



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 3 October 2023

Time: 6.30pm

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact: Abbie Hamilton (01438) 242587

committees@stevenage.gov.uk

Members: Councillors: M Downing (Chair), C Parris (Vice-Chair), J Ashley-Wren, R Broom, F Chowdhury, N Chowdhury, C Howells, G Lawrence CC, M McKay, A Mitchell CC, E Plater, G Snell, C Veres and A Wells.

AGENDA

PART I

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 18 JULY 2023 AND 8 AUGUST 2023

To approve as a correct record the Minutes of the previous meeting held on 18 July 2023 and 8 August 2023.

Pages 5 – 60

3. 23/00066/FP - LAND TO THE REAR OF 48, 49, AND 50 CONIFER WALK, STEVENAGE

To consider the erection of 1no. one bedroom and 1no. two bedroom dwelling houses and provision of publicly accessible open space.

Pages 61 – 90

4. 22/00838/FPM - LAND TO THE WEST OF NORTH ROAD

To consider a Section 73 application to permission reference: 21/00529/FPM – amendments to condition 1 (approved plans), condition 2 (timing), condition 3 (construction management plan), condition 5 (Drainage Strategy), condition 6 (drainage management and maintenance), condition 7 (Travel Planning), condition 8 (hydrants), condition 9 (acoustic fence), condition 12 (materials), condition 14 (external lighting), condition 15 (access), condition 16 (service yards and car park), condition 17 (bin storage), condition 18 (electric vehicle charging), condition 20 (landscape drawings), condition 22 (hard surfacing) and conditions 27 & 28 (Unexpected Contamination).

Pages 91 – 120

5. 23/00655/FPM - LAND TO THE WEST OF LYTTON WAY

To consider the Variation of condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to alter the position of the stair and lifts cores to ensure maximum travel distance for means of escape are improved.

Pages 121 – 154

6. 23/00393/FPM AND 23/00350/S106 - UNIT 7B, ROARING MEG RETAIL PARK

To consider the external alterations and insertion of mezzanine floorspace (ref. 23/00393/FPM) and the Variation of Section 106 agreement dated 4 December 2014 (ref. 23/00350/S106).

Pages 155 – 174

7. 23/00528/FPH - 115 HAYCROFT ROAD. STEVENAGE

To consider a single storey front extension and construction of a driveway with associated dropped kerb.

Pages 175 – 182

8. 23/00621/CLED - 7 DOVE ROAD, STEVENAGE

To consider a Certificate of Lawfulness for (Existing Development) for the enlargement and conversion of a garage into an annexe.

Pages 183 – 188

9. 23/00631/CLEU - 127 RIPON ROAD, STEVENAGE

To consider the Certificate of Lawfulness for (Existing Use) for the use of the property as 6-bed House of Multiple Occupation (Use Class C4).

Pages 189 – 192

10. 23/00618/CLEU - 45 YORK ROAD

To consider a Certificate of lawfulness for use as a 7 bedroom HMO (Use Class Sui-Generis).

Pages 193 – 198

11. 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 199 – 224

12. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on Appeals and Called-in applications.

Pages 225 – 230

13. URGENT PART I BUSINESS

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

14. 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 involves 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.

15. URGENT PART II BUSINESS

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

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 18 July 2023

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair) (Chair), Claire Parris (Vice-Chair) (Vice Chair), Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Adam Mitchell CC, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm
Time: End Time: 10.13pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received by Councillor Julie Ashley-Wren.

Councillor Michael Downing declared an interest in Item 6 – 23 Essex Road due to being a neighbour to the development. Councillor Forhad Chowdhury declared an interest in Item 8 – Muslim Community Centre due to being the Trustee for the mosque. Both Councillors declared they would not vote in their respected Items.

2 MINUTES - 25 MAY 2023

It was **RESOLVED:** That the Minutes of the Meeting of the Committee held on 25 May 2023 be approved as a true record of the proceedings and be signed by the Chair.

3 22/00437/FPM - 10A AND 10B BURWELL ROAD

The Committee considered a report in respect of application 22/00437/FPM seeking the demolition of the existing 2 semi-detached houses and the erection of 20 flats comprising of 12 one-bed and 8 two-bed, associated parking, and ancillary works.

The Senior Planning Officer informed Members that the application was previously determined by the Committee on 4th October 2022 and was granted subject to the completion of a Section 106 agreement and a suitable drainage strategy. The land was owned by Stevenage Borough Council (SBC) who was requesting the change of tenure in relation to affordable housing provision. The existing application was to be policy compliant for affordable housing which was 25% of the dwellings, the new application requested to change this to 100%.

The Senior Planning Officer gave a presentation which included photos of the existing site, the houses that were to be demolished to make way for the block of 20 flats, as well as the previously developed March Hare site which gave an example of

what the new block would look like. The garage block would form the car park for the development. She displayed photos of the traffic in the surrounding area and the access to the development which would be in Chertsey rise.

The Chair invited Ms J Wheeler, an objector, to address the Committee.

Ms Wheeler stated that a planning application was refused in 2001 due to the traffic issues in the area. There was congestion caused by refuse vehicles, which created more traffic caused by buses. The increase in vehicles due to this development would add to the congestion. Additionally she believed that families would be better in houses rather than flats.

The Chair thanked Ms J Wheeler for her contribution to the meeting.

The Chair then invited the Housing Development Representative to address the Committee.

The Housing Development Representative informed Members this application was only for a change in tenure, so SBC was successful in delivering affordable housing, which SBC wanted to increase for those in housing need. He stated that 85% of the 3000 people on the waiting list were in need of 1 and 2 bed accommodation. He informed Members that since the original application, the Housing Development team had secured funding and executive approval from SBC for the scheme.

The Chair thanked the Housing Development Representative for their contribution to the meeting.

The Senior Planning Officer informed Members the recommendations in the report were solely based on the affordable housing provision and that all other planning considerations on the previous application were not under consideration at the meeting. The application would provide 22.8% of the annual requirement for affordable homes.

There were ongoing negotiations between the developer and flood risk consultant to finalise an acceptable drainage strategy and recommend a suggested list of conditions. There had also been further conditions imposed in relation to climate change. She also noted under the planning history that they had received a prior approval application for the demolition of the existing dwellings. The land was not fully on previously developed land, however 20 dwellings made a strong contribution to the housing benefit and 100% affordable housing was a great public benefit.

Some Members asked questions in relation to the previous application. In response, the Senior Planning Officer advised that this application remains the same as the previous application, the only thing that changed was the 25% affordable housing changing to 100%. She reminded members that if this application was refused the previous application would still go ahead. This application was still subject to an acceptable drainage strategy and a Section 106 agreement. In relation to drainage, consultation was just part of the process to secure the most sustainable drainage strategy. The Development Manager added that Members should be mindful of what they had previously approved, and that they deemed the past application as

acceptable. There was no statutory requirement for re-consultation as the application remained the same. The prior approval was initially refused due to insignificant information for the Highways Authority. A new application was submitted with changes, but they were still waiting for Highways to approve it.

A few Members asked questions relating to the traffic issues raised by residents. In response, the Senior Planning Officer advised that traffic issues in the area were a matter for Hertfordshire County Council (HCC). The car parking on the site was deemed acceptable, and the application only looked at the change of tenure not traffic issues. HCC had previously completed a transport statement which included a traffic survey in the previous application when they made recommendations.

It was **RESOLVED**: That the application 22/00437/FPM be **GRANTED** planning permission subject to the conditions and reasons set out in the report and the applicant having first entered into a S106 legal agreement.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 13761-P200-F; 13761-P203-A; 13761-P202-C; 13761-P201-G; 13761-S199-A;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. 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.
4. 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.
5. 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.

6. At least 50% of the residential units are Category 2: Accessible and Adaptable dwellings.
7. 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.
8. The noise mitigation measures as detailed in the Noise Impact Assessment prepared by Sound Planning Ltd dated 22 April 2022 shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. Prior to the commencement of any landscaping, a landscape and ecological management plan (LEMP) shall be 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 (0.5233 habitat units, 0.4050 hedgerow units) to contribute to 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 habitats as described in the approved metric.
 - d) Prescriptions for management actions, only definitive measures are acceptable.
 - e) Preparation of a 30 year annual work schedule (capable of being rolled forward in perpetuity), 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.
 - i) Details (make, model and location) of 10 integrated bat boxes and 10 integrated swift boxes to be included in the proposal

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 responsible for its delivery. The plan 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.

10. No development shall take place (including site clearance) until the tree protection measures as detailed on the Arboricultural Impact Assessment (AIA) plan prepared by GHA Trees Arboricultural Consultancy, Rev B, dated April 2022 have been implemented accordingly. The tree protection measures shall remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.
11. Prior to the commencement of the development (including demolition and site clearance), a 'Construction Traffic Management Plan shall be 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 Traffic Management Plan' shall identify details of:
 - a) Demolition and removal plans
 - b) Provision of sufficient on-site parking prior to commencement of construction activities.
 - c) Additional measure to stop construction related vehicles parking onto public highways (Burwell Road and Chertsey Rise)
 - d) Construction vehicle numbers, type, routing.
 - e) Traffic management requirements
 - f) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times
 - g) Construction and storage compounds (including areas designated for car parking, loading/ unloading and turning areas).
 - h) Cleaning of site entrances, site tracks and the adjacent public highway.
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the
 - j) public highway.
 - k) Wheel cleaning arrangement
12. 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.
13. 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.
14. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
15. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
16. No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
17. 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. There shall be no other sources of external illumination.
18. Prior to the first occupation of the development hereby permitted, details of the cycle storage areas shall be submitted to the Local Planning Authority and approved in writing. The cycle storage areas shall be retained and maintained accordingly during the lifetime of the development.
19. 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 13761-P200-F and retained and maintained accordingly for the lifetime of the development.

20. Prior to the first occupation of the development hereby permitted, the parking spaces shown on approved plan 13761-200-F shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
21. Prior to the first occupation of the dwelling hereby permitted the access, turning and parking provision as shown on approved plan 13761-P200-F shall be constructed, hardsurfaced and made ready for use. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
22. Prior to the first occupation of the development hereby permitted, provision of bird boxes and bat bricks or boxes as specified in the Ecological Appraisal prepared by Windrush Ecology dated March 2022 shall be erected accordingly and thereafter permanently retained and maintained.
23. Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The approved boundary treatments shall be completed before the development is first occupied.
24. Prior to the first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering and construction design of the following highway works under s278 as indicated on the drawing 5737/1001 listed below and these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction:
 - a) The existing access points off Burwell Road servicing the 10A and 10B permanently closed off and reinstate of full high kerbs, highway verge and footways;
 - b) All pedestrian access points to highways as indicated on the proposed drawing (Ref 13761-P200-F) should be designed in accordance with the inclusive mobility guidance (Ramp, slope etc.)
 - c) Provide new footway along new access point and connect with the existing footway along Chertsey Rise as shown the drawing (Ref- 5737/1001);
 - d) Provide tactile crossing points as shown on the drawing (Ref- 5737/1001);
 - The junction of Burwell Road and Chertsey Rise;
 - The junction of Chertsey Rise and private road (the proposed site access road);

- New pedestrian's crossing point onto Burwell Road opposite the site frontage to connect opposite site footway;
 - The junction of Burwell Road and Burwell Shop access point.
25. Prior to the first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering and construction design of the bus shelter, Kassel Kerb under s278 as indicated on the drawing 5737/1001 at the existing flagpole bus stops onto Chertsey Rise (directly eastern side of the site) and these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction before first occupation.
26. 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.
27. 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.
28. 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.
29. Infiltration testing should be in accordance with BRE Digest 365 which should be carried out at the location of any infiltration measure(s). Where infiltration is not possible, evidence that approval has been sought from the relevant water authority should be provided for any connection into a public surface water sewer.

4 **22/00965/FPM - 224-230 BEDWELL CRESCENT**

The Committee considered a report in respect of application 22/00965/FPM seeking the demolition of existing semi-detached houses, sea cadets, nursery, and scouts' buildings and garages to provide 57 new dwellings with associated parking, facilities, and landscape, as well as the reconfiguration of the existing public car park.

The Principal Planning Officer advised that the site comprised of a mixture of uses. She added the north of the park was an allocated housing site in the Stevenage Local Plan. The car park was allocated open space in the Local Plan.

The Chair invited Lesley Dimery, an objector, to address the Committee.

Ms Dimery explained that Bedwell Crescent was a densely populated area, and the roads cannot support the extra cars from the new development. The location was

also a pressure point with access to Fairlands Valley park, near a bus stop, a doctor surgery, and down the road from a primary school. She believed that the 52 spaces would not resolve the issue and the car parking was being reduced to supply the new homes. She believed the development was unsympathetic to the local town history and was changing the area from a low impact community to a high impact residential area. She also added that the reduction of the trees would not be mitigated by planting new trees as it would take them time to grow

The Chair thanked Ms Dimery for her contribution to the meeting.

The Chair then invited Jack Jeffreys of 5th Stevenage Scouts, an objector, to address the Committee.

Mr Jeffreys stated he was speaking in relation to the relocation of the Scouts and Sea Cadets and his concerns with the medium- and long-term resettlement. He informed the Committee the applicant had been positive to work with and had proposed an alternative site in Hampson Park, but the building was considerably smaller. He believed the new location was cost effective but was only a short-term solution as they only had a 3-year term. He also expressed concerns that they could not safely accommodate the amount of youths in the Pin Green site. He stated that these issues were not formally recognised as a condition in the application and asked to be formally recognised within the Section 106.

The Chair thanked Mr Jeffreys for his contribution to the meeting.

The Chair invited the Housing Development Representative to address the Committee.

The Housing Development Representative informed Members this application was to construct and provide Stevenage residents with 57 new homes which included 24 flats and 33 houses along with 105 parking spaces. The Housing Development team held consultations over 2 years and received 6000 responses which they used to alter and enhance the scheme. For example the original scheme proposed 97 new houses but after consulting with the community this was reduced to 57. Another community concern was the traffic problem in the area and parking issues. The Housing Development team worked with the Highways Authority to benefit the parking situation as well as creating a new entrance to move 200 car journeys along Shephall View instead of Bedwell Crescent. He highlighted the inadequate parking in the car park near Fairlands Valley splash park and suggested that currently only 30-40 cars could park there, however with better markings this would increase to 53. He added that the income from these homes would deliver a further 100 additional affordable homes.

He highlighted the current community uses which included Noah's Ark Nursery, who were able to relocate to Chells Park Pavilion and provide to over 100 children. There had also been consultations with the Sea Cadets and Scouts where they had over 32 meetings and looked at 10 other potential relocations before settling on Hampson Park. The Housing Development Representative was confident that they would work together to provide a good space for the groups that was safe for children and the volunteers. The current buildings were in structural disrepair and the Sea Cadet

building was closed for health and safety reasons. He added that this was a separate matter from the application.

The Chair thanked the Housing Development Representative for their contribution to the meeting.

The Principal Planning Officer presented photos showing the existing garage block, where the trees would be retained, and the existing access would be closed off but would still allow pedestrian access. They also showed the current buildings, surrounding land, Fairlands Valley car park, the allocated housing site, and the grass amenity space. She informed Members the current houses at the front of the site would be demolished to create space and vehicular access to the site. The road would act as a buffer between the old and new houses and the apartment block would be located in the middle of the site with parking and a communal garden area.

The Principal Planning Officer informed Members that the principle open space would remain a public car park and would be resurfaced with 53 marked bays. The houses would comprise of similar external materials to compliment the residential area they were located in. She also informed Members that they had received a response from the drainage consultant who wanted more work done on the sustainable urban drainage on the site and had asked the applicant to prove a sewer connection and approval for use.

A few Members asked questions regarding the Scouts and Sea Cadets. In response the Principal Planning Officer advised that they had considered the decision to include the condition requiring the relocation of the Sea Cadets and Scouts however they had reached a decision of an acceptable site. The planning policy HC4 allows community facilities to be lost if they meet at least one of three criteria. They had satisfied criteria A by finding an alternative location. The Assistant Director (Planning & Regulatory) advised that a Section 106 could be used but in terms of planning policy the relocation is acceptable as there was a suitable alternative and so it was unnecessary to have this as a condition. The Housing Development Representative also advised that they had provided financial assistance in relation to grants and money to the Sea Cadets had been given as well as the Scouts in the form of cash donations.

Some Members asked questions in relation to the parking concerns. It was advised that the existing access would be closed and become a driveway for two semi-detached houses. The scheme provides parking for the new development within standards and there would be no alterations to Shephall View. The parking on the road was not formally designated to residents so there were no requirements under planning policy to provide alternatives. There were 68 parking spaces for the houses and 37 for the flats. There had not been a car park management strategy submitted and the Fairlands Valley car park would remain under SBC control. The Housing Development Representative added that residents had concerns around parking during consultation however they could still park in the car park and there would be pedestrian access. They wouldn't be able to park along the access route, but this would be a betterment to the traffic in the area. 10-15 parking spaces had been identified that could be created to benefit residents.

A Member asked how waste and maintenance vehicles would manoeuvre in the area and it was advised that vehicle tracking had been carried out and the due diligence had been checked by the Highways Authority who confirmed it was acceptable.

Members asked questions regarding biodiversity and the trees in the area. It was advised that there were no high-quality trees being removed and replacement planting would be provided. The Development Manager added that 14 trees, 4 small groups of trees, and 4 hedges would be removed. It was agreed that a 3 for 1 replacement tree planting condition could be added to the general landscaping condition, as well as the addition of swift bricks to Condition 11. In terms of biodiversity net gain, there would be a financial contribution for the shortfall. There had been some potential contamination around the garage block and the environmental health team were asked to check for contamination during the construction.

A few Members raised concerns with the traffic in the area. It was advised that there was a planning condition asking for a traffic management plan to be submitted which would provide details of all construction traffic to minimise impact. This would be signed off by the Highways Authority prior to any development. The Highways Authority had completed a traffic assessment and the traffic flow calculated would not cause an increase of more than 2% which was not significant, and they were satisfied that the existing junctions could cope.

A Member asked for clarification on the tenure for the properties. It was advised that this site would be 100% private housing and there would be no affordable housing on this site. The policy requires 25% of developments to be affordable however the applicant had asked to offset this onto the Burwell Road site which is now 100% affordable.

It was **RESOLVED**: That the application 22/00965/FPM be **GRANTED** planning permission subject to the conditions and reasons set out in the report and the applicant having first entered into a S106 legal agreement, as well as the following amended conditions:

5 Notwithstanding the details set out in the application submission, no development shall take place above slab level until details of a hard and soft landscaping strategy and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

1. Details of all new planting to take place including species, size, quantity, location and method of planting;
2. Details of all boundary treatments including type, size, positions, heights and materials;
3. Details of any street furniture;
4. Details of tree pit designs and root protection measures (if required);
5. Details of all hardsurfacing areas to include type, size and materials;
6. Details of replacement tree planting to achieve a ratio of 3:1.

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

- 11 No development shall commence until details of 15 integrated Swift boxes and / or Swift Bricks and 4 integrated bat boxes have been submitted and approved by the LPA. These devices shall be fully installed prior to occupation and retained as such thereafter.
REASON:- To conserve and enhance biodiversity.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 18068SU1.01; 18068SU1.02; 18068SU1.03; 18068SU1.04; 18068SU1.05; 18068SU1.06; 18068SU1.101; 18068WD2.01; 18068WD2.02; 18068WD2.03; 18068WD2.04; 18068WD2.05; 18068WD2.102; 18068WD2.103; 18068WD2.104; 18068WD2.105; 18068WD2.106; 18068WD2.107; 18068WD2.108; 18068WD2.109; 18068WD2.110; 18068WD2.111; 18068WD2.112; 18068WD2.20; 18068WD2.201; 18068WD2.202; 18068WD2.203; 18068WD2.204; 18068WD2.205; 18068WD2.206; 18068WD2.207; 18068WD2.208; 18068WD2.209; 18068WD2.21; 18068WD2.210; 18068WD2.211; 18068WD2.22; 18068WD2.23; 18068WD2.24; 18068WD2.25; 18068WD2.30; 18068WD2.31; 18069WD2.120; 18069WD2.121; 18069WD2.130; SHF.1926.002.ENZ.XX.01.DR.L.45.101; SHF.1926.002.ENZ.XX.01.DR.L.45.102; SHF.1926.002.ENZ.XX.01.DR.L.45.103
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
4. The development to which this permission relates shall be carried out in accordance with the external materials specified within drawing numbers 18068WD2.201, 18068WD2.203, 18068WD2.206, 18068WD2.207, 18068WD2.208, 18068WD2.209 and 18068WD2.210 submitted as approved or any alternatives to be submitted to and approved by the Local Planning Authority.
5. Notwithstanding the details set out in the application submission, no development shall take place above slab level until details of a hard and soft landscaping strategy and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:
 7. Details of all new planting to take place including species, size, quantity, location and method of planting;
 8. Details of all boundary treatments including type, size, positions, heights and materials;

9. Details of any street furniture;
 10. Details of tree pit designs and root protection measures (if required);
 11. Details of all hardsurfacing areas to include type, size and materials;
 12. Details of replacement tree planting to achieve a ratio of 3:1.
6. All hard surfacing comprised in the approved landscaping details as specified in condition 5 of this approval shall be carried out prior to the first use of the site or the completion of the development, whichever is the sooner.
 7. All planting, seeding and turfing comprised in the approved landscaping details as specified in condition 5 of this approval shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner. In addition, the boundary treatment as approved shall also be installed prior to first occupation of the development hereby permitted.
 8. Any trees or plants comprised within the approved plans or subsequently approved landscaping scheme, 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.
 9. 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.
 10. Development shall not commence until a biodiversity net gain management plan (BNGMP) has been submitted to, and approved in writing by, the local planning authority. The content of the BNGMP shall ensure the delivery of the agreed number of habitat units as a minimum (6.29 habitat units, 2.77 hedgerow units) to achieve a net gain in biodiversity and include the following.
 - a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.
 - b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
 - d) Preparation of an annual work schedule for each habitat parcel (to be applied as a 30-year work plan capable of being rolled forward in perpetuity).
 - e) Details of the body or organisation responsible for implementation of the plan.
 - f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
 - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
 - h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

The BNGMP 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(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aim and objectives of the BNGMP 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 approved plan will be implemented in accordance with the approved details.

