health and well-being of children and young people, as well as reducing local highway impacts arising from school pick up / drop off. Every school in England (outside of London) can participate in Modeshift STARS for free and on completion of an application, schools will automatically have a brand new national standard School Travel Plan. To register for Modeshift Stars, visit <https://www.modeshiftstars.org/contact>. Support is available to schools in Hertfordshire from Hertfordshire County Council's Active & Safer Travel Team by contacting [activeandsafertravel@hertfordshire.gov.uk](mailto:activeandsafertravel@hertfordshire.gov.uk) or [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)
  
10. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

4 **22/00673/FP - GARAGES AND FORECOURT AREA TO REAR OF 13-19 THE CHACE**

The Committee considered a report in respect of application 22/00673/FP seeking the Variation of condition1 (plans) of planning permission 22/00672/FP to allow the siting of 3no three bed dwellings, parking and amenity space as built.

The Development Manager gave a presentation in respect of this application. He advised that the application had previously come before the Planning and Development Committee in October 2022 but had been deferred to allow the applicant time to provide an explanation as to why the setting-out error resulting in the dwellings being located 1.2m deeper into the site than approved, had occurred.

The Development Manager advised that the main issues for consideration in the determining of this application were whether the siting of the dwellings as built, 1.2m further south into the site than approved under ref. 20/00672/FP had a detrimental impact on the green link designation, trees, the character and appearance of the area, the amenity of neighbouring properties and car parking for the development.

A letter from Mr Camp from 15 The Chace objecting to the development was read out to the Committee. Mr Camp continued to oppose the development for a number of reasons including loss of daylight, overbearing and loss of privacy and damage to trees.

The Chair then invited Andrew Fitzpatrick, ADF Surveys to address the Committee. Mr Fitzpatrick apologised to the Committee and to the residents of neighbouring properties for the setting-out error which had inadvertently positioned the terrace 1.2m deeper into the site than it was consented to be although the dwellings did remain the same distance from the flank boundary as consented. He informed the Committee that he had been undertaking this work for nearly 50 years and this was the first time anything of this nature had happened.

The Chair thanked Mr Fitzpatrick for his contribution.

The Development Manager advised that it was considered that although unfortunate, the small encroachment of the dwellings, combined with the fact that there would be no substantive physical or visual break to the Green Link and the fact that planning permission had already been established for residential development in this location would not harm the function, amenity or overarching quality of the Fairlands Valley Green Link of which the area was a part.

The Committee was also advised that the revised siting of the dwellings did not impact on the agreed landscaping scheme. In respect of the impact on the amenity of neighbouring properties, the siting of the development had not materially changed the relationship of the terrace with nos. 13 – 19 The Chace compared to what was considered and approved previously by the Committee under the previous application that would now justify a refusal of the planning permission. Members of the Committee thanked Mr Fitzpatrick for his honesty in the matter and although were sympathetic with the views of Mr Camp, it was felt that the 1.2m encroachment of the development was not substantial enough to refuse the permission.

In response to a question, the Assistant Director, Planning and Regulation agreed to contact the Building Control Service to ascertain their knowledge in relation to the setting-out error and inform Members of the Committee accordingly.

It was **RESOLVED** that application 22/00673/FP be granted planning permission,

subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
3055.CHAC.200 Rev A; 3055.CHAC.201 Rev A; 3055.CHAC.202;  
3055.CHAC.203 Rev A; 3055.CHAC.204; 3055.CHAC.205; 3055.CHAC.106  
Rev A and 3055.CHAC.107.
2. The building works required to implement this permission shall be carried out only between the following times:  
0800 to 1800 Mondays to Fridays  
0830 to 1300 Saturdays  
And not at all on Sundays and Bank Holidays.  
The hours specified relate to activities which are audible at the site boundary.
3. The development hereby permitted shall be retained in accordance with the scheme of soft and hard landscaping approved under discharge of condition application ref. 22/00055/COND and permanently maintained in accordance with the approved details.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.
5. All hard surfacing comprised in the approved details of landscaping shall be carried out within 3 months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
6. Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
7. No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
8. The ground and first floor flank windows in the eastern elevation of the dwelling in plot 3 shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened and shall be retained in that form thereafter.
9. The development hereby permitted shall be retained in accordance with the details of boundary treatments approved under discharge of condition application ref. 22/00055/COND and permanently maintained in accordance with the approved details.
10. If during the course of development any contamination is found or suspected,

works shall cease and the local planning authority shall be informed immediately. The local planning authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.

- 11 The development hereby permitted shall be retained in accordance with the measures to address adaptation to climate change approved under discharge of condition application ref. 21/00795/COND. These measures shall be implemented and permanently maintained in accordance with the approved details.
- 12 Prior to the occupation / use of the development hereby permitted, the development shall include provision for each dwelling to be served by an active electric vehicle charging point.

## **INFORMATIVES**

1. 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. Construction standards for 278 works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

5 **22/00764/S106 - MOXHAM HOUSE, GILES CRESCENT**

The Committee considered a report in respect of application 22/00764/S106 seeking a deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.

The Development Manager advised that the main issues for consideration in the determination of the application was whether the proposed variation was acceptable to the Local Planning Authority. He advised that the amendment was required as the site had been purchased by the Housing Association – Metropolitan and the original provisions as set out in the Section 106 agreement were not acceptable to

their lenders.

Members were concerned that the reference in the new clause 19 to the completion of a disposal within a three month period was not long enough and consideration should be given to extending this to six months.

Following consideration and debate, an amendment was moved seconded and it was **RESOLVED** that the deletion of clause 12.5 from schedule 2 and the insertion of clause 19, which incorporates a mortgage exclusion clause of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement be agreed subject to the disposal period in (b) being increased from a three month period to a six month period.

Members were advised that if the applicant rejected the increase to six months the application would come back to the Committee for further consideration.

## 6 **22/00847/PATELE - COREY'S MILL LANE**

The Committee considered a report in respect of application 22/00847/PATELE for a proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.

The application had come before Committee for consideration as it had been called in by Councillor Phil Bibby.

The Senior Planning Officer advised that the determining issues related to the acceptability of the application in terms of siting and appearance, the factors which could be considered as part of the prior approval process included design, shape and dimensions and whether there were more suitable sites for the proposed works.

The Chair invited Mr Silsby, an objector to address the meeting. Mr Silsby comments related to the number of masts that were already in existence in the area and the proposed mast would not provide any increase to provision already provided by the Hitchin Road mast; the proposed North Road Cycle Lane will be affected by the installation; several masts in the area were shared between providers but the developer had advised that masts could not be shared.

The Chair thanked Mr Silsby for his contribution.

The Senior Planning Officer advised that Central Government expected Local Planning Authorities to respond positively to proposals for telecommunications development. The Committee was informed that other locations in the vicinity of the site had been considered and rejected as not suitable due to obstructing tree canopies, pavement widths or underground services.

In relation to the North Road cycle way improvements, Members were advised that a refusal of an application based on future developments would be unreasonable. The location at present did not contain a cycleway and the proposed development would



be sited within a grassed area of highway verge. Officers advised that the Council could also not refuse on the basis of another competitor having a mast in the same area and the justification of the need for the mast and the continued provision of coverage for mobile users outweighed any harm in this instance.

It was **RESOLVED** that prior approval is Required and Given.

7 **22/00521/FP - 108 CANTERBURY WAY**

The Committee considered a report in respect of application 22/00521/FP for the change of use from public amenity land to residential use.

The application had been referred to the Planning and Development Committee as the applicant was related to members of staff currently employed by Stevenage Borough Council.

The Committee was advised that the main issues for consideration in the determination of this application were the acceptability of the change of use from public amenity land to residential garden and its impact on the character and appearance of the area.

Officers advised that although it was accepted that the area of grassed open space containing the plot of amenity land could be used as an informal play space for children, it was relatively small with extensive shrubbery, adjacent to the main road and therefore not considered an appropriate or safe place for children to play.

In response to a question, officers advised that no concerns had been raised by the Council's arboricultural officer regarding the removal of the shrubs which were relatively low in value.

It was **RESOLVED** that application 22/00521/FP be granted planning permission, subject to the following conditions:

That planning permission be GRANTED subject to the conditions below.

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

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

3. The area of land shown in red on the approved 'Location Plan' located to the north and east of the curtilage of No.108 Canterbury Way, shall be enclosed with timber fencing no higher than 2m high, unless otherwise agreed in writing by the Local Planning Authority.

8 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

9 **INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

Noted.

10 **URGENT PART I BUSINESS**

None.

11 **EXCLUSION OF PRESS AND PUBLIC**

Not required.

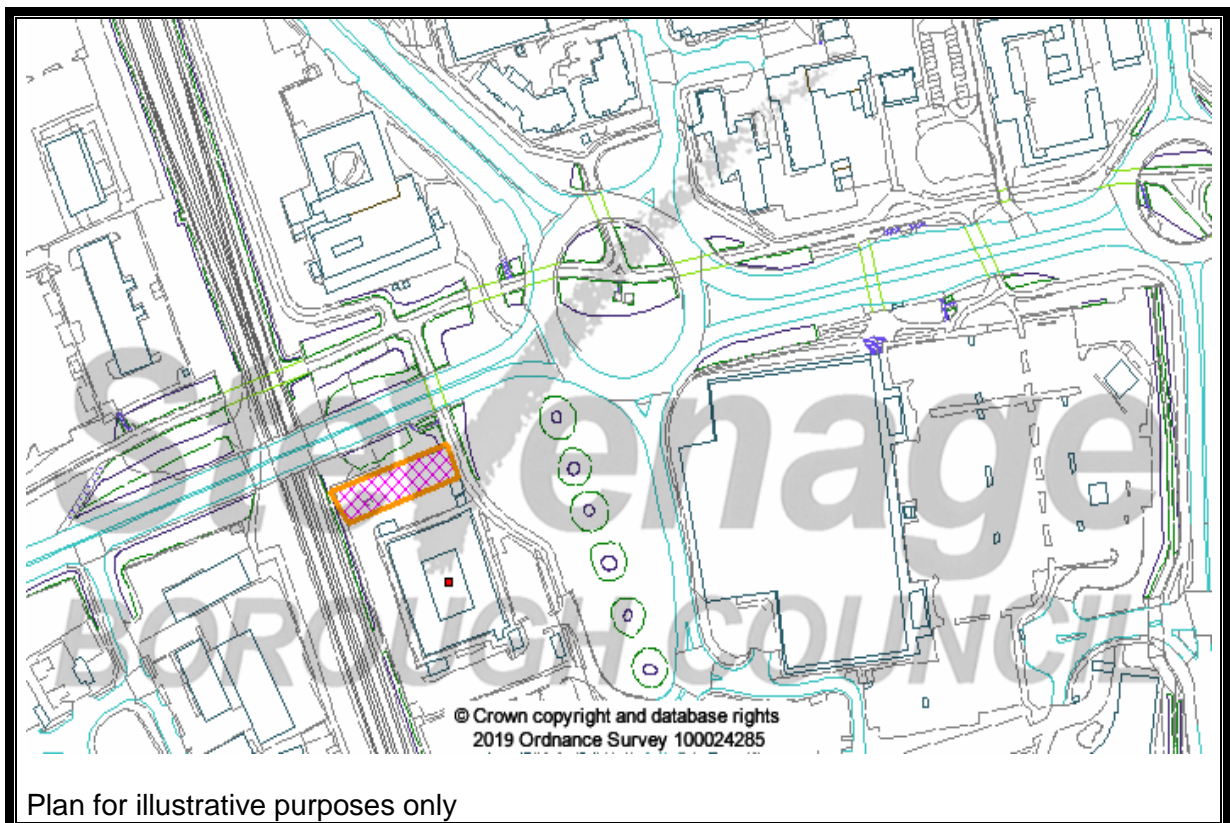
12 **URGENT PART II BUSINESS**

None.

**CHAIR**

|                         |   |                     |
|-------------------------|---|---------------------|
| <b>Meeting:</b>         | <b>Planning and Development Committee</b> | <b>Agenda Item:</b> |
| <b>Date:</b>            | <b>8 December 2022</b>                    |                     |
| <b>Author:</b>          | <b>Linda Sparrow</b>                      | 07931 863551        |
| <b>Lead Officer:</b>    | <b>Zayd Al-Jawad</b>                      | 01438 245257        |
| <b>Contact Officer:</b> | <b>Linda Sparrow</b>                      | 07931 863551        |

|                  |   |
|------------------|---|
| Application No : | 21/01283/FPM  |
| Location :       | North Car Park, Six Hills House, Six Hills Way  |
| Proposal :       | Erection of a 10 storey building comprising of 94 no. flats which consists of 11 no. studios, 36 no. 1 bedroom and 47 no. 2 bedroom units, associated parking, access and ancillary works |
| Drawing Nos.:    | 119-3EX-00; 119-3GA-00C; 119-3GA-01D; 119-3GA-02D; 119-3GA-03D; 119-3GA-04D; 119-3GA-05D; 119-3GA-06A; 119-3GA-09D; 119-3GA-10B; 119-3GA-11D; 119-3GA-12E; 119-3GA-07C; 119-3GA-08B.      |
| Applicant :      | Westgold Developments Ltd   |
| Date Valid:      | 6 December 2021   |
| Recommendation : | GRANT PLANNING PERMISSION   |



## **1. SITE DESCRIPTION**

- 1.1 The application site is located at the northern end of the Six Hills House site and was previously occupied by surface car parking, although construction works have been undertaken in relation to the previously approved planning permission (reference number 16/00482/FPM) and is now enclosed with hoarding. To the south of the application site is Six Hills House which is an existing part four storey, part eight storey building converted into residential apartments. The plant rooms associated with the old office building have also been converted to residential accommodation. The external elevations of the building have been finished in white coloured render and strategically placed colour panels utilising a simple palette of materials in order to provide a contemporary design. Additionally, well proportioned windows and door openings have been installed on the main building in order to maximise natural light. There are also Juliette balconies which are finished in either timber or tinted glass balustrades. The roof areas have been finished with single ply painted copper effect roof membrane with a décor profile. The existing building is surrounded by surface car parking which is punctuated by trees with new cycle and bin stores.
- 1.2 To the north of the application site is Six Hills Way, beyond which is Stevenage Police Station. To the east of the application site is the Six Hills Common which is an established Wildlife Site and comprises the Six Hills Barrows which is classed as a Scheduled Ancient Monument. Beyond the common is Asda supermarket and the North Hertfordshire College Campus. To the south of the application site is Kings Court which is a five storey office building with residential properties to the east of this office block which front London Road. To the west of the application site is the East Coast railway line with Gunnels Wood Employment Area beyond.

## **2. RELEVANT PLANNING HISORY**

- 2.1 14/00328/CPA Prior approval for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 52no one bedroom and 80no two bedroom flats. Prior approval Not Required, 04.08.2014.
- 2.2 15/00078/FP 4no. new bin and bicycle stores, 1no. substation and 1no. pumping station. Permission Granted, 02.04.2015.
- 2.3 15/00225/CPA Change of use from commercial roof top plant enclosures (Class B1) to 15no. residential apartments (Class C3). Prior Approval Not Required, 16.06.2015.
- 2.4 15/00293/FP Construction of 4 storey lift enclosure alongside existing stair tower and external alterations to existing building. Permission Granted 13.07.2015.
- 2.5 15/00483/CPA Prior approval for the change of use of office building (Use Class B1(a)) to Residential Dwellings (Use Class C3), comprising of 128no. one, two and three bed apartments. Prior Approval Not Required, 05.10.2015.
- 2.6 15/00708/COND Partial discharge of Condition 3 (Archaeology) attached to planning permission reference number 15/00078/FP. Discharged, 07.01.2016.
- 2.7 16/00250/NMA Non material amendment to planning permission 15/00078/FP to relocate and increase the size of substation, amend the size and adjust positions of the bin store, increase in size and relocation of pumping station and amendment to the cycle canopy design. Agreed, 04.05.2016.
- 2.8 16/00252/COND Discharge of Condition 7 (Tree Protection) attached to planning permission reference number 15/00078/FP. Discharged, 01.06.2016.

- 2.9 16/00482/FPM Erection of an 8 storey residential building comprising of No. 17 one bedroom residential units, No. 35 two bedroom units, No. 12 three bedroom units, and associated access. Permission Granted, 06.12.2017.
- 2.10 18/00243/COND Discharge of Conditions 3 (Materials), 4 (Landscaping), 11 (Construction Method) and 18 (Site Waste Management) attached to planning permission reference number 16/00482/FPM. Refused 05.07.2018.
- 2.11 18/00515/S106 Variation of Section 106 Agreement dated (06.12.2017) approved under the planning permission reference number 16/00482/FPM. Delegated Authority to Approve 16.05.2019.
- 2.12 20/00359/COND Discharge of condition 3 (Samples of Materials) and 4 (Hard and soft landscaping) attached to planning permission reference number 16/00482/FPM 05.08.2020 DISCHARGED
- 2.13 20/00624/FPM Variation of condition 1 (Approved Drawings) and condition 6 (Car Parking) attached to planning permission 16/00482/FPM. Permission Granted 12.10.2021.
- 2.14 20/00625/FP Installation of fire new escape route has to be created from one of the two stair cores of the adjacent development approved under planning application 16/00482/FPM. The escape route is necessary as the stair core cannot discharge directly into the proposed car park. Permission Granted 07.01.2021.
- 2.15 20/00627/NMA Non material amendment to planning approval 16/00482/FPM to increase the overall height of the building by 682mm. Agreed 03.11.2021.
- 2.16 21/00367/COND Discharge of condition 11 (Construction Method Statement) and 18 (Site Waste Management) attached to planning permission reference 16/00482/FPM. Discharged 26.11.2021.
- 2.17 21/00564/NMA Non material amendment to planning approval 16/00482/FPM to re-position brickwork from the second floor to the first floor at the front of the development. Agreed 09.06.2021.