11. No development shall commence until details of 15 integrated Swift boxes and / or Swift Bricks and 4 integrated bat boxes have been submitted and approved by the LPA. These devices shall be fully installed prior to occupation and retained as such thereafter.
12. No demolition of the site of the bat roost identified in the approved survey shall commence unless the local planning authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report. All mitigation and compensation measures shall be fully installed before occupation and retained as such thereafter.
13. The recommended ecological and nature conservation enhancements set out within the Preliminary Ecological Appraisal by Ecology By Design dated November 2022 shall be implemented and permanently maintained in accordance with the approved details.
14. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (Proposed Site Plan-18068wd2.01) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
15. Prior to the first occupation of the development hereby permitted the vehicular access improvements, as indicated on drawing number (Proposed Site Plan-18068wd2.01), shall be completed and thereafter retained.
16. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43m metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
17. Prior to the first occupation of the development hereby permitted the proposed access arrangements/on-site car turning area shall be implemented

in accordance with the approved drawing number (Proposed Site Plan-18068wd2.01) and retained thereafter available for that specific use.

18. Prior to the first occupation of the development hereby permitted, each dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be permanently retained.
19. Prior to the commencement of the development hereby permitted, a scheme for (short and long stay) the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.
20. No development shall commence until a Revised Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:
 - a. Construction vehicle numbers, type, routing
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements
 - k. Phasing Plan.
21. Following the removal of all subbase from the existing pavement construction and completion of site preparation works and prior to the commencement of construction works testing of Boreholes WS101 and WS105, referenced in the Geo-Environmental Report ref. CRM.757.001.GE.R.001.A, shall be carried out to confirm that soil concentrations of lead and Polycyclic Aromatic Hydrocarbons at these locations do not exceed the General Acceptance Criteria values referenced in the said report, and the results from the analysis of the soil samples shall be provided to the local planning authority. If, following the further testing of boreholes or during the course of development any unforeseen 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.

22. 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. There shall be no other sources of external illumination.
23. The measures to address adaptation to climate change as set out within the Design and Access Statement by Kyle Smart Associates dated October 2022 shall be implemented and permanently maintained in accordance with the approved details.
24. Prior to the commencement of the development hereby permitted, a detailed Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall detail how waste materials generated as a result of the proposed demolition and/or construction works will be disposed of, and the level and type of soil to be imported to the site as part of the development.
25. No development shall take place (including site clearance) 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 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.
26. Infiltration testing should be in accordance with BRE Digest 365 which should be carried out at the location of any infiltration measure(s). Where infiltration is not possible, evidence that approval has been sought from the relevant water authority should be provided for any connection into a public surface water sewer.
27. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangement, 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:
 1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.
28. At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.
29. 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.

30. A new highway directional sign for Fairlands Valley Park shall be erected adjacent to the approved vehicular access on Bedwell Crescent and the existing sign on Shephall View removed.
31. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
32. No dwelling shall be occupied until confirmation has been provided that either: 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.
33. All car parking spaces shown on drawing number 18068wd2.01 shall be provided, marked out and hard surfaced ready for use prior to first occupation of the dwellings hereby permitted and shall be retained in that form and kept available for those purposes thereafter.
34. The refuse and recycling store for the apartment building as shown on drawing number 18068WD2.30 shall be provided and made ready for use prior to first occupation of the flats hereby permitted and shall be retained in that form and kept available for those purposes thereafter.
35. 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.
36. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking or re-enactive that Order with or without modification) no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles, no loft conversions including dormer windows / roof extensions, or roof lights and openings shall be constructed on the dwellinghouse(s) hereby permitted unless permission is granted on an application made to the Local Planning Authority.

22/00963/FPM - BRENT COURT, SILAM ROAD

The Committee considered a report in respect of application 22/00963/FPM seeking the demolition of existing multi storey garage blocks and construction of 96 independent living apartments with associated parking, amenity space and improvements to the parking and refuse collection for the existing building.

The Senior Planning Officer introduced the application and informed Members that Brent Court formed one of the three tower blocks on Silam Road. The development would replace the existing garage compound with a 7-storey assisted living block of flats for over 50s. There would be a parking compound beneath the building and one and two bed apartments that were constructed for future adaptability. There would be communal lounges with an open terrace and garden, as well as a hobby room, staff locker and staff changing rooms. Each flat had a window in the kitchen which overlooked the internal corridors as developers found that residents liked to see into the corridors from their flats.

The Senior Planning Officer informed the Committee that one of the garage compounds had not been accessed since 2009 and there was informal car parking between the two garages. The proposed parking would include disabled parking spaces, spaces for 48 mobility scooters, and 96 cycle spaces. The lower level of the car park was available for Brent Court residents only. The overall building would be lower on Silam Road and was closer to the town centre gardens. There would also be solar panels on the roof.

The Chair invited Ms Viv Williams who spoke on behalf of Mr Paul Thompson, an objector, to address the Committee.

Ms Williams informed Members that parking had been an issue for Brent Court and less parking spaces would have a knock-on effect in the surrounding area. She believed this development would also cause congestion in Silam Road. She expressed concerns of noise and pollution having a negative impact on all Brent Court residents who would effectively be living on a building site. She explained that the existing Brent Court structure did not have air conditioning therefore many residents need their windows open which would be difficult during construction.

The Chair thanked Ms Williams for her contribution to the meeting.

The Chair then invited the Housing Development Representative to address the Committee.

The Housing Development Representative informed Members that there was no older person rented accommodation near the town centre. There was a high concentration of older residents living in 3-4 bed housing in Bedwell and the current housing stock is not appealing to them, so they don't want to give up their homes and downsize. This development proposed to create 96 one and two bed apartments with parking for existing residents of Brent Court as well as the new development. He informed Members that there were 29 parking bays and 53 garages currently outside Brent Court, however only 19 residents rent these and the majority were used as storage. This proposal would deliver an extra 48 parking

spaces for residents. The application also enhances safety of the town centre gardens which included a larger entrance designed to improve the safety for all residents.

The Chair thanked the Housing Development Representative for their contribution to the meeting.

The Senior Planning Officer informed Members that SBC had a loss of 72 older person living units and this application along with Walpole Court would create a net gain of 112 units. Additionally, this development would be on wholly previously developed brownfield land. The financial gain through the construction and use of town centre services from future residents would be a benefit. 24 of the units would be affordable housing and the rest would be on the market. She informed Members that the building would not be out of keeping with the area and the windows facing Brent Court would be smaller secondary windows to reduce overlooking. All apartments would be fitted with wet rooms and all levels would be fully wheelchair accessible.

This application would not provide biodiversity net gain and would require financial contribution and the offset could be provided along Grace Way. 25 trees would be lost however 45 would be planted and there would be a financial contribution per tree which was determined through Section 106. This development would also include a blue roof. The children's play area in the town centre gardens would be temporarily lost due to the construction, however there was a financial sum incorporated to re-provide the children's play area after construction. She reminded Members this was not part of the assessment to this application. She added that the ambulance service and HCC had requested financial contributions also.

Out of the current 103 garages that were located on the site, 52 were not accessible, 41 were let out but only 19 to residents of Brent Court. There were only 68 accessible spaces, 46 of which were used by Brent Court. The garage services had identified 30 vacant garage spaces close by which were available to use, and an alternative provision was likely to be easily accessible. In terms of parking spaces, Brent Court required 180 spaces but currently only had 130. The proposal would see 44 spaces dedicated for Brent Court residents only which is considered a betterment, which includes 21 spaces and 3 disabled spaces, as well as 16 spaces prior to commencement to ensure parking during construction. There were 222 cycle spaces across the site, which was an overprovision of 90 spaces, as well as accommodation for scooters. She noted that the hallway space and flats were wide enough for mobility scooters to be stored in flats as well.

HCC had raised concerns around the two access sites which would encourage car use, however this second access point would be for residents during construction but would be closed off when it was finished. It would still be accessible for emergency vehicles but not residents. They were still negotiating with a drainage consultant for a flood strategy. She added they needed a condition for trees as they did not want to overcrowd the town centre gardens with trees. There were ongoing negotiations on where the trees should be replanted.

A Member raised concerns around the high levels of anti-social behaviour in the

area. The Senior Planning Officer advised that the development would hopefully change the anti-social behaviour by increasing the lighting and width of footpaths, as well as the removal of the garage blocks.

Another Member asked whether there had been communications with the residents of Brent Court, and it was advised that there was a public consultation held and all residents in Brent Court, as well as some in Silam Road, were notified. The Housing Development Service also held other consultations.

A Member asked a question concerning the garages and parking in the area. It was advised that the garages were under the Garage Management service. The new parking would only be accessible to the residents of the new building, and the lower-level parking was for Brent Court residents only. None of the new parking spaces could be rented under garage management.

A few Members highlighted concerns around the proximity of the buildings. It was advised that during construction, a construction management plan had to be submitted and approved by SBC and HCC before any construction could commence, however Members were reminded that planning permission could not be refused due to disruption from construction. Construction hours would also be included in this, but Environmental Health had designated these hours. It was also advised that the separation distance between the two buildings was 10.5m. The Development Manager advised that the developer had to keep a logbook and regular meetings with residents, who were told how to log complaints and would be reported to SBC. He also advised that construction hours were in Condition 4 and 7:30am-6pm Monday-Friday, 8am-1pm on Saturday, and there would be no works held on Sunday or Bank Holidays.

A few Members asked questions in relation to fire exits and the corridor space with scooters. It was advised that Building Control had to consult with Fire Officers to ensure adequate escape procedures. The scooters had a designated location in the car park, however the corridors and flats were big enough to accommodate them. The Assistant Director (Planning & Regulatory) also advised that the type of use of these flats had more stringent procedures in relation to fire safety. Additionally if SBC deemed scooters in the corridors unsafe then this could be restricted.

A Member asked for clarification on the blue roof. It was advised that a green roof meant there were plants on the roof. A blue roof was used to collect rainwater and drain it at a slower rate, so it acts as a flooding feature.

Another Member asked a question relating to biodiversity. The Senior Planning Officer advised that new legislation to make biodiversity mandatory would come into effect later in the year. There was not a 10% net gain on this site, however the developer was paying a fee to offset this.

It was **RESOLVED:** That the application 22/00963/FPM be **GRANTED** planning permission subject to the conditions and reasons set out in the report and the applicant having first entered into a S106 legal agreement.

Conditions:

General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 18069su1.01; 18069SU1.02; 18069SU1.03; 18069SU1.04; 18069SU1.05; 18069WD2.029; 18069WD2.030; 18069WD2.031; 18069WD2.032; 18069WD2.033; 18069WD2.034; 18069WD2.040; 18069WD2.041; 18069WD2.063; 18069WD2.064; 18069WD2.065; 18069WD2.066; 18069WD2.067; 18069WD2.068; 18069WD2.069; 18069WD2.070; 18069WD2.081; 18069WD2.082; 46697B; 18069WD2.020-A; 18069WD2.023-A; 18069WD2.024-A; 18069WD2.025-A; 18069WD2.061-A; 18069WD2.062-A; 7552.PP.4.0-B; 7552.PP.4.1-B; 7552.PP.4.2-B; 7552.HSP.5.0-B;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
4. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
5. No external lighting shall be installed on the site other than in accordance with the Kingfisher Lighting Plan D46697/RD/B unless otherwise agreed in writing by the local planning authority.
6. 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.
7. The development hereby approved shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Design and Access Statement. These measures shall then be implemented and permanently maintained in accordance with the approved details.

Prior to Commencement

8. 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. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to site;
 - c. Traffic and pedestrian management requirements;
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k. A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
 - l. Dust control measures during demolition and construction from plant and machinery, and vehicles.
9. No development shall take place (including demolition and site clearance) until a Site Compound layout plan and associated landscaping strategy has been submitted to and approved in writing by the Local Planning Authority. This must include details of the trees which will be removed to facilitate the compound and a replacement planting and landscaping remediation strategy. Thereafter, the site compound will only be constructed in accordance with the approved plan with the land reinstated within 3 months from the date in which the compound has been removed following completion of the development.
10. No development shall take place (including site clearance) 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 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.
11. No development shall take place (including site clearance) until the access, internal road and surface car parking spaces shown on approved plan

18069wd2.025-A to serve the existing residents of Brent Court have been provided, marked out and hard surfaced ready for use and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.

12. 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.
13. No development shall take place (including site clearance) until the tree protection measures as detailed in the Arboricultural Impact Assessment by Aspect Arboriculture dated October 2022, reference 10231_AIA.001 Rev B, have been implemented accordingly. The tree protection measures shall remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery. Any trees identified as part of Condition 9 shall not be covered by this condition.

Prior to Work Above Slab Level

14. No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
15. No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
16. No development shall take place above slab level 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.

Prior to Occupation/Completion

17. The parking, turning and servicing areas shown on drawing numbers 18069wd2.020-A; 18069wd2.061-A; and 18069wd2.062-A shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.
18. Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking areas shall be constructed in accordance with the details identified on drawing 18069wd2.081; 18069wd2.061-A; and 18069wd2.062-A and shall be permanently retained in that form.
19. Prior to the first occupation of the dwellings hereby permitted 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 18069wd2.082; 18069wd2.061-A; and 18069wd2.062-A and retained and maintained accordingly for the lifetime of the development.
20. Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The approved boundary treatments shall be completed before the development is first occupied.

Post Occupation/Completion

21. The noise mitigation measures as detailed in the Acoustic Design Statement by AIRO Ltd dated 6 August 2021, reference DJB/7368, shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
22. On completion, the design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed and ventilators are open, noise levels do not exceed:
 - i. 35 decibels (dB) (LAeq,16h) during the daytime (07:00 – 23:00) within bedrooms and living rooms;
 - ii. 30dB (LAeq,16h) during the night (23:00 – 07:00) within bedrooms;
 - iii. 45 dB (LAFmax) on more than ten occasions during any typical night (23:00 – 07:00) within bedrooms

Where mechanical purge ventilation is required to achieve the above standards with windows closed, this shall be designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling. All schemes for ventilation shall comply with the current

edition of Approved Document F to the Building Regulations.

23. 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.
24. 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.
25. 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.
26. Infiltration testing should be in accordance with BRE Digest 365 which should be carried out at the location of any infiltration measure(s). Where infiltration is not possible, evidence that approval has been sought from the relevant water authority should be provided for any connection into a public surface water sewer.
27. Prior to the first occupation of the development hereby permitted, the southern access point shall be closed to prevent general access by members of the public or residents and shall be accessible only to emergency service vehicles.

6 23/00186/FP - 23 ESSEX ROAD

For this Item, Cllr Downing (Chair) withdrew from debate and voting due to his declared interest. Cllr Parris (Vice-Chair) chaired this Item.

The Committee considered a report in respect of application 22/00186/FPM seeking the demolition of the existing entrance and detached garage, erection of part single storey, part two storey side and rear extensions to facilitate conversion into 5 flats with associated parking and ancillary works.

The Principal Planning Officer informed Members this application shared a driveway with two adjacent properties. This application would provide 3 one-bed and 2 two-bed flats and would have 8 parking spaces, including two visitor spaces and one disabled space.

A Member asked who called in the application and it was advised by the Development Manager that it was Councillor Rossati that called it in due to the impact on neighbours, character street scene and traffic implications.

Another Members asked whether there had been any objections from residents. It was advised that there were 13 objections which mostly focused on parking and the

movement of vehicles.

A few Members asked questions relating to parking and access. It was advised that the two adjacent properties would retain their access and there would be new access for the parking. This would remove at least two informal on-street parking spaces. The waste collection vehicles would stop on the street rather than using the access.

It was **RESOLVED**: That the application 23/00186/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report and with delegated 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. As well as the following added condition:

- 9 Prior to the beneficial occupation of the development to which this permission relates, acoustic mitigation measures to protect occupants of the development from nearby road traffic and plant noise shall be installed in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained unless otherwise agreed in writing by the local planning authority.
REASON:- In the interests of the living conditions of occupants of the development.

Conditions:

General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 6925(P)001; 6925(P)104 Rev B; 6925(P)104-01 Rev B; 6925(P)105 Rev B; 6925(P)106 Rev B; 6925(P)107 Rev A; 200 Rev A; 6925(P)201 Rev A; 6925(P)202 Rev A; 6925(P)203.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. For the avoidance of doubt, no such activity shall take place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.
4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the local planning authority.
5. In the event that contamination is found at any time when carrying out the

approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.

6. The development shall be carried out in accordance with the recommendations set out in Section 6 of Ecological Impact Assessment reference J3175-0523 unless otherwise agreed in writing by the local planning authority.

Prior to Commencement

7. No development shall take place (including site clearance and demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
 - a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to site;
 - c) Traffic and pedestrian management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste);
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
 - l) Dust control measures during demolition and construction from plant and machinery, and vehicles.
8. No development shall take place (including site clearance and demolition) until a tree protection plan, which provides for the protection of the three retained trees 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 plan.

9. Prior to the beneficial occupation of the development to which this permission relates, acoustic mitigation measures to protect occupants of the development from nearby road traffic and plant noise shall be installed in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained unless otherwise agreed in writing by the local planning authority.

Prior to Work above Slab Level

10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.
11. No development shall take place above slab level until details of refuse stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.
12. No development shall take place above slab level until a detailed scheme for cycle parking and electric vehicle charging points has been 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.
13. No development shall take place above slab level until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in the first planting and seeding season following completion of the development and any trees or shrubs which die or become damaged within five years of that date shall be replaced to the satisfaction of the Local Planning Authority.

Prior to Occupation/Completion

14. Prior to the beneficial occupation of the development to which this permission relates, the car parking spaces as shown on the approved plans shall be provided with a hard-bound, dustfree surface with provision made to direct surface water away from the public highway. The parking spaces shall be permanently kept free from obstruction and retained for their intended purpose thereafter unless otherwise agreed in writing by the local planning authority.
15. Prior to the beneficial occupation of the development to which this permission relates, evidence that the development will achieve a 35% improvement upon

Part L of the Building Regulations in terms of regulated CO2 emissions and potable water usage of no more than 110L per person per day shall be submitted to and approved in writing by the local planning authority. Any measures necessary to achieve these targets shall then be implemented as approved and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

16. Prior to the beneficial occupation of the development to which this permission relates, privacy screens shall be installed along the northern and southern edges of the approved terraces. The screens shall measure 1.8m from the finished floor level of the terrace they serve and shall be fitted with obscure glass to level 3 on the standard scale. The screens shall be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

7 **23/00324/S106 - LINDON HOUSE, 2 POUND AVENUE**

The Committee considered a report in respect of application 23/00324/S106 seeking the modification of Clause 2/3 of Section 52 Agreement (dated 22.12.1981) approved under planning permission reference number 81/2/0120/81.

The Principal Planning Officer advised that the site was originally a house which, in 1981, was granted to be used as a care home for the elderly as well as space for a resident housekeeper. This was done under a Section 52 agreement, which was now known as a Section 106 agreement. This restricted the use of the land and the frontage was to be used for parking of 5 vehicles. Unlike the conditions on a decision notice, the legal agreement would still bind them even with a change.

A Member asked for clarification of what this meant. It was advised that this prevented other uses of the site. The Development Manager also advised that the obligations did not meet the current requirements.

It was **RESOLVED**: That the application 23/00324/S106 be **GRANTED** the variation of clauses (ii) and (iii) of Schedule 3 of the S52 agreement and to delegate authority to the Assistant Director of the Planning and Regulation in conjunction with the Council's appointed Solicitor to agree the precise wording of the variation to the agreement.

8 **23/00365/FP - MUSLIM COMMUNITY CENTRE, VARDON ROAD**

The Committee considered a report in respect of application 23/00365/FP seeking the erection of an outbuilding for purposes ancillary to funeral services.

The Senior Planning Officer advised that this application had come to the Committee as the Council was the landowner and there had been more than 5 objections. The proposed application would be hidden behind the Mosque and could not be seen from Vardon Road. The objections received state that it had been built already but this was not true. Currently the Mosque in Luton provides funeral services for Stevenage.

The Chair invited Mr Leigh Risbridger who spoke on behalf of Mr Niall Thompson, an objector, to address the Committee.

Mr Risbridger expressed his belief that there was an erosion of the area due to the additions to the Mosque and believed that they had taken more land than what was given to them. He highlighted the traffic and parking issues in the area that had not been resolved and also raised concerns of noise.

The Chair thanked Mr Risbridger for his contribution to the meeting.

The Chair then invited Councillor Forhad Chowdhury, a supporter, to address the Committee.

Cllr Chowdhury informed Members that this building would provide important support and facilities to the Muslim Community and other communities in the area, and it was important to the Mosque that they promote harmony and community cohesion with other members of the community. The Mosque provided children's education, prayers, and hosted students from schools in the area for Religious Studies. The Mosque had extended the original building with a 3-storey extension to facilitate different services such as IT support, women's education, and elderly support. He noted the traffic issues, which was mostly on a Friday due to the main prayer, as the Mosque hosted people from Stevenage as well as other suburbs. Cllr Chowdhury informed the Committee that the Muslims had an obligatory ritual with funerals and people in Stevenage often had to travel to Luton or London for the facilities so it would be helpful to have this in Stevenage.

The Chair thanked Cllr Chowdhury for his contribution to the meeting.

The Senior Planning Officer informed Members planning permission was granted in 1994 and 2001. This was permission to use the Mosque for funeral services however there were no complete funeral services available in East or North Hertfordshire. She described the Islamic right of washing and shrouding the body in silence which took place in Luton, which had to be transported from Lister Hospital, before being transported to Stevenage for a funeral prayer and then burial in Weston Road Cemetery. The longest time a person would be stored in the building would be overnight as funerals happened quickly. It only had capacity for 2 bodies and would not be used as a mortuary. She highlighted that the funeral home Austin's in the Old Town was closer to residential buildings and held bodies for a longer time. There would also be no noise as the services were completed in silence.

A Member asked whether there would be any congestion during the construction. It was advised that this was possible, but they had imposed conditions to control the dust, site protection and environmental health conditions.

Another Member asked whether there were any applications for further developments on the site and it was informed that there were no further applications.

It was **RESOLVED:** That the application 23/00365/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report 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:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location plan; VRM#1; VRM#2; VRM#3; VRM#2;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match the materials used in the construction of the existing SMCC building to the satisfaction of the Local Planning Authority.
4. The rating level of the noise emitted from any or all of the sources listed below located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).
 - a. Fixed plant and equipment (mechanical and electrical);
 - b. Loading and unloading of goods (industrial and or commercial);
 - c. Mobile plant and vehicles
5. No demolition or construction work which is audible at the site boundary relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
6. Before any development commences, including any site clearance or demolition works, any trees on the site or within Sishes Wood close to the development shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.
7. Dust emissions shall be controlled throughout the construction and demolition phases.
8. No burning is to take place on any demolition or building site and all waste materials must be removed and disposed of at an authorised waste disposal site.

The Committee considered a report in respect of application 23/00337/FP seeking the change of use from Takeaway (Sui Generis) to Restaurant (Class E) and the erection of a shed in the rear yard.

The Senior Planning Officer informed Members the site was a vacant takeaway unit with a rear yard. There was a residential care home to the rear, pedestrian access to the side and stairs leading up to the flats above. There would only be a small amount of the proposed shed visible above the fence.

The Chair invited Ozan Tek, an objector, to address the Committee.

Mr Tek raised concerns with the early morning shutters and the tables and chairs proposed outside the front of the shop, mainly due to noise issues due to their bedroom being above. He also had concerns with the smell adding to the other smells in the area from other takeaways such as the pizza and kebab takeaway shops and litter from customers. He expressed concerns over parking issues as it was already busy and would increase the footfall and urged the Committee to consider parking permits for residents or visitor parking in place.

The Chair thanked Mr Tek for his contribution to the meeting.

The Senior Planning Officer advised that the café was acceptable under the new use class E which covered commercial business and service. It would also bring a vacant unit back into use and in the long term would improve the viability of neighbourhood centres. She reminded Members that competition of trade is not a planning consideration.

The Senior planning Officer informed the Committee that there were no alterations to the existing property other than the erection of a shed which would be screened by the existing fence. The outside tables and chairs would be controlled by environmental health who had imposed some conditions, which were to prevent tables and chairs being out before 8am Monday-Friday and before 9am on the weekend and bank holidays. Operating hours would be 6am-6pm and there were no concerns raised on this matter. She noted that these times were early, but this was not unusual for neighbourhood centres. She added that the closing time was similar to the opening time of other shops in the area and the overlap isn't significant. There was enough parking to accommodate customers and no issues for parking or highway safety were raised.

A Member asked how many seats would be outside. It was advised that the number of outside seating had not been provided but this was a licensing matter, not a planning matter.

A few Members raised concerns with the opening times. The Senior Planning Officer advised that the newsagents in the area operate similar times and also had flats above and haven't received any complaints. She reminded Members that opening times were controlled through the Licensing Committee and were not a planning consideration.

A Member asked what the outside shed was used for and was advised that it was for storage.

Some Members expressed concerns with the shutters. It was advised that a condition on the shutters wasn't something they could impose. Environmental health had not received any complaints and deemed it acceptable. It was also advised that the two shutters were both for the same unit, a large shutter for the window and a small shutter for the door.

Another Member asked whether the change of use restricted it from being used as a takeaway as well. The Senior Planning Officer advised that class E covers what used to be use class A1. Takeaways were sui generis which was another category. If the owners wanted to offer home delivery, this could not be controlled. The Development Manager added that small restaurant and café businesses could do a small amount of takeaway as long as their operation was mostly dine-in.

It was **RESOLVED:** That the application 23/00337/FP be **GRANTED** planning permission subject to the conditions and reasons set out in the report 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:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 3817 01; 3817 02; 3817 03;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Prior to the use hereby permitted being implemented, a scheme for the installation of equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. As a minimum to control the cooking fumes/odour from the lowlevel extract system the following filtration shall be installed in the system: grease filters, prefilters and carbon filters.
4. The rating noise level (specific sound corrected for any acoustic features) of the plant should be 10dB below the representative background noise level (L90) at 1 meter from the nearest noise sensitive receptor. The method of assessment shall be carried out in accordance with BS4142:2014 +A1(2019) (Methods for rating and assessing industrial and commercial sound). A test shall be carried out after all the mechanical plants and associated equipment have been fully installed and before the use commences. The result of the test is to be submitted to the Local Planning Authority for approval.

5. Prior to the use hereby permitted being implemented, an Odour Management Plan, setting out cleaning, maintenance, and filter replacement policies according to the proposed or existing system shall be submitted to and approved in writing, by the Local Planning Authority. The plan should include a written recording system to record and demonstrate when all such work is carried out. The approved odour management plan shall be complied with throughout the duration of the use.
6. There shall be no use of any external tables or seating areas before 8am on Monday to Friday or prior to 9am on any Saturday, Sunday or Bank Holiday.

10 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED:** That the information report be noted.

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

It was **RESOLVED:** That the information report be noted.

12 **URGENT PART I BUSINESS**

There was none.

13 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

14 **URGENT PART II BUSINESS**

There was none.

CHAIR

STEVENAGE BOROUGH COUNCIL

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 8 August 2023

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Michael Downing (Chair), Claire Parris (Vice Chair), Julie Ashley-Wren, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Adam Mitchell CC, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm
Time: End Time: 8.09pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillors Graham Lawrence and Maureen McKay. Councillor Conor McGrath was in attendance as substitute for Councillor McKay.

Councillor Mitchell declared a non-pecuniary interest in respect of Item 3 – land adjacent to GSK Campus as he had limited shares with GSK. Councillor Mitchell remained in the meeting and took part in the deliberations on this item.

2 LAND ADJACENT TO GSK CAMPUS, GUNNELS WOOD ROAD

The Committee considered an application for a hybrid planning application for a new Life Sciences Campus comprising of full planning permission for the demolition of existing ancillary buildings, structures, erection of employment floorspace (Classes E(g)(ii) and (iii) and B2, with provision for Class E uses at ground, lower ground and upper ground/mezzanine floors) revised junction arrangement (A602 and Gunnels Wood Road) and alterations to the site layout to include new car parking (including a multi storey car park), internal access and associated works (such as new utilities (including new substation), drainage and infrastructure hard and soft landscaping and introduction of sustainable transport facilities) and outline planning permission for the demolition of existing ancillary buildings/structures, erection of employment floorspace (Classes E(g)(i) to (iii), B2 and B8, with provision for an ancillary auditorium, and Class E uses at ground floor) and amenity hub (Classes E and B2), provision of car parking (including multi storey car park(s)) and associated works (such as new access, utilities, drainage, infrastructure and hard and soft landscaping), with all matters reserved for subsequent approval

The application was before the Committee for determination as it was a major application.

The Assistant Director Planning and Regulation gave an introduction to the

Committee. He advised that the application proposal would create a world class, life science campus which would provide state of the art laboratories and facilities and build on Stevenage's existing reputation as a leading life science hub meeting the growing demand within the UK for new research and development opportunities in the sector.

Members were advised that the proposal would deliver a sustainable, connected and collaborative campus with a world class mix of life science spaces, bringing together a number of major regional, national and multinational companies.

The Principal Planning Officer informed the Committee that the application had been submitted in 'hybrid' form and sought detailed planning permission for the initial (Phase 1) suite of works and outline planning permission (with all matters reserved) for the remainder of the Masterplan.

In relation to car parking, the application proposed a total of up to 2,783 new car and motorcycle parking spaces, plus a further 362 spaces to be re-provided that currently existed on site. 'Meanwhile' landscaping would also be carried out to provide a transitional surface level treatment ensuring the first phase of the Campus could become operational before the wider Masterplan was delivered.

The Chair then invited Will Rohleder, Development Director of Reef Group on behalf of the applicant, to address the Committee. He began by thanking the SBC Planning Team for their work during the pre-application process which had resulted in a number of improvements to the scheme.

The Committee was informed that the GSK Campus was already an established and successful operation, including the CGT Catapult and the Stevenage Bioscience Catalyst and it was hoped that the application would build upon this success. The proposed development would also operate in conjunction with Autolus and the recently approved science/retail scheme 'The Assembly' at the Forum in Stevenage Town Centre and operate as part of the Forge Knowledge Platform.

Will Rohleder spoke of the direct economic benefits to Stevenage with the generation of jobs and employment opportunities, and indirect benefits such as construction worker expenditure. The proposal also included several open spaces, landscaped areas and community facilities which would be open to the public.

The Chair thanked Will Rohleder for his contribution to the meeting.

The Principal Planning Officer advised the Committee that the main issues for consideration in the determination of the application were its acceptability in land use and policy terms, design, impact on the setting of nearby designated heritage assets, flood risk and drainage, climate change mitigation, amenity, air quality, noise, highway impact and sustainable travel, access and parking, trees, biodiversity and landscaping and planning obligations to mitigate the impact of the development.

The Committee was advised that the principle of the proposed use of the site as a life science campus would not raise any land use policy issues. The associated works comprising the new junction arrangement and alterations to the site layout

were considered acceptable in principle, subject to detailed design considerations.

The Committee noted key design features of the application including bespoke buildings connecting science and nature; diversity of architecture; and a range of landscape treatments; car parking was proposed primarily within the dedicated MSCPs and the tallest 'landmark' buildings would be sited on the corner plots facing onto Gunnels Wood Road.

The design and appearance of the buildings within the outline element of the proposal were reserved for future consideration. It was noted that the Masterplan Design Code incorporated a family of buildings within the Campus with a diversity of architecture whilst sharing some common key principles. The Design Code would be secured via a planning condition to ensure it was central to future reserved matters applications.

In relation to public realm and landscaping, it was noted that the campus would be accessible to the general public, offering a substantial new public space within Stevenage and would make the area a destination people would want to spend time in whether for work or leisure. The development would include separate defined areas, each performing specific functions, including the Arrival Plaza, Gateway Gardens, Campus Park, The Innovation Hub, Lab Links, Green Frame and Forest Edge.

In relation to the highway impact, the Committee was advised that Hertfordshire County Council as Highways Authority had been consulted alongside their consultants, and improvements had been made to the scheme. A new gyratory junction would be provided in place of the current Gunnels Wood Road roundabout junction. Improvements would be made to the lighting, artwork and signage to the existing external cycle and pedestrian route network. There would also be an on-site bus stop serving a shuttle bus for employees linking the site with the railway station. The Committee was also advised that the application was supported by a Framework Travel Plan which sought to reduce the use of private cars and promote sustainable transport.

In relation to trees, it was noted that a total of 733 trees would be removed to facilitate the proposed development. The proposed Masterplan included 986 replacement trees made up of a range of species across the site. In relation to biodiversity, officers advised that with the implementation of appropriate ecological mitigation, compensation and the proposed biodiversity design, the development proposals would result in an overall enhancement to the biodiversity and ecological value of the site.

The Committee was advised of a number of planning obligations that would be attached to any planning permission including in relation to the road system, biodiversity offset and funding attached to a Travel Plan.

In conclusion, Officers advised that the proposed development accorded with the Local Plan (2019), the Council's Supplementary planning Documents, the NPPF (2021) and Planning Policy Guidance.

In response to a number of questions/comments from members, the following answers were given by officers:

- In relation to the Spark building, this was subject to a temporary planning permission lasting until March 2024. This would be demolished as part of the application but would be relocated within the site and this would be subject to a separate future application;
- In response to a request a 3 for 1 replacement of trees that were to be removed, although this was not yet a requirement in the Local Plan. Officers agreed to take this forward to be negotiated at the Reserved matters stage;
- In response to concerns regarding the proposed road layout and in particular the gyratory system, officers advised that the proposed A602/Gunnels Wood Road gyratory had been designed in conjunction with HCC as Highways Authority and their consultants. The new gyratory would be signal controlled and modelling undertaken by the Highway Authority had shown an increased capacity for traffic in the area. Members concerns would, however, be fed back to the County Council Highways Team;
- In relation to security, the existing security building/visitor building for GSK would be relocated within the GSK site;
- Sports, fitness and recreation would be a key theme for the site alongside amenity areas which would be open to the public as well as employees;
- Employees would be able to use the existing GSK shuttle bus to the railway station which would be replaced by electric vehicles within the next five years;
- In terms of employment for local people, the applicant would be undertaking significant work, connecting with schools, North Herts College and Herts University and would be working hard to inspire local school children and residents to get involved with science. It was noted that there would be a huge range of employment opportunities arising out of the development;
- The scheme was designed with rainwater retention in mind. All landscaping features were as forward thinking as the applicant could make it;
- There were no plans to install physical boundaries around the site similar to the one further north on the A1M.

It was **RESOLVED:**

That planning permission be GRANTED subject to the applicant having first entered into a S106 Legal Agreement to secure/provide contributions towards:

- S278 Agreement of the Highways Act 1980 (covering the new Gunnels Wood Road/A602 gyratory, junction improvements and public realm works on highway verge land adopted by HCC as Highway Authority)
- £6000 Travel Plan evaluation and support fee
- Financial contribution (to be agreed) to provide an offsite biodiversity offset
- Local Employment and Apprenticeships
- £275,000 towards a town wide cycle hire scheme, including between the application site and railway station
- Management Company to manage areas of un-adopted public realm
- s106 monitoring fee

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with the recommendations of HCC as Lead Local Flood Authority and Highway Authority, as well as the imposition of suitable safeguarding conditions.

Authority would be 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 Approved Parameter Plans

The submission of reserved matters within any Development Zone shall be in accordance with the following approved parameter plans unless otherwise agreed in writing by the Local Planning Authority:

SLC-HBA-SW-ZZ-DR-A-080020 P2; SLC-HBA-SW-ZZ-DR-A-080021 P2

Any request for an amendment to an approved parameter plan shall be accompanied by a report confirming that there are no new or different significant environmental impacts to those already assessed or by an appropriate report (or reports) which assesses any new or different significant environmental impacts.

2 Approved Plans for Buildings 2 and 4, MSCP 1 and Substation

The development hereby permitted for buildings 2 and 4, MSCP1 and substation shall be carried out in accordance with the following unless otherwise agreed in writing by the Local Planning Authority:

2287-EXA-ZZ-GF-DR-L-00101 P02; 2287-EXA-ZZ-GF-DR-L-00110 P02;
2287-EXA-ZZ-GF-DR-L-00111 P02; 2287-EXA-ZZ-GF-DR-L-00112 P02;
2287-EXA-ZZ-GF-DR-L-00113 P02; 2287-EXA-ZZ-GF-DR-L-00114 P02;
2287-EXA-ZZ-GF-DR-L-00115 P02; 2287-EXA-ZZ-GF-DR-L-00116 P02;
2287-EXA-ZZ-GF-DR-L-00117 P02; 2287-EXA-ZZ-GF-DR-L-00118 P02;
2287-EXA-ZZ-GF-DR-L-00119 P02; SLC-HBA-B2-00-DR-A-080102 P2;
SLC-HBA-SW-ZZ-DR-A-080012; SLC-HBA-B2-04-DR-A-080106;
SLC-HBA-B2-ZZ-DR-A-080300; SLC-HBA-B4-01-DR-A-080112;
SLC-HBA-B4-02-DR-A-080113; SLC-HBA-B4-03-DR-A-080114;
SLC-HBA-B4-04-DR-A-080115; SLC-HBA-B4-05-DR-A-080116;
SLC-HBA-B4-ZZ-DR-A-080212; SLC-HBA-B2-01-DR-A-080103 P2;
SLC-HBA-B2-02-DR-A-080104 P2; SLC-HBA-B2-03-DR-A-080105 P2;
SLC-HBA-B2-B1-DR-A-080101 P2; SLC-HBA-B2-ZZ-DR-A-080201 P2;
SLC-HBA-B2-ZZ-DR-A-080202 P2; SLC-HBA-B2-ZZ-DR-A-080203 P2;
SLC-HBA-B2-ZZ-DR-A-080204 P2; SLC-HBA-B4-00-DR-A-080110 P2;
SLC-HBA-B4-M0-DR-A-080111 P2; SLC-HBA-B4-ZZ-DR-A-080210 P2;
SLC-HBA-B4-ZZ-DR-A-080211 P2; SLC-HBA-B4-ZZ-DR-A-080213 P2;
SLC-HBA-B4-ZZ-DR-A-080214 P2; SLC-HBA-B4-ZZ-DR-A-080310 P2;

SLC-HBA-CP-00-DR-A-080120 P2; SLC-HBA-CP-06-DR-A-080123 P2;
 SLC-HBA-CP-ZZ-DR-A-080121 P2; SLC-HBA-CP-ZZ-DR-A-080122 P2;
 SLC-HBA-CP-ZZ-DR-A-080220 P2; SLC-HBA-CP-ZZ-DR-A-080221 P2;
 SLC-HBA-CP-ZZ-DR-A-080222 P2; SLC-HBA-CP-ZZ-DR-A-080223 P2; .
 SLC-HBA-CP-ZZ-DR-A-080320 P2; SLC-HBA-SS-ZZ-DR-A-080130 P2;
 SLC-HBA-SW-ZZ-DR-A-080100 P2; SLC-HBA-SS-ZZ-DR-A-080230;
 SLC-HBA-SS-ZZ-DR-A-080330; SLC-HBA-B2-ZZ-DR-A-080200 P2

Any request for an amendment to an approved plan(s) shall be accompanied by a report confirming that there are no new or different significant environmental impacts to those already assessed or by an appropriate report (or reports) which assesses any new or different significant environmental impacts.

3 **Three Year Time Limit**

The part of the development for which full planning permission has been granted (as per approved detailed site layout plan ref. SLC-HBA-SW-ZZ-DR-A-080100 P2) shall be begun within a period of three years of the date of this planning permission.

Phasing Plan

- 4 Accompanying the submission of reserved matters pursuant to this permission, the applicant shall submit a Plan showing the extent of the Development Zone to which that reserved matter submission relates, within the Outline Area shown on approved parameter plan ref. SLC-HBA-SW-ZZ-DR-A-080020 P2 to the Local Planning Authority.

5 **Details of Reserved Matters - Outline**

For the individual Development Zones for which outline permission is granted as agreed pursuant to Condition 4 of this permission, no development on each Development Zone (excluding site clearance, demolition, enabling works, earthworks, archaeological investigations, investigations for assessing ground conditions, remedial works in respect of any contamination or other adverse ground conditions, diversion and laying of services within the boundary of the relevant phase and which are not connected to the wider services network, erection of any temporary means of enclosure and the temporary display of site notices or advertisements) shall commence until detailed plans for the relevant Zone have been submitted to and approved in writing by the Local Planning Authority. These plans shall, as applicable, show the layout (including car parking provision, access and servicing arrangements, and waste management), scale (including existing and proposed levels), design, layout and external appearance of the buildings to be constructed and the landscaping to be implemented (hereinafter referred to as "the Reserved Matters") on that Zone. The development of the relevant Development Zone shall only be carried out as approved.

6 **Time Limit for Reserved Mattes - Outline**

All applications for the approval of the Reserved Matters for a Development Zone agreed pursuant to Condition 4 of this permission shall be made to the Local Planning Authority not later than six years from the date of this outline permission. The commencement of a Zone shall be begun not later than the expiration of three years from the date of the last reserved matter of that Zone to be approved.

Construction hours of working

No demolition, construction or maintenance activities audible at the boundary of the relevant phase and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:30 hours Mondays to Fridays, 08:30 hours to 13.00 hours on Saturdays and not on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

Construction Management Plan - Buildings 2 and 4, MSCP 1 and Substation

- 7 No development shall commence on Buildings 2 and 4, MSCP1 and Substation until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Construction Management Plan - Outline

- 8 No development shall commence on any individual Development Zone as agreed pursuant to Condition 4 of this permission until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the Development Zone shall only be carried out in accordance with the approved Plan. The Construction Management Plan /

Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Site Waste Management Plan - Buildings 2 and 4, MSCP 1 and Substation

- 10 No development shall commence on Buildings 2 and 4, MSCP1 and Substation until a Site Waste Management Plan (SWMP) has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Site Waste Management Plan - Outline

- 11 No development shall commence on any individual Development Zone as agreed pursuant to Condition 4 of this permission until a Site Waste Management Plan (SWMP) has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Highway Improvements – Offsite (Implementation / Construction)

- 12 Prior to the first occupation of the development hereby permitted, or an alternative trigger as submitted to and agreed in writing with the Local Planning Authority, the offsite highway improvement works as shown in S278 General Arrangement Drawings 3295-WSP-XX-XX-DR-C-00100 REV C and 3295-WSP-XX-XX-DR-C-00101 shall be completed in accordance with the approved details.

Arrival Plaza

- 13 Prior to the first occupation of the development hereby permitted the arrival plaza area shall be completed in accordance with the approved drawings ref. SLC-HBA-SW-ZZ-DR-A-080100 Rev P2, 2287-EXA-ZZ-GF-DR-L-00116 Rev P2 and 2287-EXA-ZZ-GF-DR-L-00101 Rev P2.

Shuttle Bus Service

- 14 Prior to first occupation of the development hereby permitted a Shuttle Bus Service Operation Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall provide details of an enhanced shuttle bus service (either quantitative and/or qualitative improvement over the existing position) suitable to meet the requirements of the existing and proposed floorspace at the application site and wider campus. The Plan shall then be updated and the service adapted as may be required to meet the ongoing requirements of additional floorspace as it is delivered in each Development Zone in line with the overall objectives of the Framework and Detailed Travel Plan(s).

On Site Bus Priority

- 15 Prior to first occupation of the development hereby permitted bus priority measures as described in the Transport Assessment (Paragraph 5.52) will be complete.

Travel Plan

- 16 No building shall be occupied prior to approval of the relevant Detailed Travel Plan for that building. Those parts of the Detailed Travel Plans implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

Traffic, Travel Mode Split and Parking Monitoring

- 17 Prior to first occupation of the development hereby permitted, a monitoring programme to assess the level of traffic generation, travel mode split of all employees and parking accumulation at defined intervals of occupancy shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall be implemented as agreed unless the Local Planning Authority gives written approval to any variation.

Gunnels Wood Road/A602 Underpass

- 18 The measures to improve the Gunnels Wood Road/A602 underpass as set out within the WSP Underpass Technical Note ref. 3295-WSP-XX-XX-TN-C-01100 P02 to make it, as far as reasonably practical, Department for Transport 'Cycle Infrastructure Design' Local Transport Note guidance, July 2020 (LTN 1/20) compliant shall be implemented and permanently maintained

in accordance with the approved details.

External materials – Buildings 2 and 4, MSCP1 and Substation

- 19 The development to which this permission relates shall be carried out in accordance with the external materials specified within drawings SLC-HBA-B2-ZZ-DR-A-080201 P2; SLC-HBA-B2-ZZ-DR-A-080202 P2; SLC-HBA-B2-ZZ-DR-A-080203 P2; SLC-HBA-B2-ZZ-DR-A-080204 P2; SLC-HBA-B4-ZZ-DR-A-080210 P2; SLC-HBA-B4-ZZ-DR-A-080211 P2; SLC-HBA-B4-ZZ-DR-A-080213 P2; SLC-HBA-B4-ZZ-DR-A-080214 P2; SLC-HBA-CP-ZZ-DR-A-080220 P2; SLC-HBA-CP-ZZ-DR-A-080221 P2; SLC-HBA-CP-ZZ-DR-A-080222 P2; SLC-HBA-CP-ZZ-DR-A-080223 P2; SLC-HBA-SS-ZZ-DR-A-080230 as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

Masterplan Design Code

- 20 For each individual Development Zone for which outline permission is granted as agreed pursuant to Condition 4 of this permission, the submission of reserved matters relating to the design and external appearance of the building(s) shall be in accordance with the approved Masterplan Design Code by Hawkins Brown SLC-HBA-ZZ-ZZ-RP-A-080002 P1 or an alternative Design Code submitted to and approved by the Local Planning Authority.