### **3. THE CURRENT APPLICATION**

- 3.1 This application seeks planning permission for the proposed erection of a ten storey residential block of apartments, comprising 11no. studio units, 36no. one bedroom units and 47no. two bedroom units. The proposed development would measure approximately 15.5m in depth and would span approximately 59m in width with a height of approximately 30.5m.
- 3.2 The proposed development would comprise an area of undercroft car parking with 18no. spaces and a basement area comprising 30no. parking spaces over two levels. The development would also comprise 145 long term and 3 short term cycle spaces.
- 3.3 In respect of the finished appearance of the development, the materials which would be used in the construction of the development would be a light grey render with dark grey sections to the north elevation; whilst the south, east and west elevations have a combination of grey render, and Belgravia Gault brickwork with white painted concrete block work to the car park.
- 3.4 Serving the individual flats is a balcony area which comprises of metal railings with frosted glazing and timber decking. On the northern elevation of the building, the proposed development would be constructed in a mid-grey cladding. The fenestration of the proposed building comprises of metal framed fully glazed windows and doors. The top floor levels

have been recessed and comprises of full height glazing to the habitable room areas in order to break up the visual bulk of the development and provide variance to the built form.

3.5 This application comes before the Council's Planning and Development Committee as the application is a major residential development.

## 4. PUBLIC REPRESENTATIONS

4.1 Following notification of the application via letter, the erection of a site notice and a press notice in the local newspaper, public representations have been received from the following:

- West Terrace: 101; 204; 210; 505; 704
- London Road: Laurels

4.2 A summary of the objections raised are set out as follows:

- Worried about disruption of construction through noise and construction vehicles
- Overlooking/loss of privacy between new and existing dwellings
- Loss of daylight and sunlight to existing dwellings
- Lack of car parking to existing East & West Terrace developments; this site should be used for additional car parking
- Lack of car parking on site will worsen parking issues in the wider area
- Previous permission not built due to safety concerns of construction and moving of construction vehicles around the site
- Additional 2 floors above previous permission is unacceptable and will result in an eye sore
- Private garden in centre of existing development will be overlooked by upper floors of new development
- Over development of the site
- Value of properties will go down
- No visitor parking spaces
- Car lifts will create excessive noise
- Land should be used as a recreation park, public building, arts centre, electric bike transport hub/facility or an extension of existing car park.

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

## 5. CONSULTATIONS

### 5.1 SBC Engineers

5.1.1 The on-site car parking provision appears adequate in line with SBC's policies, though I suspect residents may have reservations about the proposed use of car lifts. Should this cause reluctance to park in the basement, this may have an impact on local roads. The council will have to monitor this and may find it necessary to make new parking regulations. A developer contribution should therefore be sought towards the costs this will impose on the council. I would estimate this as being up to £12,000. I must also highlight that the proposed cycle parking provision is not adequate, and object as there are insufficient proposed cycle parking spaces and the type of proposed provision is discriminatory.

5.1.2 The proposed two-tier cycle parking is not suitable for non-standard cycles such as recumbents or tricycles. Such cycles are frequently used as mobility aids. In the interests of accessibility and enabling cycling by any resident, cycle parking suitable for non-standard

cycles such as these should be provided. This therefore discriminates against disabled cyclists. The proposed two-tier cycle parking is of a type that is also difficult for some able bodied cyclists with standard cycles to use, as not everyone is tall enough and strong enough to use the upper level despite the gas assisted struts to make this easier than many modern types include.

## 5.2 Herts Fire & Rescue Water Officer

5.2.2 This will require a condition for the provision and installation of a fire hydrant, at no cost to the county, or fire and rescue service. This is to ensure adequate water is available for in the event of an emergency.

## 5.3 HCC Highways

5.3.1 Hertfordshire County Council as Highway Authority considers that the development is unlikely to result in a significant material increase or change in character of traffic in the vicinity of the site and therefore has no objection subject to the implementation of the agreed construction management plan. A Section 106 agreement will be required to secure £6,000 towards an approved Travel Plan.

## 5.4 Historic England

5.4.1 Any development or changes at the application site have potential to affect the setting of the monument and cause harm to its significance. The proposals will result in a significant increase in built form in the vicinity of the scheduled monument. We consider the proposal could result in harm to the significance of the heritage assets.

5.4.2 Historic England considers that the proposed development would result in a change to the setting of the 'The Six Hills Roman barrows' scheduled monument and we have previously advised this could result in harm to its significance. We have previously advised the need for a heritage impact assessment to be prepared. This assessment is not undertaken in the archaeological desk-based assessment that has been submitted with the application (RPS Group, January 2022).

5.4.3 Historic England has concerns regarding this application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of the NPPF. In particular, a heritage impact assessment should be prepared with the planning application to adequately assess the impact of the proposals on the historic environment as required by NPPF paragraph 194. We consider that the scheme has the potential to cause less than substantial harm, moderate in scale to the significance of the designated heritage assets as identified in our comments above.

5.4.4 We, therefore, consider that this should be given great weight in the planning balance required under paragraph 202 of the NPPF. In relation to justification, this is a matter for the Council to consider with reference to the submission, and with reference to local and national planning policies and local planning need.

5.4.5 With regards to the case for public benefit for the historic environment, we consider this could be delivered by the provision of an interpretation panel in a suitable, publicly accessible location to improve public perception and understanding of the adjacent scheduled monument of 'The Six Hills Roman barrows'. We would recommend this is secured by a condition attached to any planning permission or via s.106. The Planning Authority should take this representation into account and seek amendments, safeguards or further information as set out in our advice.

## 5.5 Herts & Middlesex Wildlife Trust

- 5.5.1 To conserve and enhance the biodiversity of Stevenage and in accordance with NPPF, this development should incorporate integrated swift nesting bricks. Swifts are a focus species for Stevenage and have recently slipped onto the red list of birds of conservation concern. They are entirely dependent on human habitation for their nesting. Simple features built into new development are vital for this species if it is to survive. The boxes should be positioned as high as possible and orientated predominantly to the north.

## 5.6 Network Rail

- 5.6.1 Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but there are some requirements which must be met, especially with the proximity of the development to high voltage overhead line equipment on the adjacent East Coast Main Line. These can be secured via conditions.

## 5.7 HCC Growth & Infrastructure Unit

- 5.7.1 Based on the information to date for the development of 94 dwellings we would seek financial contributions towards the following projects:

- 5.7.2 Primary Education towards the new 2FE primary school in Stevenage town centre (£242,215 (240,884 build costs + £1,331 land costs) index linked to BCIS 1Q2020). Monitoring Fees - these will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI 1Q2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

- 5.7.3 Following a viability appraisal assessment identifying that financial contributions could not be provided, the following was received:

- 5.7.4 HCC GIU is okay to proceed, however we suggest that a viability review mechanism is included in the S106 legal agreement should this application be granted permission. HCC GIU would request to be a party to any S106 legal agreement that is drawn up for this application, this is to ensure that HCC are part of the conversation on how any chargeback on increased values and therefore profits are apportioned and spent. HCC acknowledges that SBC is minded to prioritise S106 contributions to affordable housing and therefore as HCC is no longer able to seek the primary education contribution of £242,215 (index linked to BCIS 1Q2020) then HCC may need to seek the outstanding contribution amount towards the new primary school as part of a future CIL bid.

## 5.8 SBC Parks and Amenities

- 5.8.1 We want to draw attention to the close vicinity of the development site to Six Hills Common, which is protected under law. This site is also designated as a local wildlife site, is home to an ancient scheduled monument (Six Hills Roman Barrows) and is rigorously guarded by residents. While the development envelope does not fall directly onto this site, care shall be taken not to encroach or impact the site directly or indirectly.

## 5.9 B.E.A.M.S

- 5.9.1 Six Hills House is located to the west of a group of six Roman burial mounds known as 'The Six Hills', they give their name to the adjacent Six Hills House and Six Hills Way. The Six Hills have been designated a Scheduled Ancient Monument and their significance was



formally recognised as early as 1923, they are of national importance and under the NPPF are a 'designated heritage asset'. They are of particular significance as the largest surviving group of Roman burial mounds (barrows) in England.

5.9.2 The Six Hills stand alongside the London Road and are a well-known local landmark, their position within an area of grassland helps to preserve their setting despite it having changed markedly since the creation of Stevenage's new town, its associated road network and nearby development. The construction of a new residential development to the north of Six Hills House has previously been approved, the current application proposes an increase in height of the development to 10 storeys, its footprint will remain as previously approved. The design and access statement refers briefly to the location of the Six Hills Roman Barrows adjacent to the site, but the application does not assess the latest planning application in relation to their setting or any resulting impact upon their significance. It is recommended a heritage impact assessment be submitted as part of the current planning as required by NPPF paragraph 194.

#### 5.10 SBC Environmental Health

5.10.1 It is noted that the total overall transport noise exposure at location 1 contained in the 2016 report is significantly higher at measurement location 1 than either the road traffic or rail noise exposure identified in the 2022 report. Nevertheless, it is further noted that the 2022 Report contains detailed external fabric specifications at section 5.0 and this includes a relatively high specification for the required glazing.

#### 5.11 Hertfordshire Fire & Rescue Service

5.11.1 We will make further comment when the building regulations application is received

#### 5.12 HCC Archaeology

5.12.1 I can confirm that the previous comments still stand. (from the discharge of conditions app)

#### 5.13 SBC Arboricultural and Conservation Manager

5.13.1 I have no objections to this application.

#### 5.14 Health and Safety Executive (under Gateway One)

5.14.1 It is noted that the revised plan drawings propose a new approach for the development, specifically, to contain a single building of 10 storeys served by two staircases, each provided with a dry riser fire main. This design resolves the concerns HSE previously raised.

5.14.2 Previously, HSE raised a concern about the single staircase of each block connecting with ancillary areas. The revised plan drawings illustrate a single building served by two stairs, therefore, the connection with ancillary areas separated by suitable lobbies, is permitted. HSE welcomes this approach which appears to be acceptable, subject to later regulatory consideration.

5.14.3 Previously, HSE raised a concern about the South access to both proposed firefighting shafts by way of the covered carpark. The revised plan drawings illustrate the introduction of a protected corridor to the South stair. Additionally, for the North stair, the firefighting parking location is proposed on Kings Rd with direct access to the firefighting shaft. HSE welcomes this approach which appears to be acceptable, subject to later regulatory consideration.

- 5.14.4 The revised plan drawings illustrate that the inlet location for the dry fire main is inside the protected stair. Whilst this may be a drawing mistake, it should be noted that the inlet location should be on the face of the building, close to the entrance point leading to the firefighting shaft, with the inlet visible from the fire appliance. This issue will be picked up at a later regulatory stage.
- 5.15 HCC as LLFA
- 5.15.1 The proposal does not have significant concerns regarding the existing flood risk on site. There is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.
- 5.16 Woods Plc Drainage Consultant
- 5.16.1 Whilst the proposals include a number of positives with respect to drainage, notably the aim of providing betterment through the attenuation of run-off rates to a low discharge rate of 2l/s, we object on the basis that the Drainage Strategy does not appear to have considered all options to maximise the sustainability of the development, nor addressed all of the constraints identified in the 2016 application.
- 5.16.2 The drainage strategy was amended to reflect the comments raised by our drainage consultant and as of the time of writing this report, we have not received their final comments. It is anticipated that an addendum report will be provided to members of the committee prior to the meeting.
- 5.17 The aforementioned is not a verbatim copy of the responses which have been received. Full copies of the responses received can be viewed on the Council's website.

## **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 July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities) in January 2021, identifies that Stevenage only delivered 64% of its housing requirement. This is significantly below the 75% target and renders the adopted Local Plan housing policies as out of date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.
- 6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:  
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>
- 6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **6.3 Planning Practice Guidance**

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 Adopted Local Plan (2019)**

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

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable development in Stevenage;  
Policy SP5: Infrastructure;  
Policy SP6: Sustainable transport;  
Policy SP7: High quality homes;  
Policy SP8: Good design;  
Policy SP11: Climate change, flooding and pollution;

Policy SP12: Green infrastructure and the natural environment;  
Policy SP13: The historic environment;  
Policy IT4: Transport assessments and travel plans;  
Policy IT5: Parking and access;  
Policy IT6: Sustainable transport;  
Policy IT7: New and improved links for pedestrians and cyclists;  
Policy HO5: Windfall sites;  
Policy HO7: Affordable housing targets;  
Policy HO8: Affordable housing tenure, mix and design;  
Policy HO9: House types and sizes;  
Policy HO11: Accessible and adaptable housing;  
Policy GD1: High quality design;  
Policy FP1: Climate change;  
Policy FP2: Flood risk in Flood Zone 1;  
Policy FP5: Contaminated land;  
Policy FP7: Pollution;  
Policy FP8: Pollution sensitive uses;  
Policy NH2 - Wildlife Sites;  
Policy NH5: Trees and woodland;  
Policy NH6: General protection for open space;  
Policy NH9: Areas of Archaeological significance.

## **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document October 2020  
Stevenage Design Guide Supplementary Planning Document January 2009.  
The Impact on Biodiversity SPD 2021  
Developer Contributions SPD 2021

## **6.6 Community Infrastructure Levy**

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

# **7 APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are the acceptability of the proposal in land use policy terms, affordable housing and developer contributions, impact on the appearance of the area, impact upon residential amenities, means of access and traffic issues, parking, development and flood risk, trees and landscaping, ecological impacts, impact on the environment and the impact on the Scheduled Ancient Monument.

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 Land Use Policy Considerations**

### Compliance with the Council's Housing Policies

7.2.1 The NPPF (2021) states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs

and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development".

- 7.2.2 Paragraph 62 of the NPPF (2021) requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 69 of the Framework sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.3 Paragraph 119 of the NPPF (2021) stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.4 The site is not allocated in the Local Plan and would therefore, be classed as windfall. Policy HO5 of the adopted Local Plan (2019) deals with windfall housing sites and states that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.5 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.6 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and, it does not overburden existing infrastructure.
- 7.2.7 For the purpose of clarity, the definition of previously-developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The site occupies the former car park associated with the original Six Hills House commercial development and then subsequently the converted residential development. Under application reference number 16/00482/FPM it was established the development is considered to constitute development of previously developed, brownfield land and therefore complies with Policy HO5. Further, this planning permission has been legally implemented and is therefore an extant permission which establishes the principle of residential development on this site. This is a key material consideration in the determination of this current application.
- 7.2.8 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is located in close proximity to the town centre and has easy access to a range of retail, service and food and drink premises. The site is also located opposite a supermarket and there are pharmacies, a library, doctors and dental surgeries all within a short walking distance to the site. Finally, the nearest primary school is located approximately 702m south-west of Broom Barns and approximately 2km from both Thomas Alleyne School and Barnwell Middle School (Formerly known as Heathcote). As such, the application site is considered to have excellent access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a highly sustainable location. Furthermore, the site is also located adjacent to a well-connected cycle and pedestrian network. The application site is approximately 400m from the town centre bus station and 465m from the train station, both of which are easily accessible by foot.

- 7.2.9 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.10 Turning to 5 year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.11 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
  - b) 10% where the Local Planning Authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
  - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.12 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer in to its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.
- 7.2.13 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.
- 7.2.14 The Council's Planning Policy Team have advised that the Council can now demonstrate 5.91 years of supply (which includes the 20% buffer) for the period 1 April 2021 to 31 March 2026. This calculation includes the previously approved 2016 application for 64 units. Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged.
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), the proposed development seeks to deliver 11no. studios; 36no. 1 bedroom; and 47no. 2 bedroom units. As such, it would be in accordance with this policy because it would help to deliver a number of smaller dwellings and contribute to the delivery of a mix of housing types in the Town. This application seeks to provide an uplift of 30 units above the previously approved 2016 application which sought to provide 64 units comprising 17no. 1 bedroom, 34no. 2 bedroom and 13no. 3 bedroom units. Therefore this current application will provide a greater number of 1 and 2 bed units and deliver a number of smaller studios.

- 7.2.16 In summary, the Council is currently able to demonstrate a five year supply of deliverable housing sites. Consequently, this is considered to be a key material consideration in the assessment of this application. However, the uplift of 30 units that this current application will provide over the previously approved scheme will strengthen the Council's position with regards to 5 year land supply. Nonetheless, the proposed development would contribute to the aim of boosting housing supply as required under Paragraph 60 of the NPPF without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the principle of development has been established in that residential use has previously been agreed for the development site.
- 7.2.17 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be substantial and therefore attracts significant weight in favour of the proposal.
- 7.2.18 On balance, having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

### **7.3 Affordable housing and planning obligations**

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 23.5 affordable units, rounded up to 24 units. Policy HO7 continues that "planning permission will be refused where these targets are not at least achieved unless:
- a) Developers robustly demonstrate that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or
  - b) Meeting the requirements would demonstrably and significantly compromise other policy objectives."
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:
- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
  - b) Meets the requirements of Policy HO9 (House types and sizes);
  - c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
  - d) Will remain at an affordable price for future eligible households.
- 7.3.3 Additionally, advice in the Planning Practice Guidance (PPG) refers to viability and sets out the key principles for viability and plan making. This seeks to ensure that policy requirements are taken into account when land is valued and purchased and goes on to state that "the price paid for the land is not a relevant justification for failing to accord with relevant policies in the plan". Where viability statements are required at the decision taking stage, then the PPG reinforces the responsibility of the applicant to be transparent in terms of the assumptions behind the evidence provided. The principles of carrying out viability assessments are:-

"to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission".