Landscape Design Code

- 21 For each individual Development Zone for which outline permission is granted as agreed pursuant to Condition 4 of this permission, the submission of reserved matters in relation to the landscaping strategy shall be in accordance with the approved Landscape Design Code by Hawkins Brown and Exterior Architecture or an alternative Design Code submitted to and approved by the Local Planning Authority.

Tree Strategy

- 22 For each individual Development Zone for which outline permission is granted as agreed pursuant to Condition 4 of this permission, the submission of reserved matters in relation to tree planting shall be in accordance with the approved Tree Strategy rev B by Exterior Architecture dated 20 July 2023 or an alternative Strategy submitted to and approved by the Local Planning Authority.

Landscaping - Buildings 2 and 4, MSCP1 and Substation

- 23 All hard and soft landscaping shall be carried out in accordance with the approved details as set out in detailed landscape general arrangement plans ref: 2287-EXA-ZZ-GF-DR-L-00101 P02; 2287-EXA-ZZ-GF-DR-L-00110 P02; 2287-EXA-ZZ-GF-DR-L-00111 P02; 2287-EXA-ZZ-GF-DR-L-00112 P02; 2287-EXA-ZZ-GF-DR-L-00113 P02; 2287-EXA-ZZ-GF-DR-L-00114 P02; 2287-EXA-ZZ-GF-DR-L-00115 P02; 2287-EXA-ZZ-GF-DR-L-00116 P02;

2287-EXA-ZZ-GF-DR-L-00117 P02; 2287-EXA-ZZ-GF-DR-L-00118 P02 and 2287-EXA-ZZ-GF-DR-L-00119 P02 to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.

- 24 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 completion of Buildings 2 and 4, MSCP1 and Substation.
- 25 All hard surfacing comprised in the approved details of landscaping shall be carried out within 6 months of the completion of Buildings 2 and 4, MSCP1 and Substation, or, prior to first occupation of in relation to each building (except substation) hereby permitted, whichever is the earliest.
- 26 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.
- 27 No tree shown on the 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.
- 28 Before any development commences, including any site clearance or demolition works, any trees on the site to be retained shall be protected by fencing or other means of enclosure. Such protection shall be maintained until the conclusion of all site and building operations.
- 29 Within the areas to be fenced off in accordance with condition 28; there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.

Hedge/shrub clearance outside bird nesting period

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

Biodiversity Net Gain

- 31 No building within the detailed element (i.e. in relation to Buildings 2 and 4, MSCP 1 and Substation) shall be occupied until a biodiversity net gain

management plan (BNGMP) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter a BNGMP shall be submitted alongside each application for reserved matters within individual Development Zones.

The content of the BNGMPs shall demonstrate how each phase of development can contribute to the overall delivery of a minimum 10% increase in habitat units across the entire site, to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.
- b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
- c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
- d) Preparation of an annual work schedule for each habitat parcel (including a 30 year work plan capable of being rolled forward in perpetuity).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

The BNGMP 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(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGMP 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.

Biodiversity Metrics - Outline

- 32 Individual biodiversity metrics must be submitted for each Development Zone for which outline permission is granted as agreed pursuant to Condition 4 of this permission and should demonstrate how that development zone will contribute to ensuring that the development achieves a minimum increase in habitat units of 10% across the entire site.

Swift Boxes/Bricks - Buildings 2 and 4, MSCP1 and Substation

- 33 No building shall be occupied until details of swift boxes and/or bricks and/or a swift tower (model and location) have been submitted and approved by the Local Planning Authority. These devices shall be fully installed prior to occupation and retained as such thereafter.

Swift Boxes/Bricks - Outline

- 34 No building shall be occupied within any individual Development Zone, until details of integrated swift boxes and/or bricks and/or a swift tower (model and location) shall be submitted to and approved by the Local Planning Authority. This shall demonstrate that, with the provision required under Condition 29, a total of 40 swift boxes (or equivalent as provided within a tower) are provided across the site. These devices shall be fully installed prior to occupation and retained as such thereafter.

Class E(a) Retail Floorspace

- 35 No more than 500m² of Class E(a) retail floorspace shall be provided across the whole of the application site.

Ground Conditions

- 36 Prior to commencement of development a generic quantitative risk assessment (GQRA) shall be conducted as part of a ground investigation to inform the future engineering design.

Contamination

- 37 If during a particular phase of development contamination that has not been previously identified is found, 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.

Climate Change Mitigation - Buildings 2 and 4, MSCP1 and Substation

- 38 The measures to address adaptation to climate change as set out within the Design and Access Statement by Hawkins Brown, Sustainability Strategy and Energy Statement by KJ Tait Engineers shall achieve minimum BREEAM Excellent and be implemented in relation to Buildings 2 and 4, and permanently maintained in accordance with the approved details.

Climate Change Mitigation - Outline

- 39 Each application for the Reserved Matters submitted pursuant to condition 5 of this Permission shall include an Energy and Sustainability Statement detailing requirements of how the building(s) in each Development Zone are adaptable to climate change (detailing renewable energy technologies as well detailing measures to control overheating and cooling demand in the building(s)). The details shall also include a management plan and maintenance strategy/schedule for the operation of the technologies, a

servicing plan (if applicable) and a noise assessment (if applicable). The measures for adaptation to climate change as well as managing overheating and cooling shall be implemented in accordance with the details approved pursuant to condition 5 of this Permission.

Noise

- 40 The development to which this permission relates in respect of Buildings 2 and 4, MSCP1, Substation, and each Development Zone as agreed pursuant to condition 4 shall be carried out in accordance with the recommendations set out within the Planning Noise Report by Sandy Brown (ref. 23023-R02-B) as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

Ecology

- 41 The recommended ecological and nature conservation enhancements set out within the Ecological Impact Assessment by SLR dated April 2023 in respect of Buildings 2 and 4, MSCP1, Substation and each Development Zone as agreed pursuant to condition 4 shall be implemented and permanently maintained in accordance with the approved details.

External Lighting

- 42 The development to which this permission relates in respect of Buildings 2 and 4, MSCP1, Substation and each Development Zone as agreed pursuant to condition 4, shall be carried out in accordance with the recommendations set out within the Lighting Strategy by FPOV ref. J4108-SL-5101-05 as approved or any alternatives to be submitted to and approved by the Local Planning Authority.

Fire Hydrants

- 43 No building within the Detailed Area, and each respective Development Zone as agreed pursuant to condition 4, shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes within each area / zone, has been submitted to and approved in writing by the Local Planning Authority. The buildings within the Detailed Area / Development Zones shall not be occupied until the scheme has been implemented in accordance with the approved details for each.

EV Charging

- 44 Prior to the first use of MSCP1, details of the location of an equivalent 20% of new car parking spaces within the detailed phase to have active EV charging shall be submitted to the LPA. 80% of remaining spaces are to have passive provision for EV charging.

Prior to first use of each respective MSCP within a Development Zone as agreed pursuant to condition 4, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 80% of the

remaining car parking spaces to have passive provision for EV charging.

Programme of Archaeological Works

- 45 No development shall take place within the southern half of the site (i.e. the Zone A and Zone B Extensions to the existing GSK building identified on drawing ref: SLC-HBA-SW-ZZ-DR-A-080020 P2) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work for those parcels in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Meanwhile Uses

- 46 The provision of meanwhile uses / landscaping shall be in accordance with drawing ref: SLC-HBA-SW-ZZ-DR-A-080020 P2 and Section 9 of the Landscape Masterplan report, or in accordance with alternative details as submitted to and approved by the Local Planning Authority.

Substation Design

- 47 Details of the substation equipment / housings shall be in accordance with drawing refs: SLC-HBA-SS-ZZ-DR-A-080130 Rev P2, SLC-HBA-SS-ZZ-DR-A-080230 Rev P1, SLC-HBA-SS-ZZ-DR-A-080330 Rev P1 or alternative details as submitted to and approved by the Local Planning Authority.

Infiltration of Surface Water onto the Ground

- 48 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

INFORMATIVES

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

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

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

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. 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.
3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx
4. 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.
5. 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.

6. 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.
7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted (and shall not be maintained at public expense by the Highway Authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.
9. Adoption (section 38): The applicant is advised that Hertfordshire County Council as Highway Authority will likely adopt the pedestrian and cycle routes through the development to ensure their long-term continuity, however the developer should put in place permanent arrangements for long-term maintenance. Details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. Furthermore, the extent of adoption as public highway, once finalised, must be clearly illustrated on a plan. 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 telephoning

0300 1234047.

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>
11. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.
12. 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.
13. During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.
14. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is

compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations”.

15. A 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

3 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the information report be noted.

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

It was **RESOLVED** that the information report be noted.

5 **URGENT PART I BUSINESS**

The Development Manager gave an update to the Committee on the Stevenage West development since its approval in December 2021.

Planning update

Since the Planning and Development Committee had determined the planning application, the Council has formally adopted the Design Guide SPD 2023 and it was considered that the proposed development met the requirements of the new SPD. As such, this scheme was deemed to be acceptable in design terms so new assessment is required.

Changes to financial contributions / planning obligations

Primary Education

Through ongoing discussions and negotiations with Hertfordshire County Council (HCC), the financial contribution had increased by £249,000 to £14,342,513, due to drainage rates being deemed to be greater than previously identified and leading to an increase in overall projected build costs for the school. It was confirmed that the revised contributions for the Primary Education had been agreed by all parties including the developers.

Bus Service Contribution

In relation to the Bus Service Contribution, this had been identified to be

approximately £2,610,000 which would serve the development. However, the final details of how this service were yet to be agreed. Through on-going negotiations with the HCC as Highways Authority, the financial contribution could be reduced to approximately £1,750,000. This was considered to be sufficient for the bus service to be viable for a 7-year period. Through negotiations with HCC and all other parties, it was agreed that the financial contribution would be £2,610,000 covering a 15 year period.

In terms of the service itself, the first phase 1 bus into the development site, would come into a turning head and exit on Bessemer Drive. Phase 2 would include a temporary access created on Meadway until the tunnel was built when a second bus would be come into operation. The funding would then continue for 2 buses and as later phases of the development were delivered, the bus service should then become viable to operate.

Biodiversity Net Gain

In relation to Biodiversity Net Gain, negotiations were on-going to agree the financial contribution for this site. The site was seeking to deliver a significant amount of open space, trees and biodiversity enhancements although it was noted that there was not sufficient areas on site to deliver this requirement along with being able to meet all other local plan requirements.

As a consequence, there was a shortfall of approximately 89 habitat units and therefore, the financial contribution as agreed with Herts and Middlesex Wildlife Trust would be £2,458,524 which would be paid per phase of the development. The contributions, agreed by the developers, would be paid to Stevenage Borough Council to deliver biodiversity net gain within the Town.

NHS

With regards to NHS contributions, it was reported that the NHS, had been non-committal to taking up the provision of an on-site GP Surgery. Therefore, although the legal agreement had been devised to include the provision of GP surgery on site up to 400 sq.m in floor area with a minimum 25-year lease, if the NHS were not to deliver an on-site GP surgery, they would seek a financial contribution £1,938,000 which would go towards local surgery facilities within Stevenage. This would either be the Stanmore Medical Group or the Symonds Green Health Centre.

Replacement Meadway Pavilion and Playing Field

The Meadway Pavilion was to be demolished in order to facilitate the delivery of a new access road and tunnel to serve the development. As such, and as set out in the draft planning conditions outlined in the report, details were to be submitted for the replacement facility and playing fields. However, at that time, as part of the sales agreements / easement to undertake works on Council Land to deliver the new road, the developers would pay a bond which would go towards the construction of the new pavilion and replacement playing fields.

However, through negotiations with the developers, SBC as landowners, Sport

England, the Council's Parks Team (SDS) and other parties, it was agreed that the developers would re-provide the pavilion and playing fields at their costs. The legal agreement would set out the minimum specifications the pavilion and car park should meet in line with Sport England requirements combined with replacement playing fields. This had been agreed with all parties.

Other contributions

With regards to other contributions within the S.106 agreement such as affordable housing, fly tipping measures and Ambulance Service, these remained as approved by the Planning and Development Committee and were reflected in the Draft S.106 Agreements.

Amendments to Planning Conditions

A number of the planning conditions as set out in the report, were to be amended or omitted due to requirements such as highway works, replacement pavilion, cricket pavilion and pitches which were now captured in the S.106 Agreement.

It was reported that if there was any breach of the S.106 agreement, the Council had powers to seek an injunction which would achieve a much stronger position than it would with respect to some conditions to ensure certain facilities were delivered.

It was **RESOLVED** that the update be noted.

6 EXCLUSION OF THE PRESS AND PUBLIC

Not required.

7 URGENT PART II BUSINESS

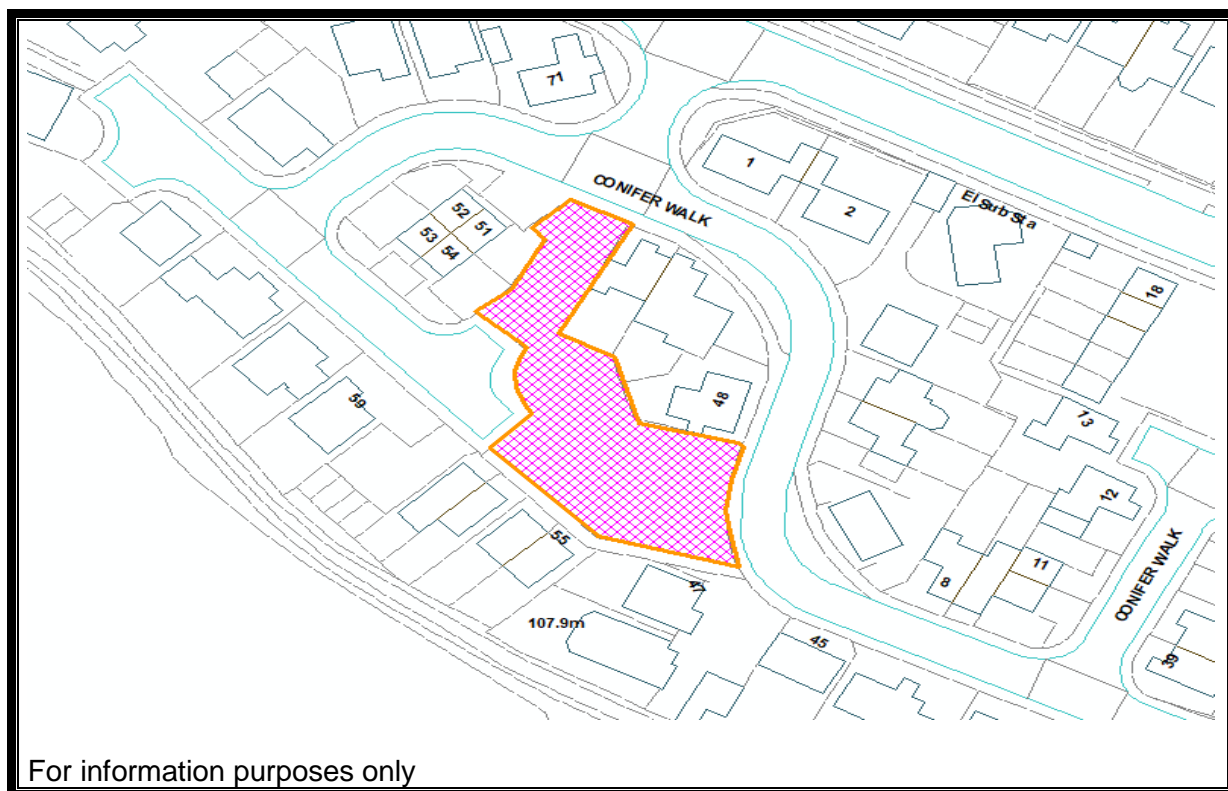
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00066/FP
Location :	Land to the Rear of 48, 49, and 50 Conifer Walk, Stevenage
Proposal :	Erection of 1no. one bedroom and 1no. two bedroom dwelling houses and provision of publicly accessible open space.
Drawing Nos.:	2021/72/03; 2021/72/01/A; 2021/72/02/A;
Applicant :	Mr Richard Chambers
Date Valid:	23 January 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site is an area of amenity grassland on the southern side of Conifer Walk, opposite the access junction with The White Way. The land spreads south-west towards property numbers 47-59 Conifer Walk. It occupies a site area of approximately 820sqm.

- 1.2. To the north of the site is the access junction with The White Way; to the east are properties 48, 49 and 50 Conifer Walk with the highway beyond and further residential dwellings beyond that; to the south is the highway with properties 47-59 Conifer Walk beyond; and to the west is a cluster block of 4no. properties 51-54 Conifer Walk.

2. RELEVANT PLANNING HISORY

- 2.1 81/3/0500/81 – Residential development.
- 2.2 2/0146/87 – Residential development of 131 dwellings, garages, estate roads and private drives in Chells Manor “Fairlands” and “Greenlands”.
- 2.3 There are also applications for similar development proposals within Stevenage which are particularly relevant to this current application which are detailed below.
- 2.4 An Enforcement Notice was served on the owner of the site of land at Watercress Close, Coopers Close and Walnut Tree Close for the unauthorised erection of 2m high hoarding, enclosing the open space between all three connecting roads (ref: 20/00102/ENFAPL). The notice was appealed to the Planning Inspectorate, and the appeal dismissed as the Inspector found the hoarding to be permitted development, and the land private and thus able to be closed off.
- 2.5 21/00057/FP - Land at Watercress Close, Coopers Close and Walnut Tree Close. 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. Permission was refused by the Planning & Development Committee on 9 December 2021 and subsequently allowed on appeal under reference number APP/K1935/W/22/3298826. The Inspector noted that as the land was privately owned and had been enclosed (see 2.2 above), there was nothing to compel the owners to return the land to public use.
- 2.6 22/00674/FP – Land between 40 Conifer Walk and 7 Conifer Close. Erection of 1no. 3-bedroom detached dwelling and alterations to existing parking area. Permission granted by the Planning & Development Committee on 25 May 2023.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of 1no. one-bedroom and 1no. two-bedroom dwelling houses with associated parking and provision of publicly accessible open space.
- 3.2 The one-bedroom dwelling would be located to the north of the site, adjacent to No.50. The main element of the property would be two storey and measure 4.2m wide, 9.8m deep, 5m high to the eaves and 7.5m high to the ridge with a dual pitched roof. There would be a single storey element on the side, towards the rear of the property, measuring 2.1m wide, 3.8m deep, 2.5m high to the eaves and 3.5m high to the ridge with a dual pitched roof.
- 3.3 This property would have one parking space to the side of the property.
- 3.4 The two-bedroom dwelling would be located to the south-west of the site, adjacent to No.48. It would measure 5.5m wide and 9m deep. On the front would be a small single storey projection measuring 1.6m wide and 1.2m deep which would contain a toilet. The height to the eaves would be 4.8m high and to the ridge would be 6.7m high. The property would have a dual pitched roof whilst at the rear it would be a dual pitched, gable front roof. The single

storey element at the front would be 2.4m high to the eaves and 3.4m high to the ridge with a dual pitched gable front roof which would also form a canopy over the front entrance door.

- 3.5 This property would have an attached single garage measuring 3.2m wide, 6.3m long, 2.3m high to the eaves and 4.2m high to the ridge with a dual pitched roof. A second parking space would be accommodated on the hardstand to the front of the garage.
- 3.6 The application seeks to retain an area of publicly accessible open space measuring approximately 460sqm which would be to the south of the application site. The submitted plans show 1no. existing tree to be retained and 3no. new Cherry trees to be planted within this retained open space area. Additionally, the existing perimeter hedging of the site would be retained where possible and additional hedging planted around the perimeter as necessary.
- 3.7 The application comes before the Planning and Development Committee as it has been called-in by Councillor McGuinness. The Councillor called in this application in terms of impact on neighbouring properties, impact on the character and appearance of the area, residential amenity, car parking and highway issues and the loss of the open space.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters and the erection of site notices, public representations have been received from the following properties:

- Conifer Walk: 1, 2, 3, 4, 7, 9, 13, 42, 44, 45, 47, 48, 49, 50, 51, 54, 55, 56, 57, 58, 61, 64, 65, 66, 68, 69, 71, unspecified;
- Conifer Close: 3, 5, 6, 7,
- 62 Beane Avenue;
- Ladymead, Lady Meadow, Kings Langley;
- 8 Grosvenor Road, Sudbury;
- 125 Ashfield Avenue, Bushey;
- 74 Tollgate Road, Colney Heath;
- College of the Resurrection, Stocks Bank Road, Mirfield;

- 4.2 A summary of the comments received are set out below:

- Lack of parking in this street which will be exacerbated by new dwellings removing kerbside parking for existing residents and increase on-street car parking by new residents;
- No visitor parking;
- Garage does not meet 6mx3m as per Parking SPD;
- Possible road safety issues;
- Loss of public open space which was owned and maintained by SBC and sold to a developer should be investigated;
- Shoehorning in extra dwellings goes against the original design principles of Chells Manor;
- Loss of wildlife habitats;
- Loss of children's play space;
- Where will construction traffic park?
- Impact house values;
- Will we receive compensation for disruption of construction, loss of house values and loss of views over open space?
- Gap between No.50 and new dwelling is very small and will prevent them accessing their rear garden;

- Dispute the content of the Design and Access Statement where it says the land is not useable. It very much is useable by local residents regularly;
- Loss of trees;
- The one-bed house at the top of the significant hill will need under-pinned foundations and this should be a condition of any grant of permission;
- Noise, pollution and disruption from construction work;
- New dwellings will block natural daylight and sunlight to Nos. 55, 56, 57, and 58;
- There is a need for housing in the town, but will 2 houses really address that need? The development at Gresley Way is enough so no need for these houses;
- The Council has a strong 5-year land supply, so this development goes against all planning policies;
- Design of houses is out of keeping with character of area;
- The Council failed to write to all houses and never displayed a site notice;
- Who will maintain the remaining open space?
- Land is used by school children as a cut-through to school; where will they walk now?
- Will probably increase criminal activity in the area;
- No information provided on how long construction will take so no idea how long residents will suffer for;
- Open spaces are vital for mental and physical health;
- The Human Rights Act says we have the right to peaceful enjoyment of our homes and the construction noise will prevent this;
- The Human Rights Act says we have a right to privacy and family life;
- Will they be providing replacement open space somewhere else?

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 Herts Police Crime Design Advisor

5.1.1 There have been 18 crimes recorded between Dec 2020 and Nov 2023 for this area, of which 14 were for anti-social behaviour and 2 for vehicle related crimes. I have concerns that one elevation on each property is a blank gable wall which reduces opportunities for natural surveillance and could encourage anti-social behaviour. I have concerns regarding the one-bedroom property with substantial ground level changes and it is not clear what the boundary treatments are. It is not clear how the gardens will be accessed. Majority of burglary entrances occur through rear gardens. I have concerns over the recessed rear gate entry for the two-bedroom property as offenders could hide in the alleyway created. This gate needs to be brought forward.

5.2 Herts County Council as Highways Authority

5.2.1 *8 February 2023:* Insufficient information provided regarding dropped kerbs and visibility splays.

5.2.2 *6 September 2023:* In response to the HA's comments dated 8 Feb 2023, the applicant has submitted detailed plans showing the required pedestrian visibility splays, dropped kerbs and car parking layouts with cycle store for each dwelling. The HA has assessed the proposals, subject to a condition to ensure parking and access are installed as per approved plans then HA raises no objections. Accordingly, Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

5.3 Environmental Health

- 5.3.1 A watching brief for contaminated land will be needed. Construction activities can be noisy and disruptive so developers should adhere to best practices in BS5228:2009 and construction hours controlled by condition. A construction management plan should be provided under condition. Pests should be controlled during construction.

5.4 SBC Green Spaces Manager

- 5.4.1 SBC do maintain this land historically but there are no records to confirm any such agreement between the Council and landowner. I do not have concerns over the partial loss of the open space but nevertheless the developer will need to demonstrate a 10% biodiversity net gain or provide contributions in lieu. The developer will need to provide a maintenance strategy for the remaining open space, detailing maintenance, upkeep or transfer to the Council. If transferred to the Council we will need to calculate a cost for maintenance for a minimum of 20 years. A more detailed landscaping strategy and plan is needed.

- 5.4.2 Additional comments 25.07.2023: We ask that formal measures are undertaken to protect the remaining open space from development. The continuous line of hedgerow may limit accessibility of the open space; breaks should be incorporated to allow access. It is acknowledged that off-site biodiversity will be required and funding of 55 trees and 0.1hecatres of neutral grassland. The trees should be planted in Chells Park or Peartree Park whilst the neutral grassland can be accommodated in Chells Park or Camps Hill Park.

5.5 SBC Arboricultural and Conservation Manager

- 5.5.1 I have no objection. The Ash tree to the rear of 50 Conifer Walk will be retained whilst the Horse Chestnut by No.48 will need to be removed. The tree removal and replacement with 3 standard trees will need to be funded by the developer. Before any such landscaping condition is discharged, I suggest that we need to see evidence of the new trees planted and arrangement to maintain (water) them until established (usually 3 years). This will equate to a financial contribution of £1,050.00.

5.6 Herts and Middlesex Wildlife Trust

- 5.6.1 The application contains a biodiversity metric. The metric shows a net loss. Currently the application is therefore not compliant with planning policy. In order to satisfy planning policy the applicant needs to provide either; a biodiversity offset for the required amount, which satisfies the trading rules of the metric; or if SBC is amenable, provide sufficient funds to SBC to deliver the offset on their behalf. This can be secured via a S106 agreement.
- 5.6.2 Additional comments 17.07.2023: The applicant will need to contribute funds to deliver 0.1 hectare of other neutral grassland (£22,255.00) and 55 trees (£19,250.00) in order to achieve a 10% net gain in biodiversity.

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 September 2023. 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 (DLUHC)) in January 2022 (DLUHC have not yet published the latest HDT results), identifies that Stevenage delivered 79% of its housing requirement. This exceeds the 75% target and renders the adopted Local Plan housing policies as being in-date. However, this is still well below the 95% target which is set out in the NPPF (2023). Consequently, the Council has to apply a 20% buffer in its 5-year housing supply calculations. In addition, the Council also has to produce an Action Plan in order to boost housing delivery.
- 6.2.3 The Council prepared an Action Plan in July 2022 to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. This has been prepared in accordance with Planning Practice Guidance and analyses the reasons for under-delivery of new homes against the Government's requirements. It also sets out clear actions on how to improve housing delivery. A copy of the Stevenage Borough Council published Action Plan is set out in the link below:
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/housing-delivery-test-action-plan-2022.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 currently demonstrate a housing supply of 6.68 years (including 20% buffer).

6.2.5 The Council, based on its HDT score and 5-year housing land supply calculations, the Council is not currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, if this policy was to be engaged, it would mean the Local Plan policies would be classed as out-of-date.

6.2.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

6.3 Planning Practice Guidance

6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 Adopted Local Plan (2019)

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

SP1 - Presumption for Sustainable Development;
SP2 - Sustainable Development in Stevenage;
SP7 - High Quality Homes;
SP8 - Good Design;
SP11 - Climate Change, Flooding and Pollution;
SP12 - Green Infrastructure;
IT5 - Parking and Access;
HO5 - Windfall Sites;
HO9 - House Types and Sizes;
GD1 - High Quality Design;
FP1 - Climate Change;
FP7 - Pollution;
NH5 - Trees and Woodland;
NH6 - General Protection for Open Space;

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020
Stevenage Design Guide Supplementary Planning Document January 2023.
The Impact on Biodiversity SPD 2021
Developer Contributions SPD 2021

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

- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material consideration indicate otherwise.

7.2 Land Use Policy Considerations

- 7.2.1 The National Planning Policy Framework 2023 (NPPF) states that significant weight should be placed on both the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). The application site is an area of open space and is not allocated for residential development within the Local Plan. As such, the land therefore regarded as a 'windfall site'.
- 7.2.3 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.4 Policy HO5 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.
- 7.2.5 For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2023) 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 definition of previously developed land excludes private residential gardens and public open space. The proposed dwelling is located wholly within the area of open space; consequently, it is considered that the proposal does not constitute development of previously developed, brownfield land. Therefore, the proposal is contrary to criterion (a) of Policy HO5. Consequently, as the proposal is not in accordance with Policy HO5, an assessment must be made as to whether or not the benefits of the development outweigh the loss of the open space and adjacent tarmac area for unallocated visitor parking. In addition, an assessment is required on the impact the development would have on the wider environment.
- 7.2.6 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is approximately 1km (2-minute drive/10-minute walk) to the Chells Manor neighbourhood centre; approximately 2.5km (5-minute drive/15-minute walk) from The Glebe neighbourhood centre; and approximately 2.5km (10-minute drive/30-minute walk) to Sainsbury's on Magpie Crescent. There are two primary schools within 15-minutes' walk and two secondary schools within 30-minutes' walk. A bus route operates along The White Way with the closest stops approximately 5-minutes' walk. As such, the application site is considered to have an acceptable level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a sustainable location.
- 7.2.7 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.
- 7.2.8 Further to the above, Policy HO5 also requires that there is access to local facilities and that residential proposals include opportunities to access alternative forms of travel to private motorised transport. As identified above, the site has good access to local facilities and services and also good access to the public transport network. The site has been

demonstrated to be in a sustainable location and as such would comply with criterion (e) of the Policy HO5 of the Local Plan.

- 7.2.9 Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. The site is not located near to any allocated development sites and is therefore acceptable in this regard.
- 7.2.10 Turning to 5-year land supply and housing delivery, Paragraph 68 of the NPPF (2023) 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 (2023) 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 into 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 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). 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 (2023) is not engaged.
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), it identifies that there is a structural imbalance in the existing housing stock (albeit in a limited manner) whereby there is a lack of smaller properties and larger aspirational homes in the Borough. The Design Guide SPD (2023) outlines that housing is an area of weakness across

the town. One of the main issues is the lack of an appropriate mix of housing sizes, types and tenures with a high proportion of three-bedroom properties, and a lack of one and two bedroom properties. The lack of housing mix is exacerbated by changes in demographics leading to an increase in the number of single person households and couples needing homes. Due to growth requirements for the town, there is a need to provide a substantial number of additional homes in Stevenage. Higher density development is set out as a key requirement of National guidance, and, where appropriate, densities will need to be raised in order to meet these targets for new homes. This will need to be carefully balanced with the need to retain open space provision within the urban area as access to open space was a key original feature of the town.

- 7.2.16 The proposed development seeks to deliver 1no. one-bedroom and 1no. two-bedroom detached dwellings. As such, the proposed development is in accordance with Policy HO9. Moreover, paragraph 60 sets out that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Therefore, this proposal will help to support the Governments currently adopted policy objective of delivering more housing.
- 7.2.17 Policy SP2 (Sustainable Developments) states permission will only be granted where proposals can meet a number of criteria. Included in these criteria are the following:
- promote journeys by bus, train, bike and foot and reduce the need to travel;
 - Support facilities and services that encourage people to live, work and spend leisure time in Stevenage;
 - Produce places and spaces that enable people to live a healthy lifestyle;
- The proposal meets these criteria as mentioned previously in this report.
- 7.2.18 Setting aside the impact upon the character and appearance of the area and upon the amenities of neighbouring properties, which are considered elsewhere in this report, the application is considered to be contrary to the NPPF and criterion (a) of Local Plan Policy HO5. Nonetheless, the proposed development would contribute to the aim of boosting housing supply without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide two new dwellings and there would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only two dwellings, it is considered that these benefits would be limited and only attracts moderate weight in favour of the proposal. However, on balance, having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle.

7.3 Loss of Open Space

- 7.3.1 The open space is an original design principle of the estate and was annotated on the approved plans of the estate in the 1990's as open space. However, the space was never transferred to the Council and the original records held by the Council do not include a Section 52 Agreement (now a S106) to cover maintenance of the land. Until the land was sold at auction, it is believed that the land had been maintained by the Council and local residents. However, following the auction, the site is in private ownership and has not been maintained by any party since.
- 7.3.2 Paragraph 119 of the NPPF states that 'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.' The Council must consider whether the provision of two housing units would outweigh the harm of the loss of and impact on the open space.

- 7.3.3 Policy NH6 of the Local Plan for the general protection of open space would allow planning permission of any existing, unallocated open space (or part of any open space) where the loss is justified having regard to:-
- The quality and accessibility of the open space;
 - The existence, or otherwise, of any interventions to improve quality or access;
 - Whether the open space is serving its function or purpose; and
 - Whether alternate space(s) would remain available for community use.

Furthermore, reasonable compensatory provision should be made in the form of:

- Replacement provision of a similar type, size and quality;
- The upgrade of other, existing open space; or
- Exceptionally, a commuted sum to secure open space provision elsewhere.

- 7.3.4 The Local Plan expands on the policy by suggesting that there is an inevitability that some spaces will come under pressure from development proposals across the life of the plan. Therefore, it is important to ensure that the most valuable open spaces continue to be protected and open spaces only succumb to development where a positive outcome can be demonstrated.
- 7.3.5 The area of open space is of a good size and is bounded by dwellings, public footpaths and vehicular highways. The southern part of the site has low level hedging enclosing it. The land appears well maintained and contains some trees. Local residents advise that this area is used as an informal play space by local children. The northern part of the land, between Nos. 50 and 51 slopes steeply down to the south which local residents advise provides an area of play for local families when snow is on the ground. Anecdotally therefore, the land offers year-round use.
- 7.3.6 Notwithstanding the above, one of the greatest factors in this case is the ownership of the land. Whilst they have not done so, being in private ownership the owner of the land could restrict access to the site at any time, as did the owners of the land at Watercress Close, Coopers Close and Walnut Tree Close. The Council served an Enforcement Notice (see section 2 of this report) regarding the enclosure of the land which was quashed by the Planning Inspectorate as it was deemed to be Permitted Development. The Inspector also removed any reference of the loss of the access to the open space from the Enforcement Notice.
- 7.3.7 The loss of the open space in respect of Policy NH6 is noted. However, given the land is in private ownership, and the previous appeals and Planning & Development Committee approvals on similar applications (which are significant material considerations), it is considered that a refusal for development, or prevention of the enclosure of the land to restrict public access, could not be upheld on appeal.
- 7.3.8 Being a good sized area of grassland, it offers a moderately positive impact on the street scene and wildlife. However, given its proximity to driveways and the highway, and being only enclosed with low level hedging, there are likely risks of pedestrian-vehicle interactions. There is an alternative area of open space at the extensive public parkland at Chells Park within a 10-minute walk along with significant areas of publicly accessible woodland for walks and nature.
- 7.3.9 In conclusion, given the aforementioned assessment, it is considered that there are sufficient areas of hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against and there are publicly accessible areas of open space for play purposes within acceptable distance. The benefits of providing additional housing are considered to outweigh any harm caused by the loss of this small area of open space, which, it must be borne in mind, is in private ownership and is currently only accessible to the public because the owner has not enclosed it.

7.4 Design and Visual Impact on the Character and Appearance of the Area

- 7.4.1 In terms of design, paragraph 126 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and, appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.4.2 Paragraph 134 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as the fit in with the overall form and layout of their surroundings.
- 7.4.3 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”.
- 7.4.4 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design
- 7.4.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns’ built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.6 Policy HO5 requires residential development on unallocated sites to not have a detrimental impact on the environment and on surrounding properties. The Council’s Design Guide SPD (2009) generally reflects the aforementioned policies whereby it seeks 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.
- 7.4.7 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
 - hard and soft landscape;
 - technical infrastructure – transport, utilities, services such as drainage; and
 - social infrastructure – social, commercial, leisure uses and activities.

- 7.4.8 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
 - the form and scale of buildings;
 - their appearance;
 - landscape;
 - materials; and
 - their detailing.
- 7.4.9 The Guide further iterates that all developments are made up of these components put together in a particular way. As such, the choices made in the design process contribute towards achieving the ten characteristics and shape the character of a place. For reference, these ten characteristics are as follows:-
- Context – enhances the surroundings;
 - Identity – attractive and distinctive;
 - Built form – a coherent pattern of built form;
 - Movement – accessible and easy to move around;
 - Nature – enhanced and optimised;
 - Public spaces – safe, social and inclusive;
 - Uses – mixed and integrated;
 - Homes and buildings – functional, healthy and sustainable;
 - Resources – efficient and resilient;
 - Lifespan – made to last.
- 7.4.10 Paragraph 40 of the National Design Guide states that well-designed places are:
- Based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
 - Integrated into their surroundings so they relate well to them;
 - Influenced by and influence their context positively; and
 - Responsive to local history, culture and heritage.
- 7.4.11 The Council recently adopted an updated Design Guide SPD (Jan 2023) and Sections B (Built Form) and H (Homes and Buildings) of this SPD are particularly pertinent to the design of new residential units. An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:
- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
 - Increasing densities – encourage high densities in accessible locations;
 - Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
 - Legibility – provide landmark developments at nodal points;
 - Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.
- 7.4.12 The application site is located within the confines of a residential estate, formed of semi-detached, detached dwellings and cluster dwellings (group of 4 dwellings forming one building). There are a number of different styles, size and materials utilised in this part of Conifer Walk, such that, there is not much uniformity. There are examples of red brickwork, buff brickwork, pale render with mock Tudor timbers, dual pitched roofs, hipped roofs, open canopies over front doors, partially enclosed front porches, gable features in front roof slopes

to windows at first floor and bay windows. Most properties in the immediate area appear to have attached single garages with a hardstand for one vehicle to the front, giving them 2 spaces, whilst the cluster dwellings have open areas of hardstand parking.

- 7.4.13 In terms of visual appearance, the application site is located at the western end of Conifer Walk, opposite the entrance to the road from The White Way. The highway has a number of cars parked on it and can become congested, although not as congested as the eastern end of the estate. The application site is not readily visible from the public domain on its northern side as it appears as a gap in the housing but from the southern end, it is highly visible in the street scene, and in such instances, the design of the dwellings is important so as not to detract from the character and appearance of the area.
- 7.4.14 The proposed one-bed dwelling would be sited at the north of the site, between Nos. 50 and 51, whilst the two-bed dwelling would be located at the southern end, on the eastern side, adjacent to No.48. The ridge heights of both dwellings have been designed to be the same as the adjacent properties. Both proposed dwellings are narrower than the properties to which they would be seen in context with, although, given the variety of building sizes in this estate, this is not considered to be unacceptable.
- 7.4.15 There are some significant differences in ground levels across the site, however, the areas proposed for the dwellings are flat, such that each dwelling would occupy a flat area of ground and not be required to be built into any sloping ground. This ensures that they present a cohesive appearance to the neighbouring properties when viewed from the street. The sloping areas of ground would be incorporated into the gardens or left as public open space.
- 7.4.16 The proposed dwellings would be constructed with brickwork, concrete interlocking tiles and uPVC windows and doors to match with the surrounding properties, thereby having an acceptable appearance in the street scene. The one-bedroom property to the north would have a single storey projection at the rear of the side elevation which would contain the kitchen and would have a similar appearance to the attached single garages of other properties. It would have an open canopy over the front entrance door, again, similar to other properties. The two-bedroom property to the south, would have an attached single garage and a partially enclosed front projection with a dual pitched gable roof similar to other properties in the area. The use of similar materials can be secured by way of a condition to ensure a high-quality finish and a good level of visual cohesion should planning permission be granted.
- 7.4.17 In terms of siting, the front and rear elevations of both dwellings would be aligned with the neighbouring properties, whilst the one-bedroom dwelling to the north would be angled to No.51 to the west with the rear elevation projecting approximately 3m across their rear elevation (about half of their property). There would be approximately 6.5m between the rear of this property and the side of the garage and approximately 9m to the main dwelling. There would be approximately 3.5m between the proposed dwelling and No.50 to the east so no visual terracing would occur between this proposed dwelling and the neighbouring properties. The two-bedroom dwelling would be approximately 2m from No.48, so no visual terracing would occur in this instance either. Separation distances and neighbour impact will be discussed in more detail in section 7.5 below.
- 7.4.18 The total plot size within the red line plan is approximately 820sqm whilst the dwellings would have a combined plot size of approximately 360sqm. As such, it is not considered to be an overdevelopment of the site. The remaining land area would be publicly accessible, but privately owned open space of approximately 460sqm.
- 7.4.19 In summary, the proposed development would be acceptable in design, scale and massing and with similar materials to the existing neighbouring properties, would have an acceptable appearance in the street scene and not harm the visual amenities of the area. Accordingly, the proposal complies with Policies HO5, GD1 and SP8 of the Local Plan (2019), the adopted

7.5 Impact on Neighbouring Amenity

Outlook and Amenity

- 7.5.1 The closest adjacent neighbouring properties are Nos.48, 50 and 51, whilst Nos. 47, 49, and 54 to 59 (inclusive) all directly overlook the site to a greater or lesser degree. The one-bedroom property at the north of the site would have no windows on either side elevation at first floor although there would be a large ground floor window in the western side elevation serving the open plan ground floor which would overlook the communal parking area to the front of Nos.51 and 52. The rear windows at first floor of this proposed dwelling would be south facing over the open space. It is acknowledged that there is likelihood of some overlooking into the rear gardens of Nos. 50 (to the east) and 51 and 54 (to the west). However, this would not be introducing an element of overlooking which does not already exist as these properties already have views into and over the neighbouring gardens.
- 7.5.2 Comments from local residents about overlooking and loss of privacy to the rear gardens and habitable rooms are noted. The proposed dwelling would have a back to side orientation against No.51 whilst No.54 is located further south and has no direct interaction. The minimum back to side separation in the Design Guide SPD is 15m and the separation on site is approximately 8m which is a significant breach. However, the rear of the proposed dwelling is not directly to the rear of this neighbour, is angled away slightly and only approximately 3m of their rear elevation would look towards the proposed dwelling. The overlooking and loss of privacy was addressed in 7.5.1 above and in terms of outlook for both properties, in this instance, both properties would have an acceptable level of unobstructed views over the open space. Therefore, on balance, in these circumstances and in this location, the reduced separation distance is considered acceptable.
- 7.5.3 The proposed two-bed dwelling at the south of the site would have no windows in either side elevation at ground floor and one small window at first floor in the southern side elevation which would serve a bathroom, so would be obscurely glazed and not give rise to any overlooking of properties to the south, namely Nos. 47 and 55. As with the one-bed property, the rear windows at first floor would be overlooking the open space, albeit in a westerly direction. These windows would be approximately 36m from the rear of Nos.51 and 54 which exceeds the 25m minimum back to back separation distance in the Design Guide SPD. These windows would allow an oblique view into the rear garden of No.48 to the north, however given No.49 has direct views into their garden, this is not considered to introduce a level of overlooking that doesn't already exist.
- 7.5.4 There are no minimum separation distances in the Design Guide SPD for front to front, side to side, or front to side orientations. As such, neither proposed dwelling would breach policy against any other property in this regard.
- 7.5.5 In terms of the outlook and amenity of the proposed dwellings, both properties would have an acceptable level of outlook to the rear over the open space and acceptable privacy levels in the rear garden.

Private Amenity Space

- 7.5.6 The Design Guide SPD (2023) requires all new dwellings to have a private amenity space of at least 50sqm and a depth of at least 10m. The submitted plans show that the dwellings would both have in excess of 50sqm each. The one-bed dwelling would have a garden of approximately 8m in depth whilst the two-bed between approximately 8m and 10m. Whilst this is below the required 10m in the Design Guide SPD, both properties overlook the remaining open space and therefore there would be an acceptable level of outlook in longer views beyond the fence line.

- 7.5.7 Comments from local residents regarding the unsuitability of the private amenity space of the one-bed dwelling due to the sloping nature of the land are noted. However, the topography of this development site is not so different from other neighbouring properties in the immediate area which also have sloped rear gardens.