- 7.3.4 In addition to the above, paragraph 65 of the NPPF (2021) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.
- 7.3.5 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.
- 7.3.6 First Homes are a specific kind of discounted market sale units which:
- a) must be discounted by a minimum of 30% against the market value
  - b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
  - c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
  - d) after the discount has been applied, the first sale must be at a price no higher than £250,000.
- 7.3.7 First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.
- 7.3.8 Taking the aforementioned policies into consideration, the applicant has provided a detailed financial viability assessment which demonstrates that the development proposal is unable to provide a policy compliant position of 25% affordable housing. This appraisal has been independently assessed by the Council's own viability consultants who have confirmed that if the applicant was to provide the full quota of affordable housing then they would be left with a deficit of £5.4m. Further, the assessment also concluded that the scheme would be left with a £4.1m deficit if contributions were provided instead, which is only marginally smaller than the fixed profit target of £4.16m and would therefore result in the scheme generating no developers profit in real terms.
- 7.3.9 Given the aforementioned, our viability consultant identified that no financial contribution in lieu can be provided. However, this would still be in accordance with the NPPF and associated Planning Practice Guidance as it has been clearly demonstrated that the scheme would not be viable with the usual full requirement of affordable housing provision.
- 7.3.10 Notwithstanding the aforementioned, the Council's Developer Contributions SPD (2021) allows for the incorporation of a clawback mechanism in the S106 which allows the future viability of the scheme to be reassessed and any increase or uplift in market conditions results in additional monies being provided. The applicant has agreed to this.
- 7.3.11 It should be noted that the 2016 extant planning permission on this site provided no affordable housing although contributions of £52,709.95 were secured via the S106. It was demonstrated at the time there were significant viability issues and they could only provide a limited contribution. Notwithstanding, the current proposal, with the clawback mechanism in the S106 referred to in point 7.3.11, would capture any uplift in value which will allow an



in-lieu financial contribution to go towards affordable housing. Full details of the review mechanism would be dealt with through the drafting of the S.106 agreement.

7.3.12 In addition to affordable housing, financial contributions are also required in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council. These financial contributions are set out in the table below:-

| <b>Stevenage Borough Council</b>    | <b>Financial Obligation</b> |
|-------------------------------------|-----------------------------|
| Travel Restriction Monitoring       | £12,0000                    |
| <b>Hertfordshire County Council</b> |                             |
| Travel Plan                         | £6,000                      |
| Primary Education                   | £242,215                    |
| <b>Total</b>                        | <b>£260,215</b>             |

7.3.13 The applicant confirmed by email on 19<sup>th</sup> July 2022 that the developer profit is £4.16m and the scheme deficit is £4.09m; as such, if the developer profit was removed then the scheme has a surplus of £64,152.00. Accordingly, via this email, the applicant agreed to cover a proportion of the Primary Education Contribution which equates to £46,152.00, the HCC Travel Plan and the SBC Travel Restriction monitoring as detailed in the table above. Whilst removing developer profit would appear contrary to any built development, the applicant confirmed that if a commercial view is taken to accept a low development profit, thereby taking a long term investment view by waiting for capital appreciation to show a return, then the development can come forward.

7.3.14 Turning to the recently adopted Developer Contributions SPD (2021), this SPD introduces a new requirement that developers of major development when signing an agreement with the Council, will need to:

- Attempt to fill 5% to 10% of construction jobs on-site associated with the development with Stevenage Residents;
- Attempt to fill 1 apprenticeship position per 10 construction jobs on-site with a Stevenage Resident or Student (cap requirement of 10 apprenticeships);
- Report whether or not these requirements are met; and
- Provide a financial contribution in lieu of not achieving either or both targets.

7.3.15 The calculation of the financial contribution will be as follows:

- a) £4,000 per number of targeted jobs not filled by Stevenage residents;
- b) £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students; and
- c) £250 per apprenticeship position as an administrative fee towards the brokerage system to fill apprenticeship positions.

7.3.16 If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, and the resultant lack of suitable opportunity to provide apprenticeships, they should pay a lesser fee of £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.

7.3.17 In terms of monitoring, the Council's Developer Contributions SPD sets out that the Council will seek a monitoring fee of 2.5% of the value of the contributions being monitored. The fee would be capped at £25,000.00. The monitoring fee itself would be secured as part of any S.106 legal agreement.

## **7.4 Impact on the appearance of the area**

7.4.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure

developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and, appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.

7.4.2 Paragraph 131 of the NPPF places great importance on the role of trees in helping to shape quality, well designed places “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change”.

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

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

7.4.5 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council’s Design Guide SPD (2009) generally reflects the aforementioned policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.

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

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

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

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

- their detailing.

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

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

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

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

7.4.10 The application proposes the redevelopment of the existing surface car park for residential development which forms a key gateway site. The site lies adjacent to the existing Six Hills House which is a part four storey, part eight storey building which has been converted into residential apartments. The external elevations of the building have been finished in white coloured render and strategically placed colour panels utilising a simple palette of materials in order to provide a contemporary design. Additionally, well-proportioned windows and door openings have been installed on the main building in order to maximise natural light. There are also Juliette balconies which are finished in either timber or tinted glass balustrades. The roof areas have been finished with single ply painted copper effect roof membrane with a décor profile. The existing building is surrounded by surface car parking which is punctuated by trees with new cycle and bin stores being erected.

7.4.11 The proposed development comprises the erection of a ten storey building with an undercroft and basement car parking area and comprises 11 studios, 36 one bedroom residential units and 47 two bedroom units. The building, as set out in Section 3 of this report, would measure approximately 15.5m in depth and would span approximately 59m in width. In terms of height, the proposed development would have an overall height of approximately 30.5m.

7.4.12 To compare the scale and height of the proposal, the development would be taller than Six Hills House by two storeys. Furthermore, in context with the application proposal, there is Vista Towers (formerly Southgate House) which is a 13 storey building, Pine Tree Court which is a 6 storey building, The Towers which is 13 storeys and the Holiday Inn which is 7 storeys. Therefore, the proposed development would not be out of character with the wider area due to the range of building heights. Further, there are a number of approved planning permissions in the outer Town Centre area for tall buildings, such as the former Matalan site, former BHS site, The Forum, the former Icon site and the SG1 redevelopment proposals for the Town Centre. In the appeal statement for the Icon site (planning ref. 19/00474/FPM, appeal ref. APP/K1935/W/20/3255692), paragraphs 30-33, the Inspector concludes that tall buildings around the periphery of the Town Centre is not harmful per se, where they are close to other existing and proposed tall buildings within and outside the Town Centre.

- 7.4.13 In respect of the finished appearance of the development, the materials which would be used in the construction of the development would be a light grey render with dark grey sections to the north elevation; whilst the south, east and west elevations have a combination of grey render, and Belgravia Gault brickwork with white painted concrete block work to the car park.
- 7.4.14 Serving the individual flats is a balcony area which comprises of metal railings with frosted glazing and timber decking. On the northern elevation of the building, the proposed development would be constructed in a mid-grey cladding. The fenestration of the proposed building comprises of metal framed fully glazed windows and doors. The top floor levels have been recessed and comprises of full height glazing to the habitable room areas in order to break up the visual bulk of the development and provide variance to the built form.
- 7.4.15 Taking into consideration the aforementioned, the proposed development has a well-defined top, middle and bottom with a distinctive window patterns through the building. The use of balconies combined with the brick projection on the southern elevation of the building also helps to add more modulation to the built form. The design and position of the windows combined with the balconies also helps to add verticality to the overall character and appearance of the building.
- 7.4.16 In regards to spatial layout, the building would run parallel with Six Hills Way with the eastern elevation fronting onto the cycleway and the western elevation fronting onto the railway line. The proposed development has been positioned approximately 16m from Six Hills House and 16m from Six Hills Way respectively. Given this, the development has been positioned in a way to allow sufficient views across the site and ensure that it does not appear cramped or overbearing. Furthermore, the visual gap also ensures that the building can be fully appreciated in its full architectural form given its distinctive style.
- 7.4.17 The development has also been designed to address both the site by creating a dual active frontage overlooking the surface car park and the cycle path to the east of the site. The site also has the main lobby entrance on the eastern elevation of the building with full height glazed area in order to create a focal point when viewed from the cycle path.
- 7.4.18 Taking into consideration of the above, the submitted proposal has been designed to create a high quality development with the use of contemporary architecture in order to address this tightly constrained site. This is achieved through the introduction of a strong relief to the built form with a clearly defined top, middle and bottom with distinctive window patterns running through the building. The use of balconies and the brick projection helps to modulate the built form which is further broken up by the use of contrasting materials and along with the usage of glazing and climbing planters.
- 7.4.19 With respect to the ground floor car park, this would be well screened from the public realm due to the presence of a mature hedge which runs along the eastern edge of the site. The site is also set down from Six Hills Way due to the sloping nature of the site and there is a tree belt between the building and the highway. This would further screen the proposed ground floor parking area. Therefore, it would only be readily visible from the surface car park in the grounds of Six Hills House. The rear elevation provides articulation through the use of windows in order to create a vertical emphasis.
- 7.4.20 In summary, the proposed development will comprise of a high quality design to all elevations and would help to improve the visual amenities of the area. Nevertheless, it is recommended that if planning permission was to be granted, a condition would be imposed requiring samples of the materials to be submitted to the Council for approval. This would ensure that the development would have a high quality appearance which enhances the overall character and appearance of the area on this important gateway site.

## **7.5 Impact upon residential amenities**

### Outlook and privacy

- 7.5.1 In regards to outlook, the separation distance between Six Hills and the proposed development, which would be approximately 16m, would not appear overbearing to the future owner/occupiers of the properties within Six Hills House and vice versa. Turning to privacy, the Council's Design Guide SPD does not have standards on separation distances for front to side elevations. However, there is still the potential for direct overlooking into private amenity areas of properties within Six Hills House and vice versa. Therefore, in order to overcome this issue, the applicant has angled the main habitable room windows which have been orientated east and west. This is to ensure that there is no direct overlooking of main windows of both the existing and proposed developments.
- 7.5.2 Turning to the proposed balcony areas, these have been carefully positioned so as to be screened by the projecting brickwork on the southern elevation of the development. This ensures that persons standing out on the balconies cannot directly look on to the habitable room areas of properties in Six Hills House. Turning to the terraces on the 9th floor of the development, at this point there would be no habitable windows within Six Hills House which would be directly affected.
- 7.5.3 The 2016 application which was previously approved, has been legally implemented and is therefore a material consideration in the determination of this application. The siting of this current application is the same as the previously approved scheme which was deemed to be acceptable in terms of separation distances and outlook.
- 7.5.4 Given the above, it is considered that the outlook and privacy of the existing and proposed developments would be acceptable.

### Sunlight and daylight

- 7.5.5 An independent sunlight and daylight assessment by a qualified and competent person has been undertaken in line with the guidance set out in the Building Research Establishment (BRE) (2011) "Site Layout Planning for Daylight and Sunlight, a guide to good practice has been submitted with the application. The following sections of this report relate to the submitted assessment which itself was created using the BRE's 2011 guidance. However, since the submission of the application, the BRE have produced new guidance in June 2022 to cover the new BS 17037 "Daylight in Buildings". The applicant has been advised of this update and is working to submit an addendum report to accompany this application. At the time of writing this report no new details have been received. It is anticipated that an update can be provided to members by way of an addendum report.
- 7.5.6 Notwithstanding the above, the extant 2016 planning permission is a key material consideration in the determination of this application as an accepted fall-back position. This extant permission determined that any harm identified to the daylight and sunlight of the existing Six Hills development was within acceptable levels. Any additional harm identified by new reporting measures would be considered limited over and above that already identified.
- 7.5.7 Given that the proposed development would be located due north of the existing Six Hills House, there is the potential for the development to impact upon the level of daylight received on Six Hills House and vice versa. Dealing with daylight, the BRE guidelines operate on the principal that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the VSC is below 27% but is not reduced to less than 0.8 times its former value, then the reduction in daylight would not generally be noticeable to the owner/occupiers and therefore, the level of impact is not sufficient to warrant refusal.

- 7.5.8 The assessment submitted with this application identified that the lower floors of Six Hills House would experience a notable change in the level of daylight received. However, the windows of the properties located on the northern elevation of Six Hills House have an open aspect and therefore, receive a greater level of daylighting than a typical window. Following a more detailed Average Daylight Factor (ADF) test, it has been demonstrated that all but 2 of the rooms on the northern elevation of Six Hills House would exceed the recommended values set out in the BRE guidelines.
- 7.5.9 The two rooms which failed were living/kitchen/dining rooms and only failed to reach the target ADF value by 0.5%. The BRE guidelines require flexibility of judgment when interpreting results. This is particularly relevant when rooms are open plan living/kitchen/dining rooms in urban developments. In this instance, the two affected rooms are approximately 7.7m deep with the living area situated nearest the windows and kitchens at the rear of the room.
- 7.5.10 Given this, the northern facing rooms within Six Hills House would still retain acceptable levels of natural daylight if the proposed development is implemented.
- 7.5.11 Turning to sunlight and overshadowing, the BRE guide states that sunlight is only relevant to neighbouring residential windows which have a view of a proposed development and face within 90 degrees of south. The necessary sunlight test has been undertaken and this assessment has identified that the existing development (Six Hills House) would not have a detrimental impact on the level of sunlight which would be received by the development, or, generate an unacceptable level of overshadowing of the proposed development. Furthermore, as the development is located due north of Six Hills House, it would not impact on the level of sunlight or generate an unacceptable level of overshadowing to the existing development.

#### Private amenity space

- 7.5.12 The Council's Design Guide States that in flatted developments, the Council will aim to achieve a minimum useable communal area of 50sqm for schemes up to 5 units, plus an additional 10sqm per additional unit over 5. Taking this into consideration, there would be a requirement to provide as a minimum, 940sqm of communal amenity space to serve the proposed development.
- 7.5.13 The proposed development does not comprise of communal amenity space due to the constrained nature of the site. However, the Council's Design Guide does state that upper floor flat dwellers rarely have access to garden space, therefore, where there is no communal space there should be a provision of balconies or roof gardens for the occupants of the development.
- 7.5.14 Taking into consideration of the above, the proposed development would comprise of approximately 500sqm of private balconies and terrace areas which would serve the individual properties within the residential block of flats. Furthermore, the application site is within walking distance to the Town Centre Gardens and King George V Playing Fields. Taking this into consideration, the site is accessible to areas of public open space which can be utilised by the residents of the development.
- 7.5.15 Given the aforementioned, it is considered that the proposed development would have an adequate provision of private amenity space to serve the future occupiers of the development and is highly accessible to public open space.

### Gross internal floor area

- 7.5.16 Policy GD1 of the Local Plan (2019) relates to High Quality Design and it sets out the minimum gross internal floor space standards for dwellings (including apartments) which is in line with the Government's nationally described space standards (NDSS). Following an assessment of the proposed floor plans, all apartments would meet the minimum gross internal floor space standards as set out in the NDSS adopted into the Local Plan. Given this, there would be adequate living space standards for any future owner/occupiers of these properties.

### Noise

- 7.5.17 Policy FP8 of the Local Plan (2019) stipulates that permission for pollution sensitive issues will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses.
- 7.5.18 Taking the above policy into consideration, due to the location of the proposed development in close proximity to the railway line and Six Hills Way which is a busy dual carriageway, the applicant has submitted with the planning application a Noise Impact Assessment. It is set out in this assessment that the proposed development would be constructed with insulated render, 120mm Rockwool insulation on 150mm Metsec Frames fully filled with Rockwool insulation. In regards to the glazed areas, these would have specially designed double glazed windows and doors in line with British Standard BS8233:2014 (Guidance on sound insulation and noise reduction for buildings).
- 7.5.19 Following consultation with the Council's Environmental Health Department, it is considered that the proposed development set out in the Noise Impact Assessment is acceptable. Given this, if members were minded to grant planning permission a condition could be imposed to ensure that the proposed development is constructed in accordance with the mitigation measures as set out in the submitted Noise Impact Assessment.

### External lighting

- 7.5.20 In regards to external lighting, the applicant has not submitted any details about any lighting which would be installed on the building or around the application site. However, to ensure that any external lighting does not affect the amenities of the neighbouring residential properties within Six Hills House or the adjacent highways and railway line, it is recommended to add a condition to any grant of planning permission in order to deal with external lighting.