Living Space Standards

- 7.5.8 Policies GD1 and SP8 of the Local Plan (2019) relate to High Quality and Good Design. These policies state that planning permission will be granted where the proposed scheme, under criterion j. meets, and where possible, exceeds the nationally described space standards (NDSS). Appendix C of the Local Plan (2019) sets out the minimum gross internal floor space standards for dwellings which is in line with the Government's nationally described space standards.
- 7.5.9 The submitted plans show that the one-bed, 2-person dwelling would be approximately 67sqm which exceeds the minimum of 58sqm in the NDSS. The two-bed, 3-person dwelling would be approximately 82sqm which exceeds the minimum of 70sqm in the NDSS. Both dwellings would therefore provide an acceptable internal floorspace.
- 7.5.10 Furthermore, the National Government document 'Technical housing standards – nationally described space standards' 2015, advises a single bedroom to be a minimum of 7.5sqm and a double should be at least 11.5sqm. All bedrooms in both dwellings exceed the minimum standards and are therefore acceptable.
- 7.5.11 The Herts Police Crime Design Advisor has assessed the application and raised concerns regarding blank side elevations on both properties, boundary treatments and the location of the rear garden gate on the two-bed dwelling being recessed back and causing an alleyway.
- 7.5.12 The blank side elevation of the one-bed dwelling is the side closest to No.50 and the introduction of windows on this elevation would result in undue overlooking. The western side elevation of this dwelling which is more open to the street scene does contain a window at ground floor serving the main living area. The blank elevation of the two-bed dwelling is again, adjacent to the side of No.48 and would also introduce undue overlooking. The southern side elevation open to the street scene contains a window at first floor serving a bathroom which is similar to many other properties in the vicinity of the site. In this regard, the Council is satisfied that the plans do not require amendments in this regard.
- 7.5.13 Turning to the Police concerns over boundary treatments and gate locations, this can be addressed via the imposition of a condition requiring details of boundary treatments prior to occupation should planning permission be granted.
- 7.5.14 In summary, the proposed development would be unlikely to cause undue harm to the amenities of the neighbouring properties. The proposed development would have sufficient private amenity space and gross internal floorspace which ensures the amenities of future occupiers would be acceptable and therefore the proposed development would comply with Policies GD1 and SP8 of the Local Plan (2019), the Council's Design Guide SPD (2023), the NPPF (2023) and Planning Practice Guidance.

7.6 Impact on the Environment

- 7.6.1 The application site is an area of open grassland and prior to the original development in the 1990's, the site was part of open fields. Therefore, there would be very low risk of contamination. However, it is noted from comments from local residents that they believe the site was used as a waste disposal area by the developers and could contain contamination from the likes of asbestos. This can be dealt with via the imposition of a condition as detailed in point 7.6.2 below.

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

Groundwater

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

Air Quality

- 7.6.4 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).
- 7.6.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.6.6 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO₂ emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

Noise Pollution

- 7.6.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.6.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the 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.
- 7.6.9 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Borough Council's Environmental Health department.

Light Pollution

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

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

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

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

7.7 Trees and Landscaping

7.7.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.

7.7.2 The Council's Arboricultural Manager has raised no concerns from an Arboricultural viewpoint although he has requested that the removed Horse Chestnut tree is replaced with 3 new trees, to be funded and arranged by the applicant. Further, he requested that a maintenance plan is provided to satisfy the Council that the new trees will be maintained until they are established, which would be estimated to take approximately three years.

7.7.3 The submitted site layout plan shows that 3no. new Cherry trees would be planted on the remaining open space to replace the removed Horse Chestnut tree. As per the Arboricultural Manager's comments above, the planting and maintenance of these trees can be secured via condition.

7.7.4 The site is enclosed with low level evergreen hedging around most of the site, although not entirely. Some of this hedging would need to be removed to facilitate the proposed development, although the submitted plans show that the site would be fully bounded with hedgerow so any parts removed would be replaced. This can be secured via a landscaping condition.

7.7.5 The Council's Parks and Amenities department have assessed the application and advised that the Council currently maintain the site although there is no legal agreement or other such agreement in place for this. They have advised that they have no concerns regarding the partial loss of the open space given that the Council do not own the land. At the time of submission, no Biodiversity Net Gain calculation had been submitted and they raised concerns in this regard. Following receipt of the aforementioned calculation, which showed a biodiversity loss, and comments from Herts & Middlesex Wildlife Trust advising the financial contributions payable, the Parks and Amenities department provided comments to note that whilst the land is privately owned, they request that the remaining open space is protected from future developments. They request the submission of a full landscaping strategy including a management and maintenance strategy. This can be secured via a condition.

7.7.6 With regards to Biodiversity Net Gain, the submitted calculations show a net loss. Herts & Middlesex Wildlife Trust were consulted and advise that a financial contribution of £41,505.00 for new grassland areas at Chells Park and 55 trees to ensure a 10% net gain is achieved. An additional contribution of £1,050.00 was suggested for the planting of 3 trees to replace the Horse Chestnut, however, if the applicant is to provide these trees on site as per the Arboricultural Manager's request (see 7.7.2) then this contribution is not required as the applicant would already be covering this aspect as part of a landscaping condition.

- 7.7.7 Lanterns Lane, extensive woodland, Eliot Road allotments and the nearby Chells Park all offer high quality wildlife offerings outside of the application site; therefore, it is considered that there are sufficient areas of hedgerow, trees and grassland for wildlife and environmental impacts that the loss of this area of open space is suitably mitigated against. Chells Park can be reached on foot in under 10 minutes via Lanterns Lane and offers an extensive and safe open space for children to play in safety away from motor vehicles.

7.8 Parking Provision and Highways Implications

- 7.8.1 Policy IT5 of the Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.
- 7.8.2 The Parking Provision SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. The two-bedroom property requires 1.5 spaces, rounded up to 2 spaces and the one-bedroom property requires 1 space. The submitted plans show that the required spaces are provided at each property and meet the required size standards for spaces and garages.
- 7.8.3 The Parking Provision SPD (2020) requires all new parking spaces for new dwellings to be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network, but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. This can be secured with a suitably worded condition.
- 7.8.4 Concerns were raised by Herts County Council as Highways Authority and local residents with regards to the access to the properties. Amended plans were received to include visibility splays and show the location of dropped kerbs and HCC Highways advised they are satisfied with the arrangements and do not wish to restrict the grant of planning permission.
- 7.8.5 Policy IT5 of the Local Plan (2019) also requires developments to provide secure cycle parking provision in line with the Parking Provision SPD (2020). This recently adopted SPD requires one-beds to provide one space and two-beds to provide two spaces. The submitted plans indicate that there is a cycle storage shed within the curtilage of each dwelling which would be acceptable in this regard.
- 7.8.6 Whilst comments from local residents regarding highway safety and on-street parking is noted, the Highways Authority are satisfied that the development would not cause harm to highway safety and the Local Planning Authority has no reason to go against the advice of the Highway Authority in this regard.
- 7.8.7 The Highways Authority have requested that a condition is imposed should permission be granted that requires the submission of a Construction Management Plan (CMP) prior to commencement of development. The CMP would require full details of the construction vehicle numbers, parking arrangements, traffic management and storage compounds amongst other things, to be submitted and approved by HCC Highways before the development can commence. In this regard, suitable mitigations can be put in place to minimise impacts on local residents. Failure to comply with the requirements of the CMP can be dealt with through the Council's enforcement powers where necessary.
- 7.8.8 The Parking Provision SPD (2020) states that visitor parking is required for new housing developments at a provision of 0.25 spaces per dwelling. On the basis of two dwellings, this would equate to 0.5 spaces. As such, being less than one space calculated, there is no requirement in this instance to provide additional visitor spaces.

7.9 Other Matters

Waste and Recycling

- 7.9.1 The Design Guide (2023) states, provision should be made within new development for the storage and collection of waste from a site. The current requirements for waste and recycling per household are as follows:-

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x 600 x 800
60ltr Bag (Black)	Recyclables -Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables -Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

- 7.9.2 The submitted plans indicate that both properties can accommodate the required vessels without hindering the car parking provision. The Highways Authority are satisfied with the location of the storage area.

Climate Change

- 7.9.3 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand;
 - using passive environmental systems, e.g. natural ventilation;
 - daylighting and passive solar gains;
 - using high levels of insulation and air tightness in the fabric of the building;
 - specifying energy efficient services, controls and appliances;
 - implementing water recycling and the provision of water butts;
 - using renewable energy;
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.9.4 No details have been submitted so it is considered appropriate to impose a condition to request the details prior to work progressing beyond slab level should planning permission be granted.

Community Infrastructure Levy

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

Development Type	CIL Rate (£ per square meter)		
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else	
Residential			
Market housing	£40/m ²	£100/m ²	
Sheltered housing	£100/m ²		
Extra care housing	£40/m ²		
Retail development	£60/m ²		
All other development	£0/m ²		

- 7.9.6 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.9.7 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application.
- 7.9.8 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council and the allocation of funding amount of £75,000 or over will rest with the Planning and Development Committee. Service providers who would not receive contributions through the Section 106 agreement for this development, including but not limited to those at Hertfordshire County Council and Stevenage Borough Council, will be able to bid for funding in due course.

Equality, Diversity and Human Rights

- 7.9.9 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.
- 7.9.10 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.
- 7.9.11 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.
- 7.9.12 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.

- 7.9.13 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use and the dwellings have been assessed to not result in harm to neighbouring properties through overlooking or loss of privacy. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.
- 7.9.14 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives and would support the Council in meeting its statutory equality responsibilities.

7.10 Other Matters Raised in Representations

- 7.10.1 Concerns regarding health and safety of residents during construction are noted but are not covered by the Planning legislation as it would be for the Health and Safety Executive, police or HCC Highways to deal with construction practices or highway obstructions.
- 7.10.2 Concerns regarding foundations, drainage and construction of the dwellings are noted but they are not material planning considerations and are dealt with by Building Control under the Building Regulations.
- 7.10.3 The application is put forward by a private developer and not Stevenage Borough Council. Further, the development under construction off Gresley Way is within the jurisdiction of East Herts District Council. As such, the provision of large-scale housing developments by either Council are not relevant to the determination of this application. Each application is determined on its individual merits and the Council's own housing stock/empty properties is not a material consideration in this application.
- 7.10.4 House values are not a material planning consideration and as such are not relevant to the determination of this application. Further, there is no requirement under Planning Legislation to provide compensation to neighbouring properties on the basis of granting planning permission.
- 7.10.5 The land being used as a cut through by local school children is noted, however, the development does not impact on the public footpaths which adjoin the site so pedestrians would not be impacted in this regard and could still navigate through Conifer Walk.

8. CONCLUSIONS

- 8.1 In summary, it has been established that the proposed dwellings fail to accord with criterion (a) of Policy HO5 as they would be located on land which does not meet the definition of previously developed land as stated within the NPPF (2023) nor is it considered to be a small underused urban site.
- 8.2 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 two additional dwellings, making a limited contribution to the aim of boosting housing supply, which, in this instance, would not be through the redevelopment of a sustainable brownfield site. This is a limited public benefit to the proposal given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal.
- 8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities, although, since the scheme is for only two dwellings, it is considered that these benefits would be limited and only attracts limited weight in favour of the proposal.
- 8.5 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.
- 8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and is acceptable in this regard; this carries moderate weight in favour of the proposal.
- 8.7 The development has been assessed to be acceptable in terms of private amenity space in accordance with the adopted Design Guide (2023) and Policy GD1 of the Local Plan (2019). This carries moderate weight in favour of the development.
- 8.8 Taking the aforementioned into account, whilst the proposed development would not be strictly in accordance with Policies HO5(a) and NH6, it has been demonstrated that there would be public benefits arising from the development in the form of economic contributions from construction and future occupiers. The proposal has been demonstrated to not harm the character and appearance of the area nor the amenities of neighbouring properties, and so it has been identified in the overall planning balance, that the overall benefits of the scheme outweigh any policy conflicts identified. Therefore, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:-
- Securing the provision of a 10% net gain in biodiversity off-site within Stevenage; and
 - SBC Section 106 monitoring fee – 2.5% of the total financial obligations.
- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, along with delegated powers to the Assistant Director in liaison with the Council's appointed solicitor to enforce the obligations set out in the S106 Legal Agreement on behalf of Stevenage Borough Council and / or appoint another Planning Authority to enforce planning obligations on behalf of Stevenage Borough Council as and where legally required to do so. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair 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:
2021/72/03; 2021/72/01/A; 2021/72/02/A;
REASON:- For the avoidance of doubt and in the interests of proper planning
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.
REASON:- To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.
- 5 No demolition or construction work which is audible at the site boundary relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 6 Prior to the first occupation of the dwellings hereby permitted the parking provision, access and visibility splays as shown on approved plan 2021/72/02/A, shall be constructed, hardsurfaced and made ready for use. Any new areas of hardstanding created, or existing areas which are replaced, shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 7 Prior to the occupation of the dwellings hereby permitted, the parking spaces shown on approved plan 2021/72/02/A shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development

- 8 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 9 Prior to the first occupation of the dwellings hereby permitted, the cycle storage as shown on plan 2021/72/02/A shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
REASON:- To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.
- 10 Prior to the first occupation of the dwellings hereby permitted, the general waste and recycling storage associated with the development shall be implemented in accordance with the details as specified on plan number 2021/72/02/A.
REASON:- To ensure the general waste and recycling storage is of a sufficient size to accommodate the number of bins which are required for this development. In addition, to ensure the proposed bin store has an acceptable appearance.
- 11 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 12 Any trees or plants comprised within the approved plans which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 13 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).
- 14 No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
REASON:- To ensure a satisfactory appearance for the development.
- 15 No development shall take place above slab level until a detailed scheme of the open space provision, management and maintenance of, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, dimensions/size and layout of the open space, its regular maintenance of, and how the space will be managed to ensure its continued availability to the public. The open space shall thereafter be provided and maintained in full accordance with the approved details.
REASON:- To ensure a satisfactory appearance for the development.

- 16 The area of open space as identified on the approved Site Location Plan and 2021/72/02/A and in accordance with condition 15 shall be used only for the provision of publicly available open space and for no other means, at any time.
REASON:- To ensure a satisfactory appearance of the development
- 17 Prior to first occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
REASON:- To ensure a satisfactory appearance to the development
- 18 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.
REASON:- To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 19 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, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter, the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Plan shall include details of:
- 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;
- REASON:-** In order to protect highway safety and the amenity of other users of the public highway and rights of way.
- 20 Notwithstanding the provisions of Classes A and B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions or loft conversions including dormer windows / roof extensions shall be constructed on the dwelling hereby approved unless permission is granted on an application made to the Local Planning Authority.
REASON:- To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the locality.

- 21 The parking and garaging facilities shown on drawings 2021/72/01-A and 2021/72-02A shall be retained in that form and kept available for those purposes for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure that adequate parking facilities are provided to serve the development.

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 or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk.

3 Building Regulations

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

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

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

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

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

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

4 Party Wall etc. Act 1996

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

5 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.

6 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.

7 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.

- 8 **Hertfordshire County Council as Highways Authority**
Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 9 **Hertfordshire County Council as Highways Authority**
Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
- 10 **Environmental Health**
During the demolition and construction phase of the development, the guidance in BS5228-1:2009 (Code of Practice for Noise Control on Construction and Open Sites) should be adhered to.

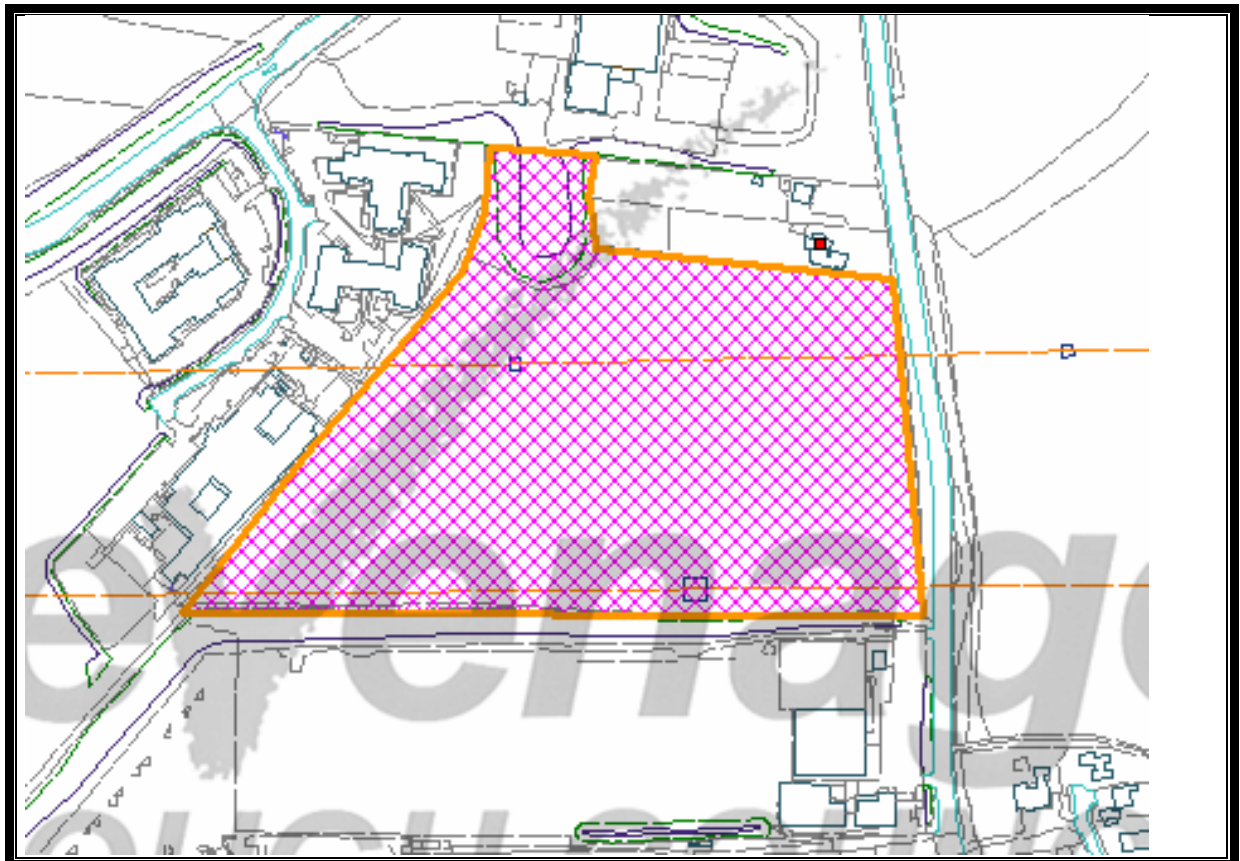
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Practice Guidance.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	07702 874529

Application No:	22/00838/FPM
Location:	Land West of North Road, Stevenage
Proposal:	Section 73 application to permission reference: 21/00529/FPM – amendments to condition 1 (approved plans), condition 2 (timing), condition 3 (construction management plan), condition 5 (Drainage Strategy), condition 6 (drainage management and maintenance), condition 7 (Travel Planning), condition 8 (hydrants), condition 9 (acoustic fence), condition 12 (materials), condition 14 (external lighting), condition 15 (access), condition 16 (service yards and car park), condition 17 (bin storage), condition 18 (electric vehicle charging), condition 20 (landscape drawings), condition 22 (hard surfacing) and conditions 27 & 28 (Unexpected Contamination).
Drawing Nos.:	
Applicant:	New Road Stevenage Investment LLP
Date Valid:	16 September 2022
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The site is located on the western side of North Road, at the northern end of the Borough. The site is bounded to the south by Stevenage Rugby Club, to the east by North Road and beyond that the HO3 North Stevenage allocated housing site, to the north by Foxholm a residential property and Stevenage Garden Centre, and to the west by Cygnet Hospital and associated hospital buildings. Running along the south of the site is Bridleway 103 of the Hertfordshire Rights of Way linking North Road with Coreys Mill. The site has varying gradients across it ranging from 89.0 metres Above Ordnance Datum (AOD) to 102.5m AOD, generally falling from east to west. Further constraints include overhead power lines and two pylons within the site and Ash Brook, which runs along the western boundary, being a Flood Zone 3 area by the brook.
- 1.2 Following the grant of planning permission in 2022 (ref. 21/00529/FPM), the site has been developed to provide three warehouse buildings with access, parking and landscaping for use classes E (g) (iii) (industrial processes), B2 (general industry) and B8 (storage and distribution). The surrounding area is currently semi-rural in character, with landscaped screening along the eastern boundary fronting North Road and northern boundary separating the site from the residential neighbouring property Foxholm. North Road extending north from the roundabout junction at Chancellors Road is characterised by large residential dwellings and two/three storey hospital buildings and the Stevenage Sports and Rugby Club buildings. Frontages include green hedges, in particular along the eastern side of the road along the frontage of the HO3 housing site, which is also under construction.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted on 24 March 2022 under reference 21/00529/FPM for the redevelopment of and erection of 3no. commercial warehouses for use classes E(g)(iii) (Industrial Processes), B2 (General Industrial) and B8 (Warehouse and Distribution) use with associated access, parking, landscaping, drainage and acoustic enclosures. The warehousing equates to a GEA (Gross External Area) of 19,125m². The site will be accessed by a new access constructed in the north eastern corner, as part of the new four arm junction approved through the HO3 North of Stevenage planning permission. A new footway will be provided along the western side of North Road in front of the site. The permission has been implemented and the site is currently under construction.

3. THE CURRENT APPLICATION

- 3.1 Through the process of the applicant seeking to discharge the drainage strategy condition 5 (application ref. 22/00358/COND) of the original planning permission, it became apparent that the approved layout was fundamentally contrary to the Flood Risk Assessment and was impossible to implement. The Lead Local Flood Authority (LLFA) assessed and agreed the original Flood Risk Assessment (FRA) and Drainage Strategy for the site, subject to planning conditions. The site is predominantly contained within Flood Zone 1. However, Ash Brook runs along the western boundary and the south western corner is designated Flood Zone 3 on the Environment Agency's (EA) mapping system.
- 3.2 The major outstanding issues were a) reprofiling the eastern bank of the Brook, b) raising land levels in the functional floodplain in the south-western corner of the site, c) the presence of the acoustic fence and d) failing to provide the necessary 3m easement along the eastern bank. These relate to the flood risk associated with Ash Brook and specifically the proposed acoustic fence as a continuous impermeable barrier through the floodplain impacting on flood levels and extents, changes to ground levels in the floodplain and inflows to the Brook from the proposed drainage system which were omitted at FRA stage on the basis they would be wholly infiltrated. It was established post planning permission that ground conditions were not as suitable for infiltration to the extent originally assumed.

- 3.3 As such, it has been agreed with the applicant to make no alterations to the Brook. To achieve this and maintain the required 3 metre easement amendments are required to the layout and the design of the acoustic fence, which would address the above identified flood and drainage issues. Minor material amendments are also proposed to meet the requirements of the occupier of Unit B. The applicant was invited to submit a Section 73 application to amend the previously approved full application under reference: 21/00529/FPM. The amendments are as follows:

Amendments to Condition 1 (Approved Plans)

- 3.4 Minor changes to the approved layout are as follows:

- Relocation of some parking west of Unit B to the north of it;
- Shifting of the road alignment west of Unit B slightly to the east;
- The reduction in width of a section of the cycle/footway from 3.5 metres to 3 metres;
- Other changes to facilitate the above i.e. change to retaining wall product around Unit B and lighting;
- Minor amendments to the site levels for roads and landscaping, with building finished floor levels remaining unchanged;
- Moving Unit C 500mm eastward;
- Minor elevational changes to Unit B;
- Changes to the landscape scheme to remove trees from under the pylon and cables easement;
- Acoustic fence in the southwest corner along the western boundary with a 1m gap at the base to allow flood water to pass through;
- New run of acoustic fence 1.2m high along the spine road to address the gap at the base from an acoustic perspective.