## **7.6 Means of access and traffic issues**

- 7.6.1 The site is served by a single vehicle access road from Kings Road which is a spur road off London Road connected via a mini roundabout. London Road, which is a two-way carriageway, is a designated secondary distributor road subject to a speed limit of 30 mph. The existing access road off Kings Road would be utilised as an access/egress point to serve both the proposed development and existing Six Hills House development. This access would not be altered as it is of a sufficient width for two-way traffic to safely enter and exit the site.
- 7.6.2 Turning to primary pedestrian access, this will be taken from the cycle track located adjacent to Kings Road. Pedestrian access into the proposed building will be taken from the ground floor level on the eastern side of the building. The proposal comprises a new footpath connection between the existing cycle track/footway located to the east of the application site and the proposed development. Additionally, a new footpath will run along the northern elevation of the building to allow for egress from the fire exits. This footpath

was previously granted planning permission under reference number 20/00625/FP and has now changed from the approved plans so is therefore considered to remain acceptable.

- 7.6.3 In respect of visibility splays, the existing access points on both Kings Road and London Road have adequate vehicle to vehicle and pedestrian inter-visibility splays in line with the Department for Transport (Dft) Manual for Streets and Hertfordshire County Council (HCC), Roads in Hertfordshire Design Guide. Therefore, vehicles entering and egressing should not prejudice the safety and operation of pedestrians, cyclists and vehicles utilising the highway network, including the adjacent cycle track off Kings Road.
- 7.6.4 In regards to the internal road layout, the proposed car parking aisles would, as set out in the submitted Transport Statement, be between 4.31m to 6.85m in width. Given this, the internal road layout for the surface car park would be of a sufficient size to accommodate single-vehicle traffic as identified in the swept path analysis. However, the layout of the car park is such that there is no conflict between vehicles egressing and entering the site. Furthermore, the internal road would comply with the Manual for Streets and Roads in Hertfordshire Design Guide.
- 7.6.5 In assessing traffic generation, the applicant's transport consultant has produced a transport assessment which incorporates details of proposed traffic generation for weekdays. The traffic generation figures identify that on a Weekday AM peak hour (08:00 to 09:00) there would be 27 two-way trips and in the Weekday PM peak hour (17:00 to 18:00) there would be 32 two-way trips. This equates to one vehicle trip every three minutes which is a lower trip generation than the previous use of the site as an office development. Given this, Hertfordshire County Council as the Highways Authority considers that the low levels of trip generation to and from the site would be acceptable in that it would not prejudice highway safety.
- 7.6.6 In relation to proposed pedestrian and cycle access into the application site, this has been designed in a way to ensure that the existing footpath and cycle path link to the town centre is not detrimentally affected. Furthermore, this new connection ensures the development allows for a modal shift from the use of a motor vehicle where an individual can easily walk into the town centre or utilise the extensive cycle network. HCC Highways have assessed the application and have raised no objections in this regard. Therefore, it is considered that the proposed pedestrian and cycle access would be acceptable in this instance.
- 7.6.7 Under planning application reference number 21/00637/COND, the applicant sought to discharge conditions, attached to planning application reference number 16/00482/FPM, relating to construction management and site waste management. Following consultation with HCC Highways, HCC Archaeology and Historic England amongst others, the temporary access for construction traffic off of the cycleway on the eastern side of the site was agreed as acceptable in terms of highway safety and impacts on the adjacent Six Hills Barrows. The current application has not included details of the construction management but it is expected that the same details as already agreed to be acceptable will be submitted again following the imposition of conditions should members be minded to grant planning permission. In this regard, the construction of the development, if approved, is considered to be acceptable.
- 7.6.8 Having assessed the application, HCC Highways are satisfied with the layout of the site in terms of motor vehicle, emergency vehicle and service vehicle access. They have advised that the disabled spaces shown on the plans exceed the minimum size standards and the parking areas have ample turning aisles to enable vehicles to enter and egress in forward gear.
- 7.6.9 An approved Travel Plan, with £6,000.00 towards monitoring costs, in accordance with the HCC Travel Plan Guidance for Business and Residential Development has been requested



by HCC Highways. This can be secured via a S.106 Legal Agreement, which the applicant has agreed to.

## **7.7 Parking**

### Car parking

- 7.7.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Provision and Sustainable Transport SPD (2020) requires studios and 1 bedroom units to have 1 space and 2 bedroom units to have 1.5 spaces. In this regard, there is a requirement for a total of 118 spaces.
- 7.7.2 The application site falls on the boundary of residential accessibility zone 2 and the Town Centre (TC) zone. In the TC zone, there is a requirement to provide between 0% and 25% of the maximum number of car parking spaces. This would equate to a requirement of between zero and 29.5 (rounded up to 30) car parking spaces. In relation to accessibility zone 2, there is a requirement to provide between 50% and 75% of the maximum number of spaces. This equates to between 59 and 88.5 (rounded up to 89) car parking spaces.
- 7.7.3 The proposed development would comprise 18 parking spaces at ground level and a further 30 spaces over two basement levels (total provision of 48 spaces) which equates to 41% of the maximum number of parking spaces which would be required in this instance. Therefore, despite the proposed development being below the 50% to 75% range for zone 2 development, it would fall well within the 0% to 25% parking requirement of the Town Centre zone as set out in the SPD.
- 7.7.4 Further to the above, despite the limited shortfall based on zone 2 requirements, the application site is in a highly sustainable location as it is located in close proximity to a number of local services and amenities located within Stevenage Town Centre along with the Asda Superstore, Roaring Meg Retail Park and the Leisure Park. The site is also highly accessible via public footpath and cycle path connections which are located immediately adjacent to the eastern boundary of the site. The site is also in close proximity to a number of bus services and within walking distance to Stevenage Train Station and the re-located Bus Interchange.
- 7.7.5 In regards to the existing development at Six Hills House, the proposal would result in the loss of 42 car parking spaces. However, there would still be, following the implementation of the development, 114 car parking spaces to serve the Six Hills House which would exceed the requirement of a maximum of 90 spaces to serve the existing development in line with the Council's Car Parking Standards.
- 7.7.6 With regards to the basement car parks, these would be accessed via car lifts on the northern side of the building. The lifts would be centrally placed on the ground floor which would equate to the far western side of the basements. The submitted plans include swept path analyses which show that cars can enter and exit the car lifts and the car parks. HCC Highways as highways authority have assessed the plans and confirmed they have no concerns over the car lifts or basement parking in general. Herts Fire and Rescue Service do not engage with planning applications and will assess the plans once submitted to Building Control.
- 7.7.7 Following concerns raised by Officers in relation to the original open plan nature of the car lifts, the plans were amended to relocate them in order that they could be enclosed with floor to ceiling walls on three sides and a roller shutter on the front. This will ensure that they are safely closed off from members of the public.

- 7.7.8 The Council's Parking and Enforcement Manager raised concerns that, whilst a reduction in parking provision would be in line with the Parking Provision SPD (2020), and therefore policy compliant, there could be over-spill parking into surrounding areas as a result. Accordingly, they have requested a financial contribution, to be secured via a S.106 Legal Agreement, to carry out monitoring of the site and implement suitable parking restrictions should it be determined to be necessary.
- 7.7.9 Given the above, it is considered that the existing and proposed development would have sufficient off-street parking in line with the Council's Car Parking Standards.

#### Disabled Parking Spaces

- 7.7.10 The Parking Provision SPD requires a minimum of 5% of spaces to be designated for disabled users. This provision should be included in the total provision and not in addition and should also be provided at the full standard and not reduced according to accessibility zones. In this regard, based on the total requirement of 118 spaces, there is a requirement for 6 spaces. The submitted plans show that 2 spaces will be provided which equates to 2%. As such, the application fails to accord with Policy IT5 of the Local Plan (2019) and the Parking Provision SPD (2020) in this regard. However, should members be minded to grant planning permission then a condition could be imposed to provide detailed parking plans which include the required 6 spaces to ensure the scheme is policy compliant and meets the needs of disabled persons.

#### Visitor Parking Spaces

- 7.7.11 The Parking Provision SPD (2020) requires visitor spaces to be provided at a standard of 0.25 spaces per dwelling. If parking is to be allocated then these spaces will be required in addition to the parking spaces; where a significant portion of parking is unallocated, additional visitor spaces would preferably not be provided. The number of visitor spaces may be reduced in line with accessibility zones. The submitted plans do not indicate that the parking spaces are to be allocated and therefore additional spaces for visitors is not required in this instance.
- 7.7.12 On the basis of 94 dwellings, there would be a requirement for 23.5 (rounded up to 24) visitor spaces. However, this could be reduced to between zero and 6 spaces for the TC accessibility zone and between 12 and 18 spaces in Zone 2. The parking spaces shown on the submitted plans are not allocated and therefore the visitor spaces can be included in the overall provision. As covered in point 7.7.4 above, the site is in a highly sustainable location and as the parking is unallocated, there is no requirement to provide additional visitor spaces. The application is therefore considered to be acceptable in this regard.

#### Cycle parking

- 7.7.13 The Council's Car Parking Standards stipulate that there should be 1 long-term secure cycle parking space per studio/one bed unit and 2 spaces per 2 bed unit plus 1 short term space per 40 units. In this regard, there would be a requirement for 141 long term spaces and 3 short term spaces.
- 7.7.14 The proposed development would comprise of 145 long term spaces in a secure cycle storage area on the western side of the development and 3 short term spaces located in the main lobby foyer on the eastern side of the building. These spaces are in close proximity to the internal stairwells as well as the lifts which ensures that the store is easily accessible.
- 7.7.15 The originally submitted plans had the cycle storage in two-tiers and the Council's Parking and Enforcement Manager raised concerns about the accessibility of these two-tier cycle units in that the upper tier may be difficult for shorter or less able-bodied persons to reach

and pull down. Accordingly, the plans were amended to have all cycle storage on ground based Sheffield stands.

- 7.7.16 Given the above, it is considered that there would be acceptable secure cycle parking provided within the development.

## **7.8 Tall Buildings and Fire Safety**

- 7.8.1 Following the Grenfell Tower fire in June 2017, the Government commissioned an Independent Review of Building Regulations and Fire Safety. Following this, the Government introduced Planning Gateway One (introduced under the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021) which has two key elements:

- The submission of a fire statement for relevant planning applications to set out fire safety considerations specific to the development; and
- To establish the Health and Safety Executive (HSE) as a statutory consultee for relevant planning applications.

Relevant buildings are those containing two or more dwellings or educational developments which are 18m tall or higher, or 7 storeys or more.

- 7.8.2 Accordingly, this application has provided the required fire statement and the HSE were consulted. As a result of initial concerns raised by the HSE, the internal layout, staircases and fire escape routes were amended in line with the HSE's recommendations. The HSE have confirmed that the proposed development is now acceptable and they have no objections or concerns. The detailed design of the fire safety measures would be dealt with at Building Regulations stage.

## **7.9 Development and Flood Risk**

- 7.9.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having less than 1 in 100 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy.

- 7.9.2 The drainage strategy for this scheme proposes to discharge surface water to an existing Thames Water surface water sewer, with attenuation provided in an underground tank located beneath the building. The underground tank would comprise cellular storage crates located beneath the ground floor in the western half of the site. The tank is indicated as having a footprint of 47.5m<sup>2</sup>, 1.5m deep, and a total volume of 71.25m<sup>3</sup>, having been sized for the 1 in 100 plus 40% allowance for climate change rainfall event. The flow rate would be restricted to 2 l/s using an orifice flow device. The invert level of the storage crates is indicated as 88.09m AOD, connecting to the Thames Water surface water sewer at an invert level of 85.26m AOD. The Drainage Strategy assumes that the existing site discharges to the Thames Water surface water sewer, and thus concludes that the proposed attenuation would result in betterment compared to the existing situation.

- 7.9.3 The Council's drainage consultant raised concerns that the proposal did not consider all options to maximise the sustainability of the development and failed to address concerns from Network Rail in regards to proximity to the railway line, particularly their requirement of a 20m offset from the boundary.

- 7.9.4 The Lead Local Flood Authority advised that there is no obvious potential for the proposed development to reduce existing flood risk in the surrounding area and the proposed development would not increase the flood risk on or off the site, provided that national and local SuDS/surface water drainage requirements are followed. However, they would support the Council using third-party drainage consultants to review the proposals in more depth and provide site specific advice.
- 7.9.5 Amendments were made to the drainage strategy to avoid locating storage tanks within 20m of the site boundary as per Network Rail's requirements; in order to achieve this, blue roofs have been included and confirmation was provided by email that the building structure, specifically the basement design, would be capable of sustaining the additional weight of the blue roofs. Thames Water have agreed *In Principle* to the connections to their sewers. Further, due to site constraints, Network Rail requirements and Building Regulations requirements, it is not possible to utilise ground infiltration methods.
- 7.9.6 At the time of writing, the Council's Drainage Consultant has not provided any further formal comments on this application. Therefore, if the comments are not received by the time the application is to be determined at Planning and Development Committee, it is recommended that delegated powers are given to the Assistant Director of Planning and Regulation and the Chairman of the Planning Committee that in the event the Council's Drainage Consultant do provide comments on the strategy with a suggested list of conditions, then these conditions would be imposed accordingly before any planning permission is issued by the Council. However, if the Council's Drainage Consultant raises a substantive objection to the application and this cannot be resolved, then it is recommended that the application is referred back to the Planning and Development Committee for its decision.

## **7.10 Trees and Landscaping**

- 7.10.1 With regard to impact on trees, these are located outside of the application site and as such they cannot be removed without the consent of the landowner. However, the applicant will need to undertake some works to these trees to ensure that there is no conflict with the proposed development. These works would need to be undertaken at the expense of the developer before works start on-site. Furthermore, they would require the consent of the landowner to undertake the necessary works to these trees. The Council's Arboricultural and Conservation Manager has assessed the application and raised no objections.
- 7.10.2 Turning to landscaping, the applicant has not provided any plans relating to landscaping. As such, it is recommended that if members were minded to grant planning permission, a condition could be attached to any permission issued requiring the submission of a landscaping scheme which is to be approved by the Council. This will ensure that an acceptable landscaping scheme is implemented which strikes a balance between softening the appearance of the development and at the same time enhancing the visual amenities of the area.

## **7.11 Biodiversity, Ecology and Protected Species**

- 7.11.1 The application site is located adjacent to Six Hills Barrows which is a designated wildlife site as identified under Policy NH2 of the Local Plan (2019). The application site and the adjacent Six Hills apartment site, is generally built up with buildings and surface car parking and is separated from the Six Hills Barrows Wildlife site by the existing cycle way and footpath. The applicant has undertaken a Phase 1 Environmental Survey to determine whether or not the proposed development would have an impact on the wildlife site.

- 7.11.2 The report submitted by the applicant did not identify any impacts which the development would generate given that the built form is located on previously developed land. Furthermore, due to the built up nature of the site where there is no vegetation or water bodies, there would not be any protected species such as birds, flora, invertebrates, mammals and reptiles within the application site. Neither the Herts and Middlesex Wildlife Trust nor the Council's Parks and Amenities department have raised objections to the proposed development.
- 7.11.3 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:
- i. Permitted development;
  - ii. Householder development, including extensions;
  - iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
  - iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
  - v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building
- 7.11.4 As the application site comprises only hard surfaced areas in the form of a car park, it is considered it would meet exception criteria iv) and v) above as the site is currently developed and does not contain any protected habitats. On this basis, there would be no requirement to achieve a 10% biodiversity net gain on the site.
- 7.11.5 Herts and Middlesex Wildlife Trust have assessed the application and raised no concerns. However, to conserve and enhance the biodiversity of Stevenage, they have requested that the development incorporates integrated swift nesting bricks. Swifts have recently moved on to the red list of birds of conservation concern and are entirely reliant on human habitation for their nesting sites so nesting features within new developments are vital for their survival. The boxes need to be as high as possible and orientated facing north where possible. Should members be minded to grant planning permission then this requirement can be secured via the imposition of a condition for 10 integrated nesting boxes to be installed prior to occupation.
- 7.11.6 Given the above, it is considered that the proposed development would not have a detrimental impact on protected species both flora and fauna. Furthermore, the proposal would not have a detrimental impact on the nearby wildlife site and there is no requirement to provide a biodiversity net gain or financial contribution in lieu. Further, a condition can be imposed on any decision issued that as part of the Construction Management Plan, measures are taken to protect the wildlife site during construction.
- 7.12 Impact on the Environment**
- 7.12.1 The application site was previously used as a trackway and embankment over the railway line at the end of the 19th century which is likely to have involved limited importation of potentially contaminated materials. Over the last 30 years, the site has been utilised as a surface car park and as such there is the potential presence of hydrocarbons.

- 7.12.2 In regards to the surrounding area, the applicants Phase 1 Environmental Survey identified the following potential contaminative activities:-
- Railway lines with a single above ground storage tank;
  - Factory 137m north-west of the site;
  - Clay pits and brick fields which was 240m to the southwest of the site and infilled in 1898 and then partially replaced by terraced properties;
  - Gasometer (245m to the southwest) which is now inactive;
  - Various large industrial type buildings (unspecified use) 260m to the west.
- 7.12.3 Given the above, and as set out in the aforementioned survey, there would be potential for contamination to migrate beneath the site. However, the survey does not identify any significant contaminants on the site. Nevertheless, there is always the potential and as such the survey recommends that a watching brief is undertaken during initial site preparation to identify any potentially contaminated materials such as hydrocarbons.
- 7.12.4 Following consultation with the Council's Environmental Health Officer, it is considered that the recommendations set out in the report are acceptable. Therefore, they recommend a condition be imposed if permission were to be granted requiring the applicant to undertake a watching brief during the initial site preparation stage of the development. It is also recommended that if any unsuspected contamination is identified during the construction of the development, conditions can be imposed to require to applicant to assess the level of these contaminants and set out the necessary mitigation measures as required. These mitigation measures would have to be approved by the Council.

#### Air Quality

- 7.12.5 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within or in close proximity to an Air Quality Management Area (AQMA). In terms of Air Quality in the nearby area surrounding the development site, the nearest diffusion tubes and their readings in the aforementioned Report are as follows:-
- Tube 1 – Town Centre – 30.6 NO<sub>2</sub> µg/m<sup>3</sup>;
  - Tube 14 Lytton Way – 28.7 NO<sub>2</sub> µg/m<sup>3</sup>;
  - Tube 36 – St George's Way – 27.4 NO<sub>2</sub> µg/m<sup>3</sup>;
- The data above shows that the readings do not exceed the NO<sub>2</sub> annual mean objective of 40µg/m<sup>3</sup>. This generally shows that the Air Quality in the area is within national guidelines.
- 7.12.6 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to implement a Dust Management Plan (DMP) which would form part of a Construction Environmental Management Plan (CEMP) which will also include the recording of any complaints and to identify causes in order to take action. They would also monitor the site daily through visual inspections, which will also include receptors outside of the respective construction sites. There would also be regular inspections to ensure compliance with the DMP along with planning the site layout in order to locate dust generating activities as far as possible from nearby receptors. There would also be the use of solid screens around dusty activities and stockpiles along with keeping scaffolding and barriers clean.
- 7.12.7 There would also be a requirement to remove all dusty materials from the site as soon as possible along with the introduction of speed restrictions. In addition, there will be a requirement for vehicles to switch off engines when stationary, avoid the use of generators where possible, and produce a logistics and sustainable travel plan in order to reduce the number of construction vehicles on the road. They would also put in place measures relating to cutting, sawing and grinding to reduce dust emissions along with the

use of enclosed chutes, conveyors and skips and use of suitable dust suppression measures on site. There would also be a number of other measures implemented during the demolition and construction phases of development.

- 7.12.8 With regards to the operational aspect of the development, due to its scale, the proposed development could give rise to a very small rise in NO<sub>2</sub> emissions which in accordance with IAQM/EPUK guidance is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

#### Noise Pollution

- 7.12.9 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.12.10 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.
- 7.12.11 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these would be dealt with by the Borough Council's Housing Teams or Environmental Health.
- 7.12.12 Concerns from local residents relating to noise that arose during the construction of the neighbouring flatted development are noted, however, permission should not be refused for developments on the basis of construction noise. As mentioned above, a construction management plan will be required which can limit the hours of construction and allow enforcement action to be taken if it is considered that breaches have occurred.
- 7.12.13 Turning to noise impacts on future occupiers of the development, the application has been accompanied by a Noise Impact Assessment (NIA). This NIA confirms that the environmental noise impacts would be within acceptable limits within the proposed dwellings. In order to mitigate any potential noise impacts, the NIA recommends that the building is constructed with suitable sound insulation (wall, glazing, ventilation and roof) to meet British Standard 8233:2014. Environmental Health has assessed the application and has raised no concerns. However, it is considered appropriate to impose a condition on any decision issued should planning permission be granted that requires the development to be constructed in accordance with the NIA.

#### Light Pollution

- 7.12.14 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a) the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;

- b) health and safety of the public; and
- c) The compliance with statutory environmental quality standards.

7.12.15 Turning to the operational side of the development, the applicant has not submitted a detailed lighting strategy. However, to ensure that any external lighting does not prejudice highway safety, railway safety or cause a substantive nuisance to neighbouring residential properties, a condition should be imposed on any permission issued.

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

### **7.13 Impact on the site of archaeological importance**

7.13.1 The NPPF paragraph 194 states that "In determining applications...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation".

7.13.2 Paragraph 195 notes that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal".

7.13.3 Policy NH9: Areas of Archaeological Significance of the adopted Local Plan (2019) states that The Six Hills (NH9/2) is an area identified as being of archaeological significance. As such, where a development proposal affects such areas, 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 policy goes on to state that if in situ preservation of important archaeological remains is considered preferable, development proposals would be required to demonstrate how those remains will be preserved and incorporated into the layout of that development.

7.13.4 Policy NH9 then goes on to state, where in situ preservation of important archaeological remains is not feasible, planning conditions or obligations will ensure that appropriate and satisfactory provision is made for the investigation and recording of archaeological remains that will be damaged or lost before development commences and for the subsequent analysis and publication of results and, where appropriate, excavation. Where appropriate the management, enhancement and public presentation of archaeological remains and their setting will be sought.

7.13.5 Whilst outside of the application site, the Six Hills Barrows on the eastern side of the site are a Scheduled Ancient Monument and an area of archaeological importance. Therefore, this scheme will have an impact on the setting of this heritage asset. In support of this application, the applicant has submitted an Archaeological Report. The report sets out that an Archaeological Desk Based Assessment was undertaken. In addition, as part of the overall methodology, data from the British Geological Survey (2021) as well as evidence from an archaeological evaluation undertaken in 2016 have been utilised to inform the mitigation measures detailed within the accompanying Archaeological Report.

7.13.6 However, before going into the mitigation measures, it is important to understand the history of the site which would further help to inform the mitigation measures which would be used. The Archaeological Report details that the earliest evidence recorded on the Hertfordshire Historic Environment Record (HHER) within the study area relates to vague accounts of surface finds of Palaeolithic hand axes within the vicinity of the study area



(1758, TL 240 240), although one hand axe was detailed as being discovered immediately to the east of Danestrete, c.650m to the north of the site (418, TL 2370 2430). From around 4000 BC the mobile hunter-gathering economy of the Mesolithic gradually gave way to a more settled agriculture-based subsistence. The pace of woodland clearance to create arable and pasture-based agricultural land varied regionally and locally, depending on a wide variety of climatic, topographic, social and other factors. The trend was one of a slow, but gradually increasing pace of forest clearance.

- 7.13.7 Aerial photographic analysis, as set out in the Archaeological Report, has identified a possible Late Neolithic or Early Bronze Age ring ditch in close proximity to the A1(M) corridor (6645, TL 2288 2343) located approximately 750m to the west of the site. Two isolated Neolithic artefacts have been recovered c150m to the northwest of the site, consisting of a polished flint axe head (612, TL 2352 2376) and non-descript flint tool (2239, TL 2350 2375). By the 1st millennium, i.e. 1000 BC, the landscape was probably a mix of extensive tracts of open farmland, punctuated by earthwork burial and ceremonial monuments from distant generations, with settlements, ritual areas and defended locations reflecting an increasingly hierarchical society.
- 7.13.8 The HHER lists four Iron Age coins which have been found by metal detecting within the general vicinity of the study area (22434, 22853, 23361, 23555, TL 23 24). Turning to the Roman Period, evidence for Roman activity within the Study Area relates to the Scheduled Monument of Six Hills Roman Barrows (1577, TL 2375 2370) located c.50m to the east of the site. The monument consists of six large round barrows aligned approximately north-south (36, 4291, 4292, 4293, 4294, 4295). They are assumed to be Roman burial mounds constructed about AD 100, although the scant records of their exploration during the 18th and 19th century are inconclusive. The barrows are assumed to be located along the eastern edge of a former road. The actual date for the road and barrows are uncertain. The road likely forms part of the Roman route between Welwyn and Baldock (Niblett 1995; 10565, TL 2378 2394). Evidence for drainage ditches, agricultural activity, settlement activity and burials are commonly associated with the course of Roman roads. Due to the relationship of the barrows with the alignment of the Roman road, it is likely that any below ground remains associated with the Scheduled Monument are restricted to the eastern side of the road alignment.
- 7.13.9 The Six Hills Roman Barrows form the largest surviving group of Roman burial mounds in England, with Roman Barrow monuments in general being a rare monument form. Originally, the Six Hills Barrows would have had a close relationship with the Roman road, designed to be highly visible in a rural environment to any travellers on the road. The monuments are now located within the urban expanse of Stevenage, surrounded on all sides by modern buildings severely limiting the surviving setting of the monument, containing the setting to the grassy area within which the monuments lay.
- 7.13.10 A Roman coin, recovered from surface deposits, has been found in association with the Six Hills Roman Barrows (433, TL 2374 2375). Further isolated Roman artefacts, consisting of coins and pottery, have been recovered at a distance to the north and east of the site (431, TL 2365 2414; 434, TL 2390 2449; 438, TL 2430 2423; 450, TL 2413 2359). No evidence for Roman activity was identified during the archaeological investigations immediately to the south of the site (Archaeological Solutions 2016), or during the evaluation stage (AOC 2016). Roman finds from the area are dispersed and limited in quantity. Apart from the presence of the Six Hills Barrows and alignment of the Roman road, recent archaeological investigations have yet to identify any contemporary features. As a consequence, the potential for encountering Roman activity within the study site is considered to be low to moderate.
- 7.13.11 Turning to the Medieval period, the Archaeological Report details that no finds of Anglo-Saxon date have been identified within a 1km radius of the study site. The historic village of Woolwicks, located approximately 1.1km to the northwest of the site, is recorded in the

Domesday Book of 1086 as a small settlement containing 9 households. The larger settlement recorded at Stevenage is thought to lie approximately 2km to the north (Open Domesday 2016). During the later medieval period, documentary evidence suggests the land surrounding the Six Hills Barrows was designated as common land, and characterised as open pasture (12550, TL 2375 2362). During the majority of the post-medieval period the site is likely to have remained within common land.

- 7.13.12 Turning to post-medieval to modern times, Andrew and Drury's map of 1766 (not replicated) as detailed in the Archaeological Report shows the study site located to the west of Six Hills Barrows and associated road alignment, in an area of localised high ground open in character. The general character of the site remains unaltered between 1810 and 1822. The 1839 Stevenage Tithe map (not replicated) and associated Award record the site located in a narrow strip field listed as pasture.
- 7.13.13 The Ordnance Survey map of 1880 (not replicated), as detailed in the report, indicates that the site is now located within a larger field. The western boundary is now formed by the Stevenage to London railway, with the southern boundary defined by a raised causeway for a bridge over the railway (5101, TL 23603 23688). The layout of the site remains unaltered between 1898 and 1974. By 1986 the bridge causeway has been removed with the site now lying within the hardstanding car park associated with the newly constructed Six Hills House immediately to the south. A cycle path now forms the eastern boundary. The layout of the site remains unaltered up to the present.
- 7.13.14 With regards to past archaeological investigations, one of which was undertaken as part of planning application 16/00482/FPM, no archaeology was observed and it was established that the site had been subjected to significant truncation with the removal of almost all subsoil, likely during the construction of the present Six Hills House in the late 1970s/early 1980s.
- 7.13.15 Notwithstanding this, there is still the potential presence of archaeological remains in the area which could be disturbed as part of the construction of the temporary access road. However, the current application does not include details of any mitigation measures as these would be dealt with via condition. Additionally, an Archaeological Watching Brief can be requested to be carried out during any works near to the Six Hills Barrows.
- 7.13.16 If extensive archaeological remains are uncovered, a meeting would be set up on site with the Archaeological Curator, Historic England, the Archaeological Contractor/supervising archaeologist, the Archaeological Consultant, the Attendance Contractor and the developer. This will allow for a programme of investigation to be established and recording of the remains.
- 7.13.17 A key material consideration in the determination of this current application are the planning application 16/00482/FPM for an 8 storey building on the exact same site and an application to discharge the condition relating to construction management – 21/00367/COND. As part of the 2021 application, extensive consultations and discussions were carried out between the developer, HCC Archaeology and Historic England. As a result of these discussions, the construction management condition was satisfactorily discharged with Historic England and HCC Archaeology being satisfied that the development would not harm the Six Hills Barrows or any potential archaeological deposits.
- 7.13.18 With regards to the County Council Archaeologist, they were formally consulted on the Archaeological Report and have confirmed that their comments remain unchanged from the 2021 discharge of conditions application and do not wish to object to the proposal.

## **7.14 Impact on the Scheduled Ancient Monument**

- 7.14.1 Whilst outside of the application site, the Six Hills Barrows on the eastern side of the site are a Scheduled Ancient Monument. Therefore, this scheme will have an impact on the setting of this heritage asset. Scheduled monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 (as amended). Paragraph 20 of The Department of Digital, Culture, Media and Sport policy statement on Scheduled Monuments (2013) states that for, 'works proposed for development-, conservation- or presentation-related purposes, the Secretary of State has particular regard to the following principles ... in cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal'.
- 7.14.2 Heritage assets, including scheduled monuments, are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF paragraph 189).
- 7.14.3 Paragraph 194 of the NPPF establishes that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected' at a level of detail proportionate to the assets' importance and through consultation of the relevant historic environment record and the use of appropriate expertise'.
- 7.14.4 The NPPF goes on to state in paragraph 195 that, 'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal' and 'take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.
- 7.14.5 Paragraphs 199 to 202 of the NPPF (2021) have to be considered in the determination of this planning application. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets. Dealing with Paragraph 199, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.14.6 Paragraph 201 sets out that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In reference to paragraph 202 of the NPPF (2021), this sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.14.7 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement would be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 7.14.8 Paragraph 204 sets out that Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. With respect to paragraph 199, this sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 7.14.9 The NPPF provides a means of weighing either ‘substantial harm’ or ‘less than substantial harm’ to the significance of a designated heritage asset against the public benefits of the proposal. However, the presumption ‘to preserve’ is not irrebuttable and “can be outweighed by material considerations powerful enough to do so” (Forge Field (Case Nos: CO/735/2013; CO/16932/2013) and a decision maker that has followed the process set out in the NPPF, in respect to weighing harm and benefits, can reasonably be expected to have complied with the ‘statutory duties’ of the 1990 Act (Mordue, Case No. C1/2015/1067).
- 7.4.10 In considering public benefits, the Planning Practice Guidance (PPG) (2019) (Reference ID: 18a-020-20190723) sets out that the NPPF requires any harm to designated heritage assets to be weighed against the public benefits of the proposal. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. For reference, paragraph 8 of the NPPF states that “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
  - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”
- 7.4.11 The planning practice guidance goes onto state that public benefits should flow from the development. They should be of a nature or scale to be of benefit to the public at large and not just private benefit. However, benefits do not always have to be accessible to the public in order to be genuine public benefits; for example, works to a listed building which secure its future as a designated heritage asset could be a public benefit. Consequently while a range of benefits that help deliver sustainable communities could be relevant, the PPG provides examples of heritage based public benefits, as follows:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
  - Reducing or removing risks to a heritage asset;
  - Securing the optimum viable use of a heritage asset in support of its long term conservation.
- 7.14.12 Additional to the above, Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-

- a) Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
- b) Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
- c) Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.

- 7.14.13 The Six Hills Barrows are a Scheduled Monument which was listed in 1923 and amended in 1996. The reason for the designation is because, as set out in Historic England's Records, the earthen barrows are the most visually spectacular survivals of a wide variety of funerary monuments in Britain dating to the Roman period. Constructed as steep sided conical mounds, usually of considerable size and occasionally with an encircling bank or ditch, they covered one or more burials, generally believed to be those of high-ranking individuals, The burials were mainly cremations, although inhumations have been recorded, and were often deposited with accompanying grave goods in chambers or cists constructed of wood, tile or stone sealed beneath the barrow mound. Occasionally, the mound appears to have been built directly over a funeral pyre.
- 7.14.14 The barrows usually occur singly, although they can be grouped into "cemeteries" of up to ten examples. They are sited in a variety of locations but often occur near Roman roads. A small number of barrows were of particularly elaborate construction, with masonry revetment walls or radical internal walls. Roman barrows are rare nationally, with less than 150 recorded examples, and are generally restricted to lowland England with the majority in East Anglia. The earliest examples date to the first decades of the Roman occupation and occur mainly within East Anglian concentration. It has been suggested that they are the graves of native British aristocrats who chose to perpetuate aspects of Iron Age burial practice.
- 7.14.15 The majority of the barrows were constructed in the early second century AD but by the end of that century the fashion for barrow building appears to have ended. Occasionally the barrows were re-used when secondary Anglo-Saxon burials were dug into the mound. Many barrows were subjected to cursory investigation by antiquarians in the 19th century and, as little investigation to modern standards has taken place, they remain generally poorly understood. As a rare monument type which exhibits a wide diversity of burial tradition, all Roman barrows, unless significantly damaged, are identified as nationally important.
- 7.14.16 The Six Hills, therefore, according to the listing, form the largest surviving group of burial mounds dating to the Roman period in England. Whilst a degree of the landscaping has infilled the quarry ditches and levelled the outer banks, evidence for these will survive beneath the present ground surface. Antiquarian excavation have disturbed five of the six mounds, but this disturbance is limited and significant archaeological deposits, including human remains with funerary assemblages will survive providing valuable evidence for the dates of the mounds, the method of construction and the religious beliefs of the builders. The fills of the buried ditches are the old ground surfaces beneath the mounds will likely retain environmental information which will illustrate the nature of the landscape in which the mounds are set.
- 7.14.17 The Six Hills stand within an area of common land and are easily accessible to members of the public and visible from the adjacent highway, providing a striking and valued recreational and educational amenity value in Stevenage. Given the significance of the Six Hills Barrows as a Scheduled Monument, the proposed development is likely to have an impact on the historic setting of these Barrows.