Amendments to Condition 3 (Construction Management Plan)

- 3.5 As condition 3 has already been approved via application reference: 22/00292/COND, the applicant is seeking an amendment to the wording to require compliance with the approved details.

Amendments to Condition 5 (Drainage)

- 3.6 The current wording of the condition reads:

No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year+ climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. *Provision of infiltration tests to BRE Digest 365 standards at the exact locations and depths of all proposed infiltration features.*
2. *Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.*
3. *Full, detailed drawings of all works proposed to the ordinary watercourse Ash Brook including any realignment, reprofiling and regrading, etc.*
4. *Provision of robust SuDS management and treatment.*
5. *Relocation of surface water pipes from under buildings.*
6. *Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. The calculation should consider the worst case infiltration rates.*

7. *Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.*
8. *Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.*

3.7 The applicant is seeking a minor amendment to the timing of the condition which would read:

No above ground works shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year+ climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. *Provision of infiltration tests to BRE Digest 365 standards at the exact locations and depths of all proposed infiltration features.*
2. *Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.*
3. *Full, detailed drawings of all works proposed to the ordinary watercourse Ash Brook including any realignment, reprofiling and regrading, etc.*
4. *Provision of robust SuDS management and treatment.*
5. *Relocation of surface water pipes from under buildings.*
6. *Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. The calculation should consider the worst case infiltration rates.*
7. *Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.*
8. *Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.*

Amendments to Condition 6 (Drainage Management and Maintenance)

3.8 The current wording of the condition reads:

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

1. *Provision of complete set of as built drawings for site drainage.*
2. *Maintenance and operational activities.*
3. *Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.*

3.9 The applicant is seeking to alter the wording of the condition to meet the phased delivery of the site, with Units A and B to be completed and occupied before construction of Unit C begins. As such, the amended condition is proposed as follows:

Upon completion of the drainage works for each unit in accordance with the timing, phasing arrangements, a management and maintenance plan for SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. *Provision of complete set of as built drawings for site drainage.*
2. *Maintenance and operational activities.*
3. *Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.*

Details of the complete site wide as built drawings for site drainage shall be provided and approved prior to the first occupation of the final unit.

Amendments to Condition 7 (Travel Plan)

- 3.10 This condition is required to remain in place for Units A and C to discharge. The applicant is seeking an amendment to the wording to acknowledge its partial discharge with application reference: 23/00203/COND having discharged the Travel Plan for Unit B.

Amendments to Condition 8 (Hydrants)

- 3.11 As a result of the construction process for the scheme, it has been necessary to amend the proposed fire hydrant locations on the site. It is proposed to remove the drawing originally approved under condition 1, and submit a new drawing within an amended condition 8. The original wording read:

The development hereby permitted shall be carried out in accordance with the details of water supplies and fire hydrants, as submitted and approved, prior to occupation.

- 3.12 The following amendment to the wording is proposed:

Prior to the first occupation of the development hereby permitted, the details of water supplies and fire hydrants as shown on drawing DS0039972-01 Rev C1 shall be installed and retained in accordance with said drawing.

Amendments to Condition 9 (Acoustic Fence)

- 3.13 As a result of the proposed changes to the layout and in particular the acoustic fence location (moved from the 3m easement) and gap at the base on the western boundary, the applicant is seeking to amend this condition. The type of fence proposed has also altered to a high-quality timber product with wires to allow climbers to grow up it.

- 3.14 The condition currently reads:

Prior to the approved development hereby permitted first being brought into use, details of the acoustic fencing including the sound insulation values shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the "Noise Impact Assessment, North Road, Stevenage", Report reference 66202764-SWE-ZZ-XX-RP-YA-0001 Revision C02 dated 3 August 2021 by Sweco. The development shall thereafter be implemented in accordance with the approved details, and shown to be effectively installed, and shall be retained in accordance with those details thereafter.

REASON:- To safeguard the amenities of nearby noise sensitive properties.

- 3.15 As a result of the proposed changes to the fence line, the gap for flood water and new 1.2m fence along the southwestern edge of the spine road, the applicant is seeking amendments to the wording as follows:

The acoustic fencing to be installed will be as shown in the Sharps Redmore Technical Note 2 (Revision A) (dated 11 May 2023) and architectural layout 4594-CA-00-00-DR-A-00061_PL6. The fence must be effectively installed, to perform as stated within the Sharps Redmore Technical Note 2 (Revision A) (dated 11 May 2023) and shall be retained in accordance with those details thereafter.

REASON:- To safeguard the amenities of nearby noise sensitive properties.

- 3.16 This would effectively seek to ensure compliance with the Sharps Redmore acoustic note and the detail of the acoustic fence is within the note. This means the condition can be changed to a compliance condition rather than one for discharge. It should be noted the applicant is not

proposing any changes to the northern boundary fence layout, just the fence product which would now be timber with wires for climbing plants.

Amendments to Condition 12 (Materials)

- 3.17 This condition requires a minor change to refer to the new drawings proposed for condition 1. The proposed materials are unchanged, the proposed change would ensure that the condition refers to the most up to date drawings. The current wording of the condition is:

The buildings hereby approved shall be constructed in accordance with the materials and finishes as set out in Drawing numbers 4594-CA-00-XX-DR-A-00200_PL2, 4594-CA-00-XX-DR-A-00205_PL2 AND 4594-CA-00-XX-DR-A-00215_PL2 to the satisfaction of and unless otherwise agreed in writing by the Local Planning Authority.

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

- 3.18 The proposed new wording is:

The buildings hereby approved shall be constructed in accordance with the materials and finishes as set out in Drawing numbers: M1548-CWA-ZC-ZZ-DR-A-220030 Rev PL1, M1548-CWA-ZA-ZZ-DR-A-220010 Rev PL1 and M1548-CWA-ZB-ZZ-DR-A-220020 Rev PL1 to the satisfaction of and unless otherwise agreed in writing by the Local Planning Authority.

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

Amendments to Condition 14 (External Lighting)

- 3.19 As the car parking is being reconfigured around Unit B, this has impacted on the position of the external lighting. The applicant has submitted an amended plan ref. 20-024-EX-003 T1 to replace approved drawing ref. 20-024-SK-EX-099 P1.

Amendments to Condition 15 (Access)

- 3.20 The current wording of the condition reads:

Prior to the first occupation of the development hereby permitted the vehicular access from North Road shall be provided and thereafter retained at the position shown on Drawing number 4594-CA-00-00-DR-A-00061 PL5 in accordance with the highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 3.21 The applicant has been engaging with HCC Highway Authority on the Section 278 works for the access for several months, and the Local Planning Authority has been updated. It has become apparent that it will not be possible to book road space to deliver the works until early-2024 due to Hertfordshire Highways Active Travel Works (cycle lane) being programmed in. This has proved problematic as the site was occupied from August 2023 and therefore an interim solution needs to be provided. The applicant has discussed this with the Local Planning Authority, and it was agreed that they could look for an individual solution for access into the site for a short period, with a hook for the long-term delivery of the permanent approved access, alongside Miller/Bellway for the adjacent residential development on the east side of North Road. As such, the following new condition wording is proposed:

Prior to the first occupation of the development hereby permitted the vehicular access from North Road shall be provided as shown on drawing 21-T020-15 Rev C in Appendix A1 of the Icen Projects Technical Note dated 26 May 2023.

The access on Drawing number 4594-CA-00-00-DR-A-00061 PL6 shall be fully implemented within two years of the first occupation of the development.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

- 3.22 Further engagement with Hertfordshire Highways has meant an alteration to the interim access solution which includes a pedestrian refuge. The highway consultant has prepared an updated technical note dated September 2023, which includes an updated drawing referred to in the proposed amended wording of the condition. It demonstrates that the interim access solution would operate without any detrimental impact to highway safety, and as such can be approved until the permanent access is delivered. The principle of this interim solution has been agreed with HCC Highway Authority, subject to detailed design comments which are currently being worked through via the S278 process.

Amendments to Condition 16 (Service yards and Car Parking)

- 3.23 The condition currently reads as:

Prior to the first occupation of the development hereby permitted the service yards and car parking areas as detailed on Drawing number 4594-CA-00-00-DR-A-00061_PL5 shall be surfaced and marked out or completed as applicable, in accordance with the approved plan and thereafter retained for the sole use of servicing and parking for the development hereby permitted.

REASON:- To ensure adequate off-street parking provision is available at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety.

- 3.24 It is proposed to alter the wording of the condition to meet the phased delivery of the site, with Units A and B to be completed before construction of Unit C begins. As such, the following new wording is proposed:

Prior to the first occupation of each unit hereby permitted the service yards and car parking areas for each unit as detailed on Drawing number 4594-CA-00-00-DR-A-00061_PL6 shall be surfaced and marked out or completed as applicable, in accordance with the approved plan and thereafter retained for the sole use of servicing and parking for the development hereby permitted.

REASON:- To ensure adequate off-street parking provision is available at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety.

Amendments to Condition 17 (Bin Storage)

- 3.25 The condition as currently written states:

Prior to the first occupation of the development hereby permitted the secure and covered cycle car parking stores and bin stores as detailed on Drawing numbers 4594-CA-00-00-DR-A-00061_PL5; 4594-CA-00-00-DR-A-00062_PL3; 4594-CA-00-00-DR-A-00063_PL2; 4594-CA-00-00-DR-A-00065_PL2 and 4594-CA-00-XX-DR-A-00350_PL3 shall be fully completed and ready for use in accordance with the approved plan and thereafter retained for the sole use of cycle parking and bin storage for the development hereby permitted.2

REASON:- To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan and adequate waste and recycling storage is provided.

- 3.26 It is proposed to alter the wording of the condition to meet the phased delivery of the site, with Units A and B to be completed before construction of Unit C begins. As such, the applicant is seeking the following new wording:

Prior to the first occupation of each unit hereby permitted the secure and covered cycle parking stores and bin storage areas as detailed on Drawing numbers 4594-CA-00-00-DR-A-00061_PL6; M1548-CWA-ZA-XX-DR-A-200015_PL1; M1548-CWA-ZB-XX-DR-A-200025_PL1; M1548-CWA-ZC-XX-DR-A-200035_PL1 and 4594-CA-00-XX-DR-A-00350_PL3 shall be fully completed for that unit and ready for use in accordance with the approved plan and thereafter retained for the sole use of cycle parking and bin storage for the development hereby permitted.

REASON:- To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan and adequate waste and recycling storage is provided.

Amendments to Condition 18 (Electric Vehicle Charging)

- 3.27 The condition as currently written states:

Prior to the first occupation of the development hereby permitted the passive infrastructure and active Electric Vehicle Charging Points (EVCP) shall be installed and ready for use, in accordance with the approved plan Drawing Number 4594-CA-00-00-DR-A-00061_PL5 and thereafter retained for the sole use of electric car charging for the development hereby permitted.

REASON:- To ensure adequate EVCP provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan.

- 3.28 It is proposed to alter the wording of the condition to meet the phased delivery of the site, with Units A and B to be completed before construction of Unit C begins. As such, the applicant is seeking the following new wording:

Prior to the first occupation of each unit hereby permitted the passive infrastructure and active Electric Vehicle Charging Points (EVCP) shall be installed and ready for use, in accordance with the approved plan Drawing Number 4594-CA-00-00-DR-A-00061_PL6 and thereafter retained for the sole use of electric car charging for the development hereby permitted.

REASON:- To ensure adequate EVCP provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan.

Amendments to Condition 20 (Landscape Drawings)

- 3.29 To address the updates to the layout, new landscape drawings have been prepared. These are mostly refinements to the overall strategy presented as part of the originally approved application. However, some trees have been moved or removed as they were situated under the overhead cables crossing the site west-east, and therefore would be not acceptable to power companies. The applicant is seeking to update the condition to make the relevant drawing changes. A note from Aspect Ecology has been prepared and submitted, which demonstrates that the biodiversity net gain position has been improved compared to the approved position.

Amendments to Condition 22 (Hard Surfacing)

- 3.30 The condition as currently written states:

All hard surfacing comprised in the approved landscaping details as specified in condition 20 of this approval shall be carried out prior to first occupation of the development hereby permitted or, the completion of the approved development, whichever is the sooner.

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

- 3.31 It is proposed to alter the wording of the condition to meet the phased delivery of the site, with Units A and B to be completed before construction of Unit C begins. As such, the applicant is seeking the following new wording:

All hard surfacing for each unit comprised in the approved landscaping details as specified in condition 20 of this approval shall be carried out prior to the first occupation of each unit hereby permitted. All hard landscaping across the Site as shown in the approved landscaping details in condition 20 shall be fully complete prior to the first occupation of the final unit.

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

Amendments to Conditions 27 and 28 (Unexpected Contamination)

- 3.32 As the construction works are still ongoing, the applicant acknowledges that these conditions must remain in place. However, planning reference 22/00380/COND approved matters at that time which related to unexpected contamination. The applicant is seeking for the condition to be reworded so that it acknowledges that it is only triggered by unexpected contamination beyond what was expected in the original application (21/00529/FPM) and the condition discharge application (22/00380/COND).
- 3.33 The application is being considered at Planning and Development Committee as it is a major application.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letter and press advert. No responses have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority (comments dated 21 June 2023)

- 5.1.1 It is not considered that the currently proposed layout creates a safe or attractive pedestrian route to the northbound bus stop and therefore, the designs are not considered compliant with HCC's Local Transport Plan (LTP 4, May 2018). Furthermore, it is considered that the proposed layout is unsafe for both current and potential vulnerable road users. North Road Stevenage in this location is circa 9.2m wide kerb to kerb for pedestrians and subject to a 40mph speed limit and it is considered that this presents an unsafe and therefore, unattractive pedestrian route to the northbound bus stops. The original signalised layout mitigated this by providing a signalised crossing and also break in the traffic to facilitate pedestrian crossing to the north bound bus stop. Therefore, it is considered that pedestrian refuges are required at the crossing points.
- 5.1.2 Furthermore, the eastern North Road footway between the two proposed crossing points is of poor condition and narrow in places. The footway in this location needs to be at least 2m wide and resurfaced. It is also considered that the widening of the southern radius into the proposal site is excessive and whilst HCC Highways recognises that in the absence of the agreed signalised layout that some widening may be necessary, the swept path diagrams indicate that the corner radius does not have to be as wide and a transition kerb could be utilised. Excessively wide junctions facilitate higher speeds by motorised vehicles, particularly left turning vehicles and that endangers both existing and potential vulnerable road users and also discourages others.
- 5.1.3 Following this, further discussions took place between the developer and the Highway Authority where it was agreed as a minimum the temporary access would require pedestrian refuges to make the crossings safer and the existing footway between them cleaned up to ensure a good quality 2m route for pedestrians to the bus stop. The developer has agreed to

this, and an amended access plan has been submitted ref. 21-T020-15-D. On this basis, the requirements of the Highway Authority for the temporary access have been met.

5.2 SBC Environmental Health

Condition 3 Construction Management Plan

- 5.2.1 Insufficient information. Unable to see any relevant documents in respect of this aspect of the application in the submitted documents.

Condition 9 Acoustic Fence

- 5.2.2 I have reviewed the submitted “Technical Note 2 (Revision A) Alterations to Acoustic Barrier on Western Boundary” Reference 2220950, dated 1st May 2023 by Sharps Redmore. Due to the need to allow floodwater onto the site, necessitating the removal of 1 metre of the original approved fence the proposal is to install an additional 1.2m fence south of the western boundary (Drawing 850038 rev PO4 figure 2 and figure 3 approved and altered position of acoustic fence – revised boundary treatment. The report is satisfactory.
- 5.2.3 The acoustic fence details, specification and location detailed in “Technical Note 2 (Revision A) Alterations to Acoustic Barrier on Western Boundary” Reference 2220950, dated 1st May 2023 by Sharps Redmore shall be implemented and maintained thereafter.
Reason: To protect the residential amenity of existing residents.

Condition 14 External Lighting

- 5.2.4 I have reviewed Drawing 20-024-SK-E-001. Light levels of 0.5 Lux or lower are indicated outside the site boundary and will therefore be lower at nearby residential dwellings. Satisfactory. The lighting details proposed in Drawing 20-024-SK-E-001 shall be implemented and maintained thereafter.
Reason: To protect the residential amenity of existing residents.

Conditions 27 and 28 Unexpected Contamination

- 5.2.5 As far as I can determine, this has already been discharged under 22/00380/COND.

5.3 North Herts District Council

- 5.3.1 With regards to application ref. 22/00838/FPM, please can you consider the impact of lighting and noise from the proposed industrial and storage or distribution uses on future residents of nearby allocated housing sites.
- 5.3.2 We did just have one observation from viewing the plans, in particular the site layout plan drawing no. 4594-CA-00-00-DR-A-PL6. We note that acoustic fencing is proposed along the western boundary and that it would be 5m high along the boundary adjacent to the Cygnet Hospital and 4m high for a section adjacent to Victoria Court. We assume that the visual impact of fencing of this height has been carefully assessed and also that its impact on the occupiers of the neighbouring buildings has been assessed.
- 5.3.3 As such I can confirm that NHDC raises no objection in principle to the proposed application for variation of conditions 1 (approved plans), 14 (external lighting), 16 (servicing), 18 (EV charging) and 20 (landscaping) pursuant to planning permission 21/00529/FPM.

5.4 Thames Water

- 5.4.1 Do not wish to comment.

5.5 SBC Planning Policy

5.5.1 No comment.

5.6 Crime Prevention

5.6.1 No comment.

5.7 National Grid

5.7.1 No comment.

5.8 UK Power Networks

5.8.1 No comment.

5.9 Affinity Water

5.9.1 No comment.

5.10 SBC Drainage Consultant

5.10.1 Due to resourcing issues at Hertfordshire County Council as Lead Local Flood Authority (LLFA) at the time the application was validated, the LLFA was unable to comment on planning applications. The Council appointed an independent drainage consultant to assess the Flood Risk Assessment and Surface Water Drainage Strategy submitted under ref. 22/00358/COND to discharge drainage condition 5 of the original planning permission in addition to this s73 application in line with Guidance issued by the LLFA. The consultant reviewed the information provided with respect to flood risk and drainage and prepared a technical note advising the Planning Authority on the main outstanding issues and how they could be resolved. Part of this process resulted in the submission of this Section 73 application to address the issues raised.

5.10.2 The consultant advised the major outstanding challenges relate to the flood risk associated with Ash Brook and specifically the proposed acoustic fence in the floodplain, changes to ground levels in the floodplain and inflows to the Brook from the proposed drainage system, which were omitted at Flood Risk Assessment stage on the basis that they would be wholly infiltrated.

5.10.3 Whilst modelling of the Ash Brook may be of help to support any future amended application, the consultant could not see how the question of the acoustic barrier could be resolved without providing further information on its design (to allow water to pass through it) and/or relocation outside of the floodplain. On this basis, it was recommended the design of the noise barrier was submitted as part of a Section 73 application, to enable the design of this feature to be located in the floodplain (or to be relocated) and be considered alongside the flood risks associated with Ash Brook and its floodplain.

5.10.4 On the assumption that any future submission is also supported by hydraulic modelling, the consultant advised that improvements to the modelling would need to be undertaken before it could be relied upon for making conclusions with respect to flood risk.

5.10.5 Although most of Condition 5 (of the original planning permission ref. 21/00529/FPM) has been complied with, there are still some outstanding issues to address before this condition can be discharged. These are summarised as follows.

- Further infiltration testing is required north of Unit C to ascertain the feasibility of utilising infiltration from the proposed tank once the contaminated stockpile is removed from site.
- Cross section details are required at the outfall locations into Ash Brook.

- Concurrent Ordinary Watercourse application to the LLFA for the proposed outfalls to Ash Brook.
- The ordinary watercourse maintenance requirements are to be added to the maintenance plan.

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 September 2023. This largely made minor corrections to the earlier July 2021 version and revised policy with respect to onshore windfarms. 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. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

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 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

Policy SP1: Presumption in Favour of Sustainable Development;
 Policy SP2: Sustainable Development in Stevenage;
 Policy SP3: A Strong, Competitive Economy;
 Policy SP5: Infrastructure;
 Policy SP6: Sustainable Transport;
 Policy SP8: Good Design;
 Policy SP11: Climate Change, Flooding and Pollution;
 Policy SP12: Green Infrastructure and the natural environment
 Policy EC1: Allocated Sites for Employment Development;
 Policy IT1: Strategic Development Access Points;
 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 GD1: High Quality Design;

Policy FP1: Climate Change;
Policy FP2: Flood Risk in Flood Zone 1;
Policy FP3: Flood Risk in Flood Zone 2 and 3;
Policy FP7: Pollution;
Policy NH5: Trees and Woodland;

6.5 Supplementary Planning Documents

Parking Provision and Sustainable Transport SPD (2020)
Developer Contributions SPD (March 2021)
Impact of Development on Biodiversity SPD (March 2021)

6.6 Community Infrastructure Levy (CIL)

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. As the proposal would fall within planning use class E – commercial, business and service use, which is the same use class as retail, this proposal would be CIL liable at £60/m². However, it is recognised that the building would not be in a retail use and therefore would be liable for CIL at £0m² as ‘other development’ under the CIL charging schedule. In order to exempt the applicant from paying the higher rate of CIL, the use of the building would need to be restricted in accordance with the respective employment uses sought under class E (g)(iii), B2 and B8 of the Town and County Planning (Use Classes) (Amendment) (England) Regulations 2020. This can be done by way of a planning condition, should planning permission be granted.

7. APPRAISAL

7.1 Section 73(2) of the Town and Country Planning Act 1990 states the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.

7.2 The principle of the proposed development, its design, layout, access, parking and landscaping have been established by the granting of planning permission for the original scheme. The main issue for consideration relates to the amendments to the conditions set out in Section 3 above which include minor changes to the siting of Unit C, parking and access around Unit B, the design of the acoustic fence and landscaping together with amendments to the wording of some conditions.

7.2 Land Use Policy Considerations

7.2.1 The National Planning Policy Framework (NPPF) is clear in its aim to build a strong and competitive economy. Paragraph 81 states that Local Authorities should do this by creating conditions, in which businesses can invest, expand and adapt, with significant weight being given to the need to support economic growth and productivity.