- 7.14.18 In order to construct the development, the applicant requires a temporary access to be formed on the eastern side of the site, utilising the adjacent cycleway. In this regard, the temporary access has potential to impact the Barrows and their setting. Further, an assessment needs to be made as to whether a 10-storey building would impact the setting of the Barrows. The final details of this access would be for determination later via conditions; however it is pertinent to determine the principle of the access at this stage. It is important to note that in 2021 (21/00367/COND) an application to discharge a condition relating to this access attached to the previously approved 2016 application was approved by members of the Planning and Development Committee after extensive negotiations with a number of Statutory Consultees to ensure that suitable mitigation measures were put in place to protect the heritage asset and undertake any necessary remediation works following completion of construction. Conditions can be imposed on any decision issued to ensure this is undertaken again for this current application.
- 7.14.19 Historic England and the Council's Conservation and Historic Advisor have assessed the current application and have raised concerns that the application does not include a Heritage Impact Statement as per the requirement of paragraph 194 of the NPPF and that the construction of the temporary access is likely to cause significant harm to the overall setting of the Six Hills Barrows. Although this harm is less than substantial, it is at the higher end of the scale.
- 7.14.20 The Barrows are approximately 45m at their closest to the site boundary and separated by boundary hedgerows, a foot path, cycleway and grass verge. This separation distance is considered acceptable such that the 10-storey building would not appear over dominant from the site of the Barrows, especially given the presence of the existing Six Hills House, Kings Court and Asda Supermarket which already dominate the surrounding landscape. The boundary hedgerow and existing trees around the Barrows would provide a softening of the views to mitigate some of the impact. Further, the setting of the Barrows has already been undermined with the development of the New Town in the intervening years with developments such as Kings Court, the existing Six Hills House and neighbouring Asda Supermarket.
- 7.14.21 Given the aforementioned assessment and the impact the development would have, Council's Conservation and Heritage Advisor and Historic England consider the impact of 'less than substantial harm'. However, whilst the scheme does result in 'less than substantial harm', the harm as advised, is at the higher end of the scale. Notwithstanding, and as set out in this report, the setting of the Barrows has drastically changed due to the introduction of the surrounding developments. In addition, the scheme will not entail any direct physical alteration to the heritage asset or its immediate plot. As a level of harm has been established, the Council should balance the 'less than substantial harm' identified against any 'public benefits' the proposal may result. The assessment of the overall public benefits of this scheme and whether these benefits outweigh the harm caused by the scheme are set out in the following section of this report below
- 7.14.22 Notwithstanding this, there are two relevant planning applications which are material considerations to the determination of this application. The first is the 2016 planning application (16/00482/FPM) for the erection of an 8 storey building which was granted planning permission. The second is a discharge of conditions attached to the 2016 application relating to construction management (21/00367/COND) approved in 2021. As part of these applications, Historic England entered into negotiations with the developer to amend the temporary access such that they were satisfied the temporary access would not harm the Six Hills Barrows.
- 7.14.23 Turning to public benefits, there is no definition of 'public benefits' on the National Planning Policy Framework or associated Planning Practice Guidance. All the guidance states is that it "*should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large*". There is also Case Law that deals with

what is a material consideration, and this pretty much whether it serves a “*proper planning purpose*” (see *latest commentary on this in Wright v Resilient Energy Severndale Ltd and Forest of Dean District Council*). Further, public benefit could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. The test therefore is whether the benefits clearly and convincingly outweigh the considerable importance and weight given to the heritage harm.

- 7.14.24 Taking the above into consideration and as identified in paragraphs 7.2.13 and 7.2.14, it can be demonstrated that the Council has a 5 year land supply and the HDT score is above 75%. However, as referenced earlier in the report, Paragraph 60 of the Frameworks requires Local Planning Authorities to support the Government’s objective of significantly boosting the supply of homes. In addition, there has been an under supply of housing delivery in the past. Therefore, the provision of 94 additional residential units would have significant weight in this instance. In addition, and in meeting the Social Objective under paragraph 8 of the NPPF, the scheme would deliver a sufficient number and range of studio, 1 and 2 bedrooms homes which can be provided to meet the needs of present and future generations.
- 7.14.25 In terms of an additional benefit, the development would generate a number of construction jobs as well as support positions in the supply chain. In terms of the construction jobs themselves, a number of these jobs will be drawn from the local market which would be secured as part of any S.106 agreement in line with the Council’s Developer Contributions SPD (2021).
- 7.14.26 In regards to the proposed residential development, it is important to note that a number of these properties are likely to be owned by existing residents of the town as well as those buying their first home or those who are downsizing. Given the levelled increased in population, the income and spend will increase local Gross Value Added (GVA) to the local economy. In addition, and based on analysis on the market (Arcadis Housing Design Consultancy Report – *Building Homes and Making Places – The Economic Benefit of Better Housing*, 2017), that approximately £316,000 is generated by every single new house for the national economy. This would equate to approximately £29,704,000.00. In addition, there would also be Council Tax rates which would also be a financial benefit to the Borough Council and County Council in terms of funding services.
- 7.14.27 The aforementioned clearly demonstrate how the development would support the economic objectives of the NPPF as set out under Paragraph 8, and are also seen as key public benefits which derive from this development.
- 7.14.28 Dealing specifically with the heritage asset which is the Six Hills Barrows, as established previously in this report, it has been identified that the proposed development would result in less than substantial harm to the setting of the Scheduled Ancient Monument. However, it is acknowledged that the proposed development will not entail any direct physical alteration to the heritage asset or its immediate plot. In addition to this, the setting of the heritage asset has drastically changed due to the introduction of commercial and residential buildings in the immediate area.
- 7.14.29 Historic England advised that they would like to see the applicant provide a public information/interpretation board at the site of the Six Hills Barrows which would be publically accessible. This would provide a public benefit to the scheme by way of improving public perception and knowledge of the Barrows. This can be secured through the imposition of a condition.
- 7.14.30 Through planning application reference 21/00367/COND to discharge conditions relating to Construction Management and Site Waste Management, the developer successfully negotiated amendments to their original design with Historic England, the Council’s Heritage and Conservation Advisor, Herts County Council as highways authority and

Archaeologists to ensure that the developer would mitigate any harm to the heritage asset and wildlife site and make good the land for the temporary access once construction is completed. With suitably worded conditions imposed on this current application, the Council is confident that this can be achieved again.

- 7.14.31 In summary, it is acknowledged that the development would cause less than substantial harm, which is identified at being at the higher end of the scale, to the setting of the Six Hills Barrows. The proposal, will however, deliver a number of benefits and significant benefits which is considered to outweigh the harm caused. The benefits include the delivery of much needed housing, along with the creation of new jobs from construction jobs. The development would also increase Gross Value Added (GVA) to the local economy along with the generation of additional business rates and Council tax.
- 7.14.32 Taking the aforementioned into account, whilst it is unfortunate that the applicant has failed to submit a Heritage Impact Assessment at this stage, the Council is satisfied that any impacts on the Six Hills Barrows can be mitigated and dealt with via condition as was successfully achieved in 2021 for the extant planning permission on the site.

## **7.15 Other Matters**

### Sustainable construction and climate change

- 7.15.1 Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature;
  - Reducing water consumption to no more than 110 litres per person per day, including external water use;
  - Improving energy performance of buildings;
  - Reducing energy consumption through efficiency measures;
  - Using or producing renewable or low carbon energy from a local source; and
  - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 7.15.2 The applicant as part of the application has submitted a Sustainability and Energy Statement. The proposed development has been orientated southwards to ensure that the residential properties receive the maximum level of sunlight and daylight. This helps to provide higher level of natural light as well as reduce the level of heating required during certain periods of the day/year. The building would also be constructed in accordance with current Part L1A of the Building Regulations to ensure that the building is thermally efficient. Under this Legislation, new buildings are required to emit 31% less carbon dioxide compared to the previous standards in 2013. In this regard, new homes are much more energy efficient than previously. The proposed development would also incorporate water saving measures to meet 105 litres per person per day. Furthermore, use of recycled materials would be utilised in the construction of the development and at least 50% of constructed waste will be diverted from landfill. This would be achieved through the implementation of Site Waste Management Plan (SWMP).
- 7.15.3 Further to the above, the development would comprise of advanced heating controls in order to regulate internal thermal comfort conditions according room use. This would help to reduce energy wastage. All internal lighting would use a low energy system in order to reduce the energy footprint of the building. Blue roofs will be incorporated as part of the sustainable construction which will also meet the requirements of the sustainable drainage strategy.



7.15.4 Given the above, it is considered that the development has been carefully designed to ensure that it is energy efficient, has a low level of water consumption and is constructed in a sustainable manner with a high usage of recycled materials where possible and to limit the amount of construction waste being sent to landfill. It is therefore considered that the proposed development accords with Policy FP1 of the Local plan (2019), the NPPF (2021) and NPPG (2014).

Waste and Recycling

7.15.5 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The submitted plans indicate that there is sufficient provision for general waste and recycling for this site. In addition, the bin stores are located within acceptable drag distances for future occupiers as well as refuse collectors. As such, a condition would be imposed to ensure the stores are provided prior to first occupation of the development.

Community Infrastructure Levy

7.15.6 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 <sup>2</sup>   | £100/m <sup>2</sup>     |
| Sheltered housing     | £100/m <sup>2</sup>  |                         |
| Extra care housing    | £40/m <sup>2</sup>   |                         |
| Retail development    | £60/m <sup>2</sup>   |                         |
| All other development | £0/m <sup>2</sup>  |                         |

7.15.7 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.

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

Equality, Diversity and Human Rights

7.15.9 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.

7.15.10 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.

- 7.15.11 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.
- 7.15.12 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.
- 7.15.13 In terms of inclusive access, the scheme has been designed to be DDA (Disability Discrimination Act) compliant. In accordance with Policy HO11: Accessible and Adaptable Housing of the adopted Local Plan (2019), as this is a major scheme at least 50% of all new dwellings will need to be category 2: accessible and adaptable dwellings. Additionally, the building will have level access and lifts to all floors.
- 7.15.14 The scheme also seeks to deliver disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size standards and have been located in an appropriate location in close proximity to the entrance of the main residential building.

#### Impact on the Common

- 7.15.15 In accordance with Section 16 of the Commons Act 2006, the owner of any land registered as common land may apply to the appropriate national authority for the land ("the release land") to cease to be so registered. Section 38 of the Commons Act 2006 states that restricted works on common land are prohibited without consent. In determining an application for works under Section 38. The criteria for determining an application for works are set out in Section 39 of the Commons Act 2006. These criteria include public interest in:
- (2b) the conservation of the landscape  
 (2c) the protection of archaeological remains and features of historic interest.
- 7.15.16 Under the previous application to discharge conditions relating to the temporary construction access, it was determined that the proposed works would only fall on a part of the designated common land. Where the proposal falls on land which is designated Common, the Planning Inspectorate (the body which determines consents for work on a Common) has advised that consent is not required for the resurfacing of a common with loose material (e.g. gravel, shingle, crushed stone) so long as it does not impede or prevent public access or does not interfere with rights over the common, e.g. commoners' rights to graze livestock.
- 7.15.17 It is understood that the temporary construction access for this current application would be the same as that which was previously approved in 2021 given the footprint of the application is the same as previously approved. Previously, the temporary access was permitted to be constructed from materials such as crushed stone/gravel along with the use of a EuroMat (ground protection mat for heavy goods vehicles) as recommended by Historic England. In addition, the temporary access was designed, through negotiations with Historic England, to ensure that there are no restrictions in place which would restrict the ability of the local community in being able to gain access to the common.

- 7.15.18 Notwithstanding this, conditions can be imposed on this application should members be minded to grant permission that will require these details to be submitted and approved again to ensure that the Common remains protected and remediation works are undertaken once construction is completed.

## **8 CONCLUSION**

- 8.1 In summary, the principle of residential development has been established on this application site through planning permission reference 16/00482/FPM. Further this planning permission has been deemed to have been legally implemented which means this extant planning permission carries significant weight as a fall-back position.
- 8.2 It has been established that the proposed development accords with Policy HO5 as it would be located on land which meets the definition of previously developed land as stated within the NPPF (2021). However, the Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.3 The development would provide 94 dwellings, making a strong contribution to the aim of boosting housing supply, which in this instance, would be through redeveloping a sustainable brownfield site. There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be substantial and therefore attracts significant weight in favour of the proposal.
- 8.4 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.5 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and whilst the number of disabled spaces is not policy compliant, on balance, the proposal is considered acceptable in this regard. Additionally, HCC Highways have determined that the development would not harm highway safety. This carries moderate weight in favour of the proposal.
- 8.6 The development has been assessed to be acceptable in terms of private amenity space in accordance with Chapter 6 of the adopted Design Guide (2009) and Policy GD1 of the Local Plan (2019). This carries moderate weight in favour of the development.
- 8.7 Whilst the development makes no provision for affordable housing, the applicant has agreed to a payment of £64,152.00 towards the County Council's Travel Plan and the Council's Travel Restriction Monitoring. Surplus monies would go towards the provision of primary education. In line with the Developer Contributions SPD, a clawback mechanism will be incorporated into the S.106 Legal Agreement which allows the future viability of the scheme to be assessed and any increase or uplift in market conditions can secure contributions towards affordable housing.
- 8.8 The development is of a high quality design which creates a landmark feature on an important gateway into Stevenage Town Centre. The proposal would not have a detrimental impact on the visual amenities of the area, nearby residential amenities, parking, access and highway safety. Furthermore, the proposed development would not have a detrimental impact on nearby trees, ecology or cause any undue harm to the Scheduled Ancient Monument. Moreover, the proposed development would be a sustainable form of

development where it would be energy efficient and adaptable to climate change. Given this, the proposed development is considered to be acceptable.

## 9 RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-

- A clawback mechanism to secure financial contributions in lieu towards affordable housing;
- Apprenticeships and construction jobs;
- Monitoring of Travel Plans
- Parking Restrictions Monitoring
- Proportionate financial contributions towards the delivery of a 2FE Primary School (including nursery) at Stevenage Town Centre;
- Associated Section 278 Highway Works;
- SBC Section 106 Monitoring Fee – 2.5% of total financial obligations (capped at £25,000); and
- HCC Monitoring Fee of £340 per trigger relating to HCC obligations.

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

1 The development hereby permitted shall be carried out in accordance with the approved plans:  
119-3EX-00; 119-3GA-00C; 119-3GA-01D; 119-3GA-02D; 119-3GA-03D; 119-3GA-04D; 119-3GA-05D; 119-3GA-06A; 119-3GA-09D; 119-3GA-10B; 119-3GA-11D; 119-3GA-12E; 119-3GA-07C; 119-3GA-08B.

**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 No development shall take place until samples of the materials to be used in the construction of the external surfaces development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**REASON:-** To ensure the development has an acceptable appearance and to protect the visual amenities of the area.

4 In line with the Desk Study and Ground Investigation by Hydrock dated 22 September 2022 (reference SHW-HYD-XX-XX-RP-GE-S2), a watching brief should be adopted during the initial preparation works to identify any potentially contaminated materials e.g. hydrocarbon staining due to the previous use of the site of the car park. Where identified, materials should be segregated, sampled, analysed, categorised and disposed of off-site in accordance with current legislative requirements.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in The National Planning Policy Framework.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4 which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

**REASON:-** To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 3, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 8 At least 50% of the residential units are to meet Category 2: Accessible and Adaptable dwellings.

**REASON:-** To ensure the development will meet the increase in demand for accessible and adaptable units for elderly and disabled residents in accordance with Policy HO11 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019).

- 9 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

**REASON:-** Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

- 10 The noise mitigation measures as detailed in the Noise Impact Assessment prepared by KP Acoustics Ltd, dated 26/01/2022 shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.
- 11 No development shall take place above slab level until the proposed ventilation scheme for the development has been submitted to and approved in writing by the local planning authority. The detailed measures that will be implemented shall ensure that the specifications at Table 6.1 of the Noise Impact Assessment Report (Report reference 13395.NIA.02, prepared by KP Acoustics Ltd, dated 26/01/2022) can be achieved. The ventilation scheme shall be installed in accordance with the approved scheme and shall be retained for the lifetime of the approved development  
**REASON:-** To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.
- 12 No development shall take place (including demolition and site clearance) until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include the following additional matters;
- 1) Construction vehicle numbers, type, routing;
  - 2) Access arrangements to the site;
  - 3) Traffic management requirements;
  - 4) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
  - 5) Siting and details of wheel washing facilities;
  - 6) Cleaning of site entrances, site tracks and the adjacent public highway;
  - 7) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - 8) Provision of sufficient on-site parking prior to commencement of construction activities;
  - 9) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - 10) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - 11) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays only (These times relate to works which are audible at the boundary);
  - 12) hours of construction operations including times of deliveries and removal of waste;
  - 13) The proposed methods of construction (including details of any excavation/buildings/piling/scaffolding which are located within 10m of the railway line and/or in close proximity to Thames Water assets);
  - 14) Risk assessment in relation to the railway;
  - 15) Details on the screening or enclosure of plant and machinery;
  - 16) Details of dust control measures;
  - 17) Details of any vibro-compaction machinery which is to be used in development;
  - 18) Details of mitigation measures to protect the Common Land, Wildlife Site and Six Hills Barrows to the east of the site during the construction phase of the development.
  - 19) Details of how the safety of existing public highway users and existing public right of way users will be maintained;
  - 20) The provision for addressing any abnormal wear and tear to the highway;
  - 21) The details of consultation with local businesses or neighbours;
  - 22) The details of any other Construction Sites in the local area;
  - 23) Signage.

**REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 13 Prior to the commencement of development (including demolition and site clearance works) a detailed Ecological Management Plan and Heritage Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority which will detail mitigation measures to protect the adjacent Wildlife Site and Scheduled Ancient Monument known as Six Hills Barrows and any remediation and improvement works required following completion of construction works.

**Reason:-** To protect the heritage asset and wildlife site.

- 14 Prior to commencement of development, (including any demolition and site clearance) the developer shall comply fully with the requirements of the Department for Transport's DMRB Standard CG 300: Technical Approval of Highway Structures. The Approval in Principle and Design and Check Certification, accompanied by full structural details, shall be submitted and approved in writing by the Local Planning Authority in conjunction with the Highway Authority. All works shall proceed in accordance with the details submitted and Construction Compliance certification and documentation submitted to the Highway Authority.

**REASON:-** In the interests of public safety, to ensure that construction of the development hereby permitted does not affect the stability of the adjacent public highway.

- 15 No development shall take place until a final design of the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:

- Updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event, including infiltration options.
- Updated full detailed surface water drainage plan showing the proposed discharge point, the location of the proposed SuDS features, any pipe runs and size.
- Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs along with all corresponding detailed calculations/modelling.
- Exceedance flow paths for surface water for events greater than the 1 in 100 year plus climate change.

**REASON:-** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future users.

- 16 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Provision of complete set of as built drawings including the final drainage layout for site drainage network.
- Maintenance and operational activities for the lifetime of the development.
- Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

**REASON:-** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 17 No development shall take place before a scheme of landscaping which shall include details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner. In regards to hard surfacing, this shall be carried out in accordance with any approved details within three months of the first occupation of the building or the completion of the development, whichever is the sooner. Soft landscaping details will need to take into consideration Network Rail's acceptable and unacceptable planting (see Informative No.8).  
**REASON:-** To ensure the development has an acceptable appearance and to protect the visual amenities of the area. Furthermore, to ensure the landscaping scheme does not affect the operation of the adjoining railway network.
- 18 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 19 The development hereby approved shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Sustainability and Energy Statement by Icen Projects Ltd dated January 2022 unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 20 Prior to first occupation of the development hereby permitted details of external lighting to the site shall be submitted to the Local Planning Authority and approved in writing in conjunction with Network Rail. The external lighting system shall be installed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. There shall be no other sources of external illumination.  
**REASON:-** To minimise pollution of the environment and to safeguard the safety of the adjacent highway network and Network Rail's mainline railway.
- 21 Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking area shall be constructed in accordance with the details identified on drawing 1233-P-13 A and shall be permanently retained in that form.  
**REASON:-** To ensure that there is sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 22 The dwellings hereby permitted shall not be occupied until the general waste and recycle stores and plant areas associated with the development hereby permitted have been implemented in accordance with the details shown on approved plan 119-3GA-01D and retained and maintained accordingly for the lifetime of the development.  
**REASON:-** To ensure the storage areas have an acceptable appearance and are of sufficient size to accommodate the number of bins which are required for this development.
- 23 Prior to the first occupation of the development hereby permitted, the parking spaces shown on approved plans 119-3GA-01D and 119-3GA-00C shall be constructed, hardsurfaced and made ready for use taking into account the following:
- a) The underlying infrastructure for connection to the electricity network to enable them to be served by electric vehicle charging points shall be provided;
  - b) They shall be constructed in a porous material or provision made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas;
  - c) A minimum of six (6) disabled parking spaces shall be provided.



Once provided, the parking facilities shall be retained in that form and thereafter be used for the parking of motor vehicles only.

**REASON:-** To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.

- 24 No development shall take place above slab level until there has been submitted to and approved in writing by the Local Planning Authority in conjunction with Network Rail, details of the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure. The approved boundary treatments shall be completed before the dwellings are occupied.

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

- 25 An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing/wall must not be removed or damaged. The barrier would need to be installed at each turning area, roadway and car parking area which is located adjacent to the railway.

**REASON:-** In order to protect infrastructure associated with the railway line managed by Network Rail.

- 26 No waste materials generated as a result of the proposed demolition and /or construction operations shall be burned on site. All such refuse shall be disposed of by alternative methods.

**REASON:-** To protect the amenities of adjoining land users.

- 27 No development shall take place until a detailed Site Waste Management Plan (SWMP) to detail how waste materials generated as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level and type of soil to be imported to site as part of the development has been submitted to and approved in writing by the Local Planning Authority.

**REASON:-** In order to reduce the level of waste generated during the construction of the development and to recycle all waste where possible.

- 28 No development shall commence above slab level until details of 10 integrated swift boxes (including model and location) marked on a plan, have been submitted to and approved in writing by the Local Planning Authority. These devices shall be fully installed prior to occupation and retained as such thereafter.

**REASON: -** To increase opportunities for wildlife in new developments.

- 29 Development shall not commence until a construction methodology statement has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To safeguard the safety of the adjacent Network Rail mainline railway.

- 30 Prior to beneficial occupation of the development, details of an interpretation panel in a suitable, publicly accessible location to improve public perception and understanding of the adjacent scheduled monument of 'The Six Hills Roman barrows' shall be submitted to and approved in writing by the Local Planning Authority. The interpretation panel shall be installed prior to first occupation of the development hereby permitted.

**REASON:-** In order to enhance the understand of the Six Hills Barrows which is a Scheduled Ancient Monument.

- 31 No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions and:
1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as suggested by the evaluation
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- REASON:-** To ensure the preservation of potential remains of the site following archaeological investigation.
- 32 The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.
- REASON:-** To ensure the preservation of potential remains of the site following archaeological investigation.
- 33 Prior to commencement of development above slab level, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
- REASON:** To ensure adequate water infrastructure is provided to enable the fire service to discharge its statutory duties.

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

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

**INFORMATIVE**

- 1 **Public Information on Planning Applications**  
Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.
- 2 **Community Infrastructure Levy**  
Stevenage Borough Council adopted a Community Infrastructure Levy (CIL) Charging Schedule at Full Council on 27 January 2020 and started implementing CIL on 01 April 2020.

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

Stevenage's adopted CIL Charging Schedule and further details of CIL can be found on the Council's webpages at [www.stevenage.gov.uk/CIL](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto: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](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

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

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

### 4 **Party Wall etc. Act 1996**

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

5 **Police Crime Prevention**

The proposed development should achieve Secured By Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor by telephone on 01707 355227 or email mark.montgomery@herts.pnn.police.uk

6 **Thames Water**

Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Through the centre of the proposed development there are easements and wayleaves. These are Thames Water Assets. The company will seek assurances that it will not be affected by the proposed development.

7 **Network Rail**

**Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

**Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

**Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

**Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

#### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

#### Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

#### Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

#### Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

#### Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil.

There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### 8 **Network Rail Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure.

Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### **Acceptable:-**

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

#### **Not Acceptable:-**

Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request to Network Rail.

### 9 **Hertfordshire County Council as Highways Authority**

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

- 10 **Hertfordshire County Council as Highways Authority**  
Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 11 **Hertfordshire County Council as Highways Authority**  
Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 12 **Hertfordshire County Council as Highways Authority**  
Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## 10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The application file, forms, plans and supporting documents having the reference number 16/00482/FPM, relating to the extant planning permission on the site.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted October 2009, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
4. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
5. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
7. Central Government advice contained in the National Planning Policy Framework February 2021 and Planning Policy Guidance March 2014.

This page is intentionally left blank



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

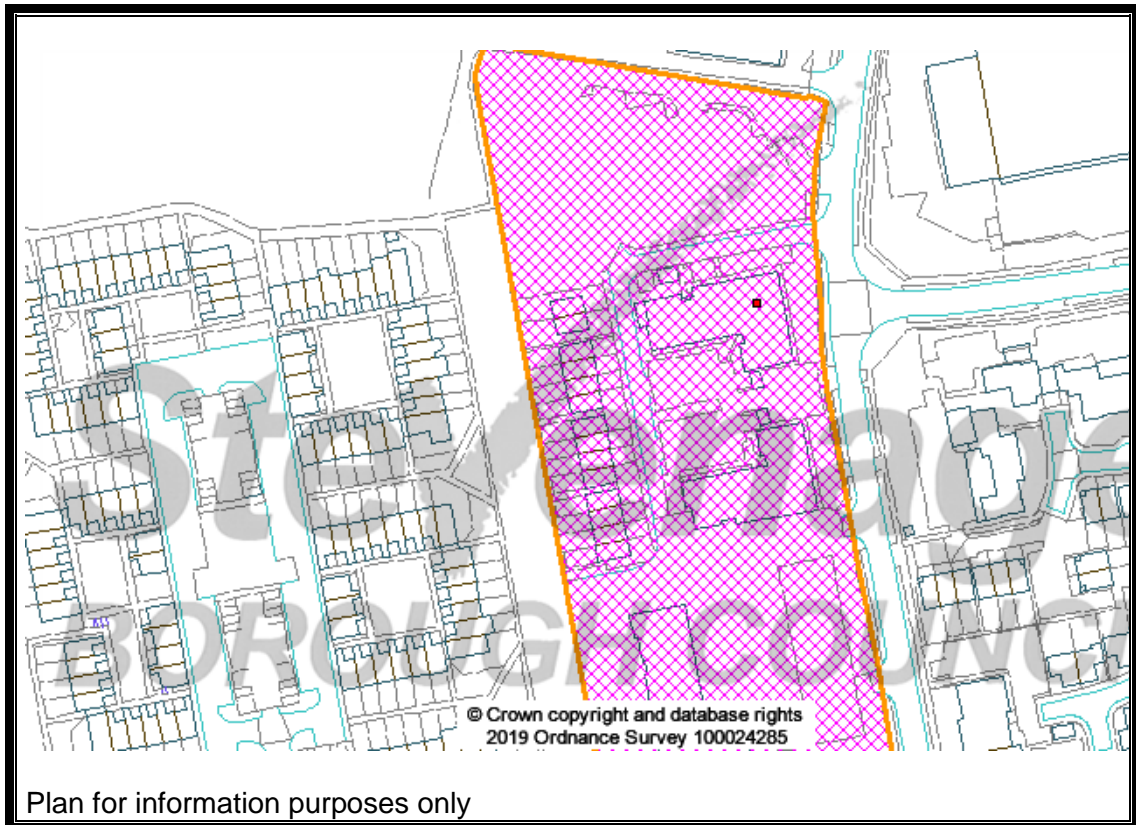
**Date:** 8 December 2022

**Author:** Ailsa Davis 07702 874529

**Lead Officer:** Zayd Al-Jawad 01438 242257

**Contact Officer:** James Chettleburgh 07702 874529

|                  |  |
|------------------|--|
| Application Nos: | 22/00764/S106  |
| Location:        | Moxham House, Giles Crescent, Stevenage  |
| Proposal:        | Deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause. |
| Drawing Nos.     | DEED OF VARIATION MOXHAM HOUSE; OFFICIAL COPY (REGISTER) - HD129053; OFFICIAL COPY (TITLE PLAN) - HD129053; SECTION 106 AGREEMENT DATED 11.08.2016   |
| Applicant:       | Jignesh Harari   |
| Date Valid:      | 18 August 2022   |
| Recommendation:  | Agree Variation of S106 Agreement.   |



**1. SITE DESCRIPTION**

- 1.1 The application site comprises a residential building in use as flats located in the north east of Stevenage, approximately 2.8km from Stevenage town centre. The site is situated in the south western corner of the Pin Green Industrial Estate and is bounded by Wedgwood Way to the east, amenity grassland, a path and cycleway to the south with Martins Way beyond, a tree belt to the west, beyond which are residential properties in Ely Close and industrial and commercial buildings of the industrial estate to the north. To the north west of the application site is Wellfield Wood which is a designated Wildlife Site. The site was formerly occupied by the DuPont UK Headquarter offices and former training area.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 15/00253/OPM outline application for the demolition of existing buildings and provision of up to 200 new homes, up to 900 sqm of Use classes A1/A2/A3/D1, provision of residential amenity space and associated access and car parking granted planning permission 11 August 2016.
- 2.3 16/00782/RMM Reserved matters application pursuant to planning permission 15/00253/OPM for the erection of 38 no. two bedroom apartments, 42 no. one bedroom apartments, and 14 no. 3 bedroom dwellings, seeking approval of the appearance, landscaping, layout and scale granted planning permission 21 February 2017.
- 2.4 17/00185/RMM Reserved Matters application pursuant to outline planning permission 15/00253/OPM for 37 no. one bedroom apartments, 67 no. two bedroom apartments and commercial space; seeking the approval of the appearance, landscaping, layout and scale granted planning permission 9 June 2017.
- 2.5 17/00376/FPM Erection of apartment building containing 70 apartments with associated access, parking and landscaping granted 21 December 2017.
- 2.6 16/00742/S106 Variation of clause 3.1.3.3 (affordable housing), clause 3.1.4.1 (affordable housing), clause 12.5 (obligation exclusion), and clause 5.4 of schedules 2 and 4 and clause 8 of schedule 4 (mortgagee exclusion) of the section 106 Agreement (dated 11 August 2016) approved under planning permission 15/00253/OPM granted 7 December 2018.

## **3. THE CURRENT APPLICATION**

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (As amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference: 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause. Clause 12.5 of the agreement states:

*“12.5 an Affordable Housing Provider and its successors in title or the mortgagee of an Affordable Housing Provider and the mortgagees of any successors in title”.*

- 3.2 This application seeks permission to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause:

*“19. a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a “Receiver”)) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:*

*(a) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of three (3) months from the date of the written notice to complete a disposal of the Affordable Housing Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and*

*(b) if such disposal has not completed within the three (3) month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Units free from the affordable housing provisions in this Agreement which provisions shall determine absolutely”.*

3.3 The proposal before the Council does not consist of or include any alteration to the external appearance of the existing building nor change the number of flats, including affordable units.

3.4 The application was considered by Members at Planning and Development Committee on the 1 November 2022, where it was resolved to agree the variation subject to a period of 6 months rather than 3 months as proposed, namely;

*“(a) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of **six (6) months** from the date of the written notice to complete a disposal of the Affordable Housing Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and*

*(b) if such disposal has not completed within the **six (6) month** period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Units free from the affordable housing provisions in this Agreement which provisions shall determine absolutely”.*

3.5 The applicant has advised they are unable to accept the amendment to 6 months rather than 3 months as this would not be accepted by the lenders. Their justification is as follows:

i) Firstly, at present the Section 106 Agreement contained within this scheme contains a defective mortgagee exclusion clause. As a result, when this property is included in a debt finance exercise carried out by the Association, we are unable to obtain the maximum value (MV-T: 60%-80% of the full value of the property) and instead are offered a restricted value (EU-V: 20-40% of the full value of the property). With 40 units constructed in 2019 for this scheme, this amounts to a loss of circa £1.6 million which could in turn be used to build and develop affordable housing to meet an ever-growing need for these homes. The proposal of six months, as suggested, would not be accepted by the lender, and therefore would still be considered as defective, and thus limiting the value a lender will apply.

ii) Secondly, the three-month moratorium period is a standard which is recommended by the National Housing Federation as well as the Greater London Authority designed to help achieve full value funding against borrowings from most lenders; a standard which is now being successfully adopted across many local authorities and key stakeholders. This is becoming widely accepted as Councils begin to appreciate the negative impact that this restriction places on Housing Associations when raising finance for new homes. We understand that this standard wording has been accepted by the

following districts: East Hertfordshire, Dacorum, Broxbourne, St Albans, and Three Rivers District Council. As mentioned above, if this standard were to be allowed, we could increase our ability to borrow against the properties as security and continue our investment programme further into the future.

- 3.6 Members are therefore requested to re-consider the proposed variation subject to the three-month moratorium period as originally proposed.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 A site notice has been erected in accordance with Section 5 (1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulation 1992. At the time of drafting this report, no comments or representations have been received.

## **5. CONSULTATIONS**

- 5.1 None required.

## **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 July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

### **6.3 Planning Practice Guidance**

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 Community Infrastructure Levy Charging Schedule**

- 6.4.1 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 floor space of a development. This proposal would not be CIL liable as no additional floor space is proposed under this application.

## **7. APPRAISAL**

7.1 The main issue for consideration in the determination of this application is whether the proposed variation as set out in section 3 above is acceptable to the Local Planning Authority.

### **7.2 Land Use Policy Considerations**

7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act (1990), an application can be made to the Local Planning Authority to seek to vary the terms of a Section 106 agreement. This application has therefore been submitted, in accordance with the Town and Country Planning (Modifications and Discharge of Planning Obligations) Regulation 1992, to seek the amendment to the original S106 agreement attached to planning permission reference 15/00253/OPM as described above.

7.2.2 The amendment is required as the site has been purchased by the Housing Association Metropolitan and the original provisions as set out in the S106 agreement are not acceptable to their lenders. At present when charging, the properties in Moxham House are being restricted by the lender in value due to there being a defective mortgagee exclusion clause. Metropolitan are therefore seeking to modify this clause to enable them to receive full value from the lender, which would in turn allow the Housing Association to raise more money in order to continue building affordable housing for those in need. The amendment as described in section 3 above will now be considered.

7.2.3 The application seeks to delete clause 12.5 of the Section 106 Agreement dated 11 August 2016 and insert new clause 19 which incorporates a mortgagee exclusion clause. The proposed amendment is not considered to weaken the position of the Council and would enable the Housing Association to receive full value from the lender and can therefore be accepted.

## **8. CONCLUSION**

8.1 The proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed change to delete clause 12.5 and insert new clause 19, which incorporates a mortgagee exclusion clause is considered to be acceptable. It is therefore recommended that this deed of variation can be agreed.

## **9. RECOMMENDATIONS**

9.1 That the Committee agree the deletion of clause 12.5 from schedule 2 and the insertion of clause 19, which incorporates a mortgagee exclusion clause of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
3. Central Government advice contained in the National Planning Policy Framework February 2021 and Planning Policy Guidance March 2014.

**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:**

## **IMPORTANT INFORMATION - DELEGATED DECISIONS**

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 21/01229/FP  
Date Received : 13.11.21  
Location : Land Adjacent To 81 Turpins Rise Stevenage Herts SG2 8QZ  
Proposal : Change of use of public amenity land and erection of 2no. three bedroom dwellings  
Date of Decision : 03.11.22  
Decision : **Planning Permission is GRANTED**
  
2. Application No : 22/00551/OP  
Date Received : 11.06.22  
Location : 81 Peartree Way Stevenage Herts SG2 9EA  
Proposal : Outline planning permission (with all matters reserved except layout and scale) for the erection of 1no. four bed detached dwelling with change of use from public highway and amenity land to private amenity land to accommodate the associated parking spaces  
Date of Decision : 15.11.22  
Decision : **Outline Planning Permission is REFUSED**  
  
For the following reason(s);  
  
Overshadowing from Woodland  
Depth of rear garden  
Design and Appearance  
Parking Spaces

3. Application No : 22/00601/FPH  
Date Received : 27.06.22  
Location : 87 Sparrow Drive Stevenage Herts SG2 9FB  
Proposal : Single storey in-fill front and single storey rear extension  
Date of Decision : 09.11.22  
Decision : **Planning Permission is GRANTED**
4. Application No : 22/00656/AD  
Date Received : 14.07.22  
Location : 68 High Street Stevenage Herts SG1 3DY  
Proposal : 2no. externally illuminated timber fascia board with individual plywood letters mounted on brass locators, 1 no. projecting sign.  
Date of Decision : 04.11.22  
Decision : **Advertisement Consent is GRANTED**
5. Application No : 22/00657/LB  
Date Received : 14.07.22  
Location : 68 High Street Stevenage Herts SG1 3DY  
Proposal : Internal alterations to the ground floor layout with removal of selected internal partitions and removal of raised timber floors to a single floor level throughout.  
Date of Decision : 04.11.22  
Decision : **Listed Building Consent is GRANTED**



6. Application No : 22/00736/COND  
Date Received : 10.08.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of condition 4 (External Lighting) pursuant to non-material amendment application reference number 22/00120/NMA associated with planning permission 21/01264/FPM and condition 11 (External Lighting) pursuant to planning permission reference 22/00843/FPM (AMENDED DESCRIPTION).  
Date of Decision : 11.11.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
7. Application No : 22/00761/FPH  
Date Received : 18.08.22  
Location : 46 Marlborough Road Stevenage Herts SG2 9HN  
Proposal : Erection of two storey side extension and part single-storey, part two-storey rear extension.  
Date of Decision : 27.10.22  
Decision : **Planning Permission is GRANTED**
8. Application No : 22/00768/FP  
Date Received : 20.08.22  
Location : 54 Stirling Close Stevenage Herts SG2 8TQ  
Proposal : Change of use from public amenity land to residential land  
Date of Decision : 28.10.22  
Decision : **Planning Permission is GRANTED**
9. Application No : 22/00772/FPH  
Date Received : 22.08.22  
Location : 85 Torquay Crescent Stevenage Herts SG1 2RH  
Proposal : Part two-storey, part single-storey front extension and single storey rear extension  
Date of Decision : 19.10.22  
Decision : **Planning Permission is GRANTED**

10. Application No : 22/00780/CLPD  
Date Received : 23.08.22  
Location : 71 Nodes Drive Stevenage Herts SG2 8AH  
Proposal : Certificate of Lawfulness for proosed garden room  
Date of Decision : 25.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
11. Application No : 22/00782/FPH  
Date Received : 23.08.22  
Location : 9 Edmonds Drive Stevenage Herts SG2 9TJ  
Proposal : Installation of roof mounted (PV) solar panels  
Date of Decision : 04.11.22  
Decision : **Planning Permission is GRANTED**
12. Application No : 22/00785/COND  
Date Received : 26.08.22  
Location : Garages At Dunn Close Stevenage Herts  
Proposal : Discharge of conditions 4 (Hard, Soft Landscaping and Boundary Treatments) 9 (Landscape Management Plan) 25 (Ecology Features) 28 (Bin Store) attached to planning permission 21/00944/FPM  
Date of Decision : 17.11.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
13. Application No : 22/00789/FPH  
Date Received : 30.08.22  
Location : 32 St. Albans Drive Stevenage Herts SG1 4RU  
Proposal : Single storey rear and side extension and erection of a detached garage and garden room  
Date of Decision : 21.10.22  
Decision : **Planning Permission is GRANTED**

14. Application No : 22/00791/FP  
Date Received : 31.08.22  
Location : 56 St. Albans Drive Stevenage Herts SG1 4RU  
Proposal : Change of use from public amenity land to residential use  
Date of Decision : 24.10.22  
Decision : **Planning Permission is GRANTED**
15. Application No : 22/00794/FPH  
Date Received : 31.08.22  
Location : 60 The Willows Stevenage Herts SG2 8AS  
Proposal : Erection of first floor side extension  
Date of Decision : 27.10.22  
Decision : **Planning Permission is GRANTED**
16. Application No : 22/00797/CLPD  
Date Received : 01.09.22  
Location : 95 Ingleside Drive Stevenage Herts SG1 4RY  
Proposal : Lawful Development Certificate (Proposed) for Single Storey Rear Extension.  
Date of Decision : 24.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
17. Application No : 22/00802/FPH  
Date Received : 02.09.22  
Location : 17 Harvey Road Stevenage Herts SG2 0BG  
Proposal : Single storey front and rear extensions  
Date of Decision : 04.11.22  
Decision : **Planning Permission is GRANTED**

18. Application No : 22/00803/TPTPO  
Date Received : 04.09.22  
Location : 26 Fishers Green Stevenage Herts SG1 2JA  
Proposal : Prune and shape tree reducing size by 35-40% to 1 No: Oak tree (T1) Protected by TPO 84  
Date of Decision : 25.10.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
19. Application No : 22/00804/FPH  
Date Received : 06.09.22  
Location : The Gatehouse Rectory Lane Stevenage Herts  
Proposal : Demolition of existing garage/store to be replaced with a single storey detached annexe  
Date of Decision : 20.10.22  
Decision : **Planning Permission is GRANTED**
20. Application No : 22/00807/CLPD  
Date Received : 07.09.22  
Location : 54 Dryden Crescent Stevenage Herts SG2 0JG  
Proposal : Certificate of lawfulness (Proposed) for conversion of storage area to habitable accommodation and insertion of ground floor front window.  
Date of Decision : 31.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
21. Application No : 22/00811/FP  
Date Received : 08.09.22  
Location : Glaxo SmithKline Research And Development Ltd Gunnels Wood Road Stevenage Herts  
Proposal : Retrospective application for a replacement sub-station  
Date of Decision : 20.10.22  
Decision : **Planning Permission is GRANTED**

22. Application No : 22/00815/FPH  
Date Received : 09.09.22  
Location : 9 Ayr Close Stevenage Herts SG1 5RZ  
Proposal : Single storey rear extension and conversion of garage  
Date of Decision : 02.11.22  
Decision : **Planning Permission is GRANTED**
23. Application No : 22/00816/FP  
Date Received : 09.09.22  
Location : 6 Badgers Close Stevenage Herts SG1 1UH  
Proposal : Change of use of public amenity land to residential use  
Date of Decision : 02.11.22  
Decision : **Planning Permission is REFUSED**  
  
For the following reason(s);  
Insufficient Info
24. Application No : 22/00817/FP  
Date Received : 09.09.22  
Location : 30 Skipton Close Stevenage Herts SG2 8TN  
Proposal : Change of use of public amenity land to residential use  
Date of Decision : 01.11.22  
Decision : **Planning Permission is GRANTED**
25. Application No : 22/00824/FP  
Date Received : 12.09.22  
Location : HSBC Danestrete Stevenage Herts  
Proposal : Replacement of existing 1no. ATM machine and associate signage and removal of 1no. ATM machine and associate signage  
Date of Decision : 03.11.22  
Decision : **Planning Permission is GRANTED**

26. Application No : 22/00825/AD  
Date Received : 12.09.22  
Location : HSBC Danestrete Stevenage Herts  
Proposal : New internally illuminated ATM signage  
Date of Decision : 02.11.22  
Decision : **Planning Permission is GRANTED**
27. Application No : 22/00826/FP  
Date Received : 12.09.22  
Location : 2-8 Queensway Stevenage Herts SG1 1BS  
Proposal : Two storey rear extension to provide 2no. two bed residential units  
Date of Decision : 10.11.22  
Decision : **Planning Permission is GRANTED**
28. Application No : 22/00827/FPH  
Date Received : 13.09.22  
Location : 30 Orchard Crescent Stevenage Herts SG1 3EN  
Proposal : Two storey front and side extensions, part single and part two storey rear extension  
Date of Decision : 02.11.22  
Decision : **Planning Permission is GRANTED**
29. Application No : 22/00828/CLED  
Date Received : 13.09.22  
Location : Matalan Danestrete Stevenage Herts  
Proposal : Commencement of development of Reserved Matters Permission ref. 20/00643/RMM via commencement and practical completion of demolition works  
Date of Decision : 19.10.22  
Decision : **Certificate of Lawfulness is APPROVED**

30. Application No : 22/00842/FPH  
Date Received : 16.09.22  
Location : 34 Granby Road Stevenage Herts SG1 4AS  
Proposal : Erection of a two storey rear extension following demolition of existing single storey rear conservatory  
Date of Decision : 11.11.22  
Decision : **Planning Permission is GRANTED**
31. Application No : 22/00843/FPM  
Date Received : 17.09.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Variation of condition 9 (working hours) attached to planning permission reference number 21/01264/FPM  
Date of Decision : 01.11.22  
Decision : **Planning Permission is GRANTED**
32. Application No : 22/00854/COND  
Date Received : 23.09.22  
Location : Arriva Bus Depot And Adjacent Unit 11 Babbage Road Stevenage Herts  
Proposal : Discharge of Condition 3 (Drainage) attached to planning permission reference number 21/00431/FP  
Date of Decision : 08.11.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
33. Application No : 22/00857/COND  
Date Received : 24.09.22  
Location : 39 Fishers Green Road Stevenage Herts SG1 2PD  
Proposal : Discharge of condition 8 (Climate Change Adaptations) attached to planning permission reference number 22/00019/FP  
Date of Decision : 08.11.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

34. Application No : 22/00863/FPH  
Date Received : 28.09.22  
Location : 162 Fairview Road Stevenage Herts SG1 2NE  
Proposal : Variation of condition 1 of planning permission 21/01022/FPH to allow for the erection of a full width two storey rear extension and part garage conversion  
Date of Decision : 08.11.22  
Decision : **Planning Permission is GRANTED**
35. Application No : 22/00864/FP  
Date Received : 28.09.22  
Location : 17 Fox Road Stevenage Herts SG1 1JD  
Proposal : Erection of a two-storey side extension to create 1 no. two bedroomed dwellinghouse.  
Date of Decision : 09.11.22  
Decision : **Planning Permission is GRANTED**
36. Application No : 22/00866/PADEMO  
Date Received : 29.09.22  
Location : Icon Building Lytton Way Stevenage Herts  
Proposal : Prior approval for the demolition of existing Office building with associated parking and surrounding landscaping.  
Date of Decision : 26.10.22  
Decision : **Prior Approval is REQUIRED and GIVEN**
37. Application No : 22/00873/AD  
Date Received : 03.10.22  
Location : Next Unit 5-7 The Forum Centre The Forum Town Centre  
Proposal : Replacement of 3 no. internally illuminated fascia signs; 2 no. internally illuminated individual letter signage; 2 no. internally illuminated hanging signs.  
Date of Decision : 24.11.22  
Decision : **Planning Permission is GRANTED**



38. Application No : 22/00874/CLPD  
Date Received : 03.10.22  
Location : MBDA UK Six Hills Way Stevenage Herts  
Proposal : Certificate of lawfulness (Proposed) for installation of new Liquid Nitrogen tank to serve new test facility inside existing building  
Date of Decision : 08.11.22  
Decision : **Certificate of Lawfulness is APPROVED**
39. Application No : 22/00876/FPH  
Date Received : 04.10.22  
Location : 7 Faraday Road Stevenage Herts SG2 0BJ  
Proposal : Demolition of existing outbuilding and construction of single-storey rear extension.  
Date of Decision : 25.11.22  
Decision : **Planning Permission is GRANTED**
40. Application No : 22/00877/TPTPO  
Date Received : 04.10.22  
Location : 3 Woodfield Road Stevenage Herts SG1 4BP  
Proposal : Crown reduction by 2 m to leave viable growth points to 1No Locust Tree (T4), 1 No: Scots Pine Tree (T7) 1No: Horse Chestnut Tree (T6)and 1No: Atlas Cedar Tree (T17) protected by TPO 82  
Date of Decision : 22.11.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
41. Application No : 22/00878/FPH  
Date Received : 05.10.22  
Location : 1 Essex Close Stevenage Herts SG1 3FA  
Proposal : Single storey side extension  
Date of Decision : 11.11.22  
Decision : **Planning Permission is GRANTED**

42. Application No : 22/00879/HPA  
Date Received : 05.10.22  
Location : 51 Mobbsbury Way Stevenage Herts SG2 0HX  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 5.00m, for which the maximum height will be 3.00m and the height of the eaves will be 3.00m  
Date of Decision : 11.11.22  
Decision : **Prior Approval is NOT REQUIRED**
43. Application No : 22/00880/CLEU  
Date Received : 05.10.22  
Location : 7A North Road Stevenage Herts SG1 4BD  
Proposal : Certificate of lawfulness for existing use of 6 bed HMO  
Date of Decision : 26.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
44. Application No : 22/00895/HPA  
Date Received : 07.10.22  
Location : 35 Walnut Tree Close Stevenage Herts SG2 9RS  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.00m, for which the maximum height will be 2.95m and the height of the eaves will be 2.80m  
Date of Decision : 15.11.22  
Decision : **Prior Approval is REQUIRED and REFUSED**
- For the following reason(s);  
Under planning permission reference 2/0316/81, the permitted development rights were removed for all enlargements, improvement or other alterations as defined under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 1988 (as amended). As such, the single storey rear extension will require planning permission.

45. Application No : 22/00920/COND  
Date Received : 14.10.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of condition 14 (Car Park Management Plan for MSCP) attached to planning reference number 21/01264/FPM  
Date of Decision : 11.11.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
46. Application No : 22/00922/CLPD  
Date Received : 15.10.22  
Location : 2 Poston Place Stevenage Herts SG2 0BS  
Proposal : Lawful Development Certificate (Proposed) for side dormer window.  
Date of Decision : 22.11.22  
Decision : **Certificate of Lawfulness is APPROVED**
47. Application No : 22/00927/HPA  
Date Received : 17.10.22  
Location : 12 Lower Sean Stevenage Herts SG2 9XN  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.35m, for which the maximum height will be 3.50m and the height of the eaves will be 2.30m  
Date of Decision : 09.11.22  
Decision : **Prior Approval is NOT REQUIRED**

48. Application No : 22/00979/NMA  
Date Received : 07.11.22  
Location : The Bragbury Centre Kenilworth Close Stevenage Herts  
Proposal : Non material amendment to planning permission reference number 18/00398/FPM to amend description of development as follows: Demolition of the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed use development with 169 no. dwellings (Including independent living) and provision of retail units across various blocks.  
Date of Decision : 17.11.22  
Decision : **Non Material Amendment AGREED**
49. Application No : 22/00983/CLPU  
Date Received : 07.11.22  
Location : 151 Minehead Way Stevenage Herts SG1 2JL  
Proposal : Lawful Development Certificate (Proposed) for use of property as Use Class C3(b) (Supported Housing).  
Date of Decision : 23.11.22  
Decision : **Certificate of Lawfulness is APPROVED**

## **BACKGROUND PAPERS**

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 January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 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 February 2019 and Planning Policy Guidance March 2014.

**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** Thursday 8 December 2022

## **INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS**

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

### **1. APPEALS RECEIVED**

1.1 None.

### **2. DECISIONS AWAITED**

2.1 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.

2.2 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.

2.3 21/01101/FP, 303 Ripon Road. Appeal against refusal of planning permission for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking.

2.4 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.

2.5 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.6 21/00057/FP, Land Between Watercress Close, Coopers Close and Walnut Tree Close. Appeal against refusal of planning permission for the erection of two detached dwelling houses including new site access from Watercress Close and 560sqm of publicly accessible open space to the south of the site.

### **3. DECISIONS RECEIVED**

3.1 None.

This page is intentionally left blank