7.2.2 The Stevenage Borough Local Plan 2011-2031 (2019) clearly sets out the need for new and additional employment uses within the Borough, with the main Gunnels Wood and Pin Green Employment areas having little room for any further significant expansion. The site is allocated in the Local Plan under Policy EC1/4 for the provision of new employment uses. These are identified as use classes B1(c), B2 and / or B8 with a target provision of 20,000 square metres of floorspace. In line with the new use classes, B1(c) has been replaced within the Class E use classes, specifically with class E(G)(iii) for industrial processes.

- 7.2.3 Policy EC1/4 states that the total floorspace should meet or exceed the target floorspace provision. The development has a Gross External Floorspace (GEA) of 19,125 sq.m and a Gross Internal Floorspace (GIA) of 18,534 sq.m. This is 1,466 sq.m below the threshold stated in the policy. Paragraph 6.4 of the Local Plan states that the site should provide a range of non-office employment uses and should be brought forward early in the plan period. It also recognises the need to have regard to the constraints on site.
- 7.2.4 The proposal received planning permission in March 2022 and therefore the principle of the development of the site for employment use has already been established and does not need to be reassessed under this s73 application. The proposed amendments to the original planning permission do not raise any land use policy considerations and therefore the proposal continues to be considered acceptable in this regard.

7.3 CIL and S106

- 7.3.1 The Council adopted the Community Infrastructure Levy (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 metre)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

As a major development the scheme is liable for CIL. However, no payment is considered to be required as the proposal falls in to the all other development category which has a rate of £0 per square metre of floorspace.

- 7.3.2 On the grant of planning permission under ref. 21/00529/FPM a s106 agreement was signed which covered Biodiversity Net Gain, local employment and apprenticeships, Travel Plan monitoring and a S278 agreement under the Highways Act (1980) for highway works associated with the development. The proposed amendments do not require any changes to the approved s106 agreements.

7.4 Design, Layout and impact on the character and appearance of the area

Policy background

- 7.4.1 Paragraph 126 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. It goes on to state that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 7.4.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;

- is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
 - is sympathetic to local character and history;
 - establishes or maintains a strong sense of place;
 - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.4.3 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”.
- 7.4.4 Paragraph 132 of the NPPF states that applicants “should work closely with those affected by their proposals to evolve designs that take into account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”.
- 7.4.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the 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.
- 7.4.6 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 The proposed layout now includes a run of acoustic fence in the south west corner along the western boundary with a 1m gap at the base to allow flood water out, which achieves the required 3m easement to Ash Brook and a new run of fence 1.2m high along the spine road in the south western corner to address the gap at the base from an acoustic perspective. Visually, the fence would be visible when driving northbound along North Road given the openness of the proposed site access. Landscaping is proposed within the land immediately south of this fence, including climbing plants to soften the visual impact of the fence. The visual impact of the fence in close proximity to North Road is considered to be outweighed by the overall appearance of the development in this setting, and also by the strategic need for the development to come forward on this constrained site.

7.4.10 Along the western boundary of the site, the 5m high acoustic fencing would not be widely visible from North Road or the highway serving Cynget Hospital. Views would be evident for users of the bridleway when travelling east or west. However, further landscaping is proposed here, and given the setting within which the acoustic fence would be set, the visual impact is not considered to be any greater than what was originally considered and approved.

7.4.11 The proposed amendments to the approved layout and acoustic fence location outlined in paragraph 3.2 above to achieve and maintain the required 3 metre easements to Ash Brook are considered to be minor and would not significantly change the approved general arrangement, visual impact and design of the scheme. In conclusion, the proposed minor amendments to the layout are considered to be acceptable and accord with Policies SP8 and GD1 of the Local Plan as well as the policies contained in the NPPF (2021) and the PPG.

7.5 Impact on the Amenity of Neighbouring Properties

Noise

7.5.1 The s73 application has been accompanied by Technical Note 2 (Revision A) Alterations to Acoustic Barrier on Western Boundary reference 2220950, dated 1st May 2023 by Sharps Redmore. Due to the need to allow floodwater onto the site and avoid canalisation of the Ash Brook, the removal of 1 metre of the base of the original approved acoustic fence is necessary along with an additional 1.2m fence in the south of the western boundary (Drawing no. 4594-CA-00-00-DR-A-00061_PL6). The Council's Environmental Health officer has reviewed the technical note and considers that the amended position and design of the acoustic fence would not give rise to unacceptable noise pollution for adjoining properties and concludes the report is satisfactory, subject to an updated condition 9 to secure compliance with the technical note.

7.5.2 None of the other amendments would raise any issues with regards to noise over and above what was previously considered and approved, therefore the amendments are considered acceptable in this regard.

Outlook

7.5.3 The proposed amendments to the acoustic fence in the south western corner would not give rise to any additional impact on outlook from neighbouring properties compared to what was previously approved, therefore the amendments are considered acceptable in this regard.

Construction

- 7.5.4 A Construction Management Plan was approved under condition discharge application ref. 22/00292/COND. The proposed amendments would not impact upon the approved plan. Construction works are currently ongoing with Unit B now occupied.

Light Nuisance

- 7.5.5 As the car parking is being reconfigured around Unit B, this has also impacted on the position of the external lighting. The applicant has submitted an amended plan ref. 20-024-EX-003 T1 to replace approved drawing ref. 20-024-SK-EX-099 P1. It is considered the amended details are acceptable.

7.6 Impact on the Highway Network and Access

- 7.6.1 The original planning permission granted access to the site from a four arm traffic light controlled junction, located to the north east of the eastern boundary, utilising the western arm of the junction. The siting of the access was dictated by the approved access for the Council's HO3 allocated housing site to the east of North Road. The junction was fully assessed as part of the HO3 application reference 17/00862/OPM, which demonstrated that this junction will operate safely, facilitate active travel and operate within capacity. At the time of writing, the S278 layout is not agreed and there is no current timescale for the delivery of this, which impacts on the ability to access the site to the west of North Road, which is the subject of this application.
- 7.6.2 As such, initial discussions have been held with Hertfordshire County Council to determine whether, in principle, they would accept a temporary priority site access solution that would not preclude the signalised junction being provided in future, but would enable the application site to be occupied in advance of the works being completed. For the avoidance of doubt, the current approved signalised layout will be referred to as the 'Miller/Bellway S278 signalised junction' and the temporary solution will be referred to as the 'proposed priority junction'.
- 7.6.3 The Miller/Bellway S278 signalised junction (subject to any changes required as part of the S278 agreement), is shown in Figure 1 below. In order to enable the proposed development site to be occupied in advance of these works being completed, it is proposed to provide a priority junction in the same location which will be in operation until such time that the signalised junction is required to be provided for the site opposite. The proposed priority junction is shown in Figure 2 below.

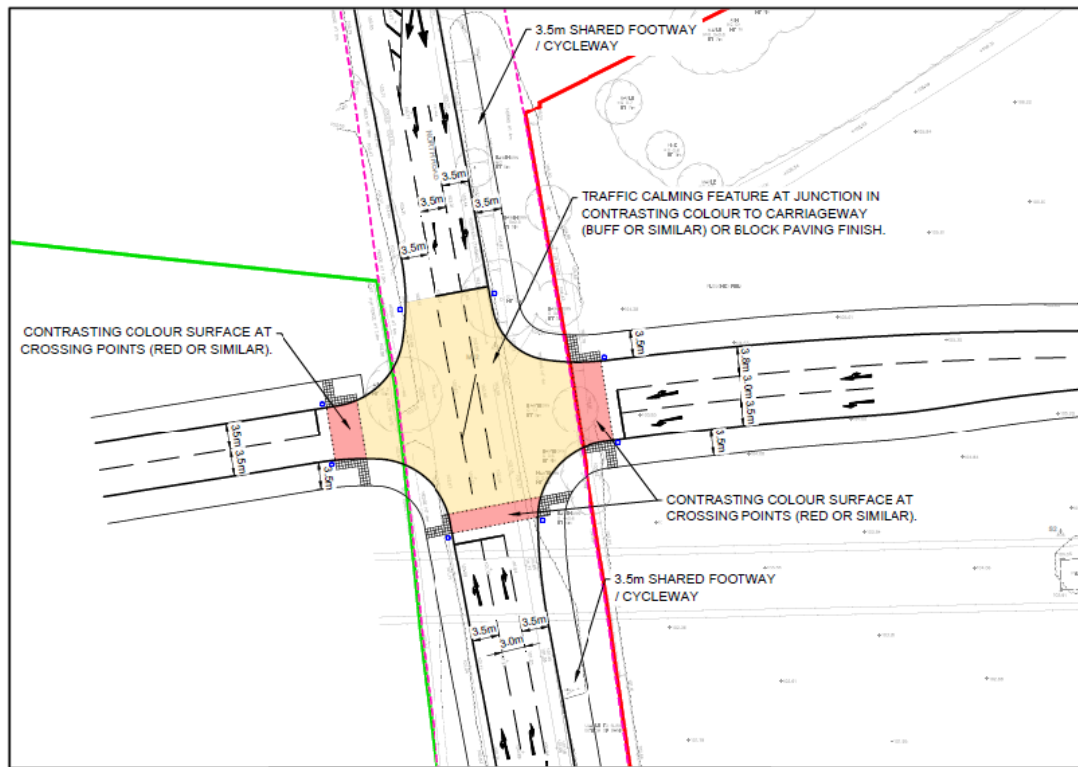


Figure 1 Miller/Bellway S278 signalised junction

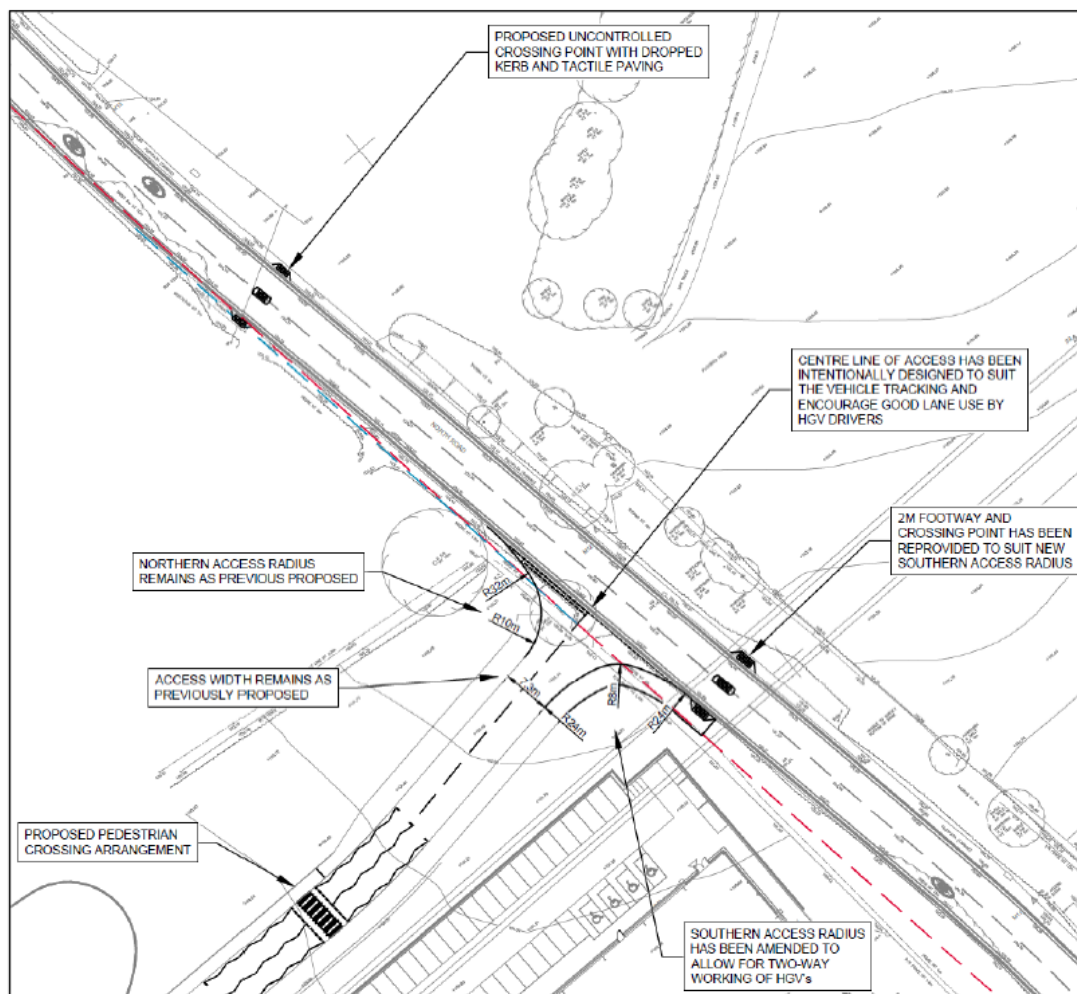


Figure 2 Proposed temporary priority junction to serve application site

- 7.6.4 In order to minimise the future work required to convert this to the signalised solution, the northern kerb line and junction radius would be the same as the Miller/Bellway S278 Signalised Junction, while the southern radius would need to be slightly larger to better accommodate the sweep of vehicles entering and exiting the junction. This is due to the Miller/Bellway S278 Signalised Junction including carriageway widening and the different turning manoeuvres achievable for a signalised and priority junction layout. There is no reason why the radius cannot be retained for the signalised solution, it would just make it slightly easier for articulated lorries to enter the site without impacting on the position of the stop lines and other signal infrastructure.
- 7.6.5 A further change relates to pedestrian crossing facilities. The Miller/Bellway S278 Signalised Junction includes a crossing across the site access and North Road, to provide for pedestrians accessing the existing footway on the eastern side. A pedestrian refuge island with a dropped kerb is proposed to the south of the junction; this would need to be removed when the junction is signalised. Further to this, a zebra crossing would be provided within the site to facilitate safe crossing of the site access road. When the Miller/Bellway S278 Signalised Junction is complete, the site access road would remain private, apart from the section including the signal infrastructure, with the extent to be agreed as part of a future S38 highway adoption application to be undertaken by Miller/Bellway in relation to the S278 works. As such, the proposed crossing would be within the private estate road and could potentially remain to provide an additional internal crossing point.
- 7.6.6 A swept path analysis for articulated lorries has been undertaken and is included at Appendix A2 of the Icen Transport Note. This shows that two articulated lorries could use the proposed priority junction simultaneously. With one entering and exiting at the same time. Finally, a PICADY assessment has been undertaken based on the proposed development trips and the 2032 flows on North Road taken from the Miller/Bellway Transport Assessment. This shows that the junction would operate well within capacity in 2032 in the AM and PM peak including background growth and committed developments.
- 7.6.7 Following the objection received from HCC Highway Authority, further discussions took place between the developer and the Highway Authority where it was agreed as a minimum the temporary access would require pedestrian refuges to make the crossings safer and the existing footway between them cleaned up to ensure a good quality 2m route for pedestrians to the bus stop. The developer has agreed to this and the amended access plan has been submitted ref. 21-T020-15-D. On this basis, it is considered the requirements of the Highway Authority for the temporary access have been met and there are no highways or transport reasons precluding this s73 application for a temporary priority junction access from being granted.

7.7 Parking

- 7.7.1 No changes to the approved parking provision is proposed, just a small reconfiguration of some parking west of Unit B to the north of it. Therefore, the proposal continues to be considered acceptable in this regard.

7.8 Drainage

- 7.8.1 The original approved scheme included the provision of attenuation and discharge via infiltration through infiltration basins, several geocellular tanks and through permeable paving subbase to deal with drainage and flooding. The site is predominantly contained within Flood Zone 1. However, Ash Brook runs along the western boundary and the south western corner is designated Flood Zone 3 on the Environment Agency's (EA) mapping system. The Lead Local Flood Authority (LLFA) assessed and agreed the original Flood Risk Assessment and Drainage Strategy for the site subject to planning conditions. It has since come to light through the applicant seeking to discharge the drainage strategy condition (ref. 22/00358/COND) that ground conditions are not as suitable for infiltration to the extent originally proposed and the

Flood Risk Assessment did not assess the impact on flood risk of the acoustic fence using alternative methods of surface water disposal.

- 7.8.2 The major outstanding challenges relate to the flood risk associated with Ash Brook and specifically the proposed acoustic fence in the floodplain, changes to ground levels in the floodplain and inflows to the Brook from the proposed drainage system which were omitted at FRA stage on the basis that they would be wholly infiltrated. As such, it has been found the acoustic fence as a continuous impermeable barrier through the floodplain would impact on flood levels and extents downstream.
- 7.8.3 In order to address this, amendments to the layout have been proposed (the subject of this s73 application) to address the flood plain issues. The main concern was around previously proposed works to the Brook and the potential canalisation caused by the acoustic fence. As such, the proposed layout now includes a run of acoustic fence in the south west corner along the western boundary with a 1m gap at the base to allow flood water out, a new run of fence 1.2m high along the spine road to address the gap at the base from an acoustic perspective and relocating the fence away from the Brook to achieve the required 3m easement.
- 7.8.4 No changes are now proposed to the Brook itself. Updated modelling is expected to be submitted under condition discharge application ref. 22/00358/COND to demonstrate there would be no increase in flood risk as a result of the re-designed acoustic fence and in the absence of infiltration. The modelling will be subject to review by the Council's drainage consultant and the drainage strategy condition remains undischarged. However, it will be carried forward to this application (subject to planning permission) with a minor amendment to its wording as set out in paragraph 3.7 above.

7.9 Landscaping and Biodiversity

- 7.9.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:
- i. Permitted development;
 - ii. Householder development, including extensions;
 - iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
 - iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
 - v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building.
- 7.9.2 The original application was supported by an Ecology and Biodiversity Report which was assessed by Hertfordshire and Middlesex Wildlife Trust (HMWT) on behalf of the Council. Given the extent of the buildings and hardstandings, it was not possible to provide the net gain on site and a financial contribution of £20,853.00 was agreed through the S106 agreement. This has been used to carry out works along the Sound Barrier to increase Fishers Green Wood, which is in close proximity to the A1(M) and west/south west of the site to the extent of the habitat units required to meet the 10% net gain.
- 7.9.3 A note from Aspect Ecology has been prepared and submitted to support this application, which demonstrates that the biodiversity net gain position has been improved with the

proposed amendments to the landscaping compared to the approved position. Therefore, there is no requirement to reopen the S106 agreement in this regard.

7.10 Trees

- 7.10.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate. The proposed amendments sought under this s73 application do not impact on the retained trees or proposed replacement planting as agreed and secured under the original planning permission, therefore the amendments are considered acceptable in this regard. Relevant conditions to ensure protection of retained trees will be carried forward into this application, should planning permission be granted.

7.11 Sustainability and Climate Change

- 7.11.1 The original application was supported by an Energy Strategy and found to be in accordance with Local Plan Policies FP1 and SP11, which encourage new development to include measures such as improving energy performance of buildings, reducing energy consumption through efficiency measures, and using or producing renewable or low carbon energy from a local source.
- 7.11.2 The proposed amendments sought under this s73 application do not impact on the sustainability measures incorporated into the development as agreed and secured under the original planning permission, therefore the amendments are considered acceptable in this regard. The relevant condition to ensure compliance with the approved Energy Strategy will be carried forward into this application, should planning permission be granted.

7.12 Contaminated Land

- 7.12.1 As the construction works are still ongoing, the applicant acknowledges that the contamination conditions attached to the original planning permission must remain in place. However, condition discharge application reference 22/00380/COND approved matters at that time which related to unexpected contamination. The applicant is seeking for the condition to be reworded so that it acknowledges that it is only triggered by unexpected contamination beyond what was expected in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND). This is considered acceptable.

7.13 Air Quality

- 7.13.1 The original planning application was supported by an Air Quality Assessment and cumulative impact assessment to assess the effects of both construction and operation of the proposed development on the application site and surrounding area. The Air Quality Assessment was assessed by the Council's Environmental Health team who were satisfied with the approach taken on air quality and considered that while the development would inevitably have an effect on surrounding air quality, this would be minimal and commensurate with its size and nature.
- 7.13.2 The proposed amendments sought under this s73 application would not impact on the air quality to a greater extent than originally assessed, therefore the amendments are considered acceptable in this regard.

7.14 Human Rights and Equalities

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

- 7.14.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. 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
- 7.14.3 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.
- 7.14.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal actively provides disabled parking positioned in the main car parks of each unit, in addition, buildings will have level access for wheel chair users as well as internal lifts, etc.

8. CONCLUSIONS

- 8.1 In conclusion, it is considered that the proposed amendments to the development layout and acoustic fence required to mitigate the impact on the Ash Brook and its floodplain are minor in nature and would not significantly change the approved general arrangement, visual impact and design of the scheme.
- 8.2 Given the above, the proposed development accords with the Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2021) and PPG. As the proposed development accords with the development plan, planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions, with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation:-
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 4594-CA-00-00-DR-A-00060; 4594-CA-00-00-DR-A-00001; M1548-BWM-ZA-01-DR-L-100020-REV K; M1548-BWM-ZA-01-DR-L-100021-REV K; M1548-BWM-ZA-01-DR-L-100022-REV K; M1548-BWM-ZA-01-DR-L-100023-REV K; M1548-BWM-ZA-01-DR-L-100024-REV K; 20-024-SK-EX-099 P1; 4594-CA-00-00-DR-A-00061_PL6; M1548-CWA-ZA-XX-DR-A-200015_PL1; M1548-CWA-ZB-XX-DR-A-200025_PL1; M1548-CWA-ZC-XX-DR-A-200035_PL1; 4594-CA-00-00-DR-A-00066_PL2; M1548-CWA-ZB-00-DR-A-200020_PL1; M1548-CWA-ZC-00-DR-A-200030_PL1; M1548-CWA-ZA-00-DR-A-200010_PL1; M1548-CWA-ZA-RF-DR-A-270010_PL1; M1548-CWA-ZB-RF-DR-A-270020_PL1; M1548-CWA-ZC-RF-DR-A-270030_PL1; M1548-CWA-ZA-ZZ-DR-A-220010_PL1; M1548-CWA-ZA-ZZ-DR-A-

220020_PL1; M1548-CWA-ZC-ZZ-DR-A-220030_PL1; 4594-CA-00-XX-DR-A-00350_PL3; M1548-CWA-XX-XX-DR-A-900002_PL3; M1548-CWA-ZA-ZZ-DR-A-200011_PL1; M1548-CWA-ZB-ZZ-DR-A-200021_PL1; M1548-CWA-ZC-ZZ-DR-A-200031_PL1; M1548-CWA-ZA-ZZ-DR-A-210011_PL1; 4594-CA-00-ZZ-DR-A-00151_PL2; M1548-CWA-ZB-ZZ-DR-A-210021_PL1; 4594-CA-00-ZZ-DR-A-00156_PL2; M1548-CWA-ZC-ZZ-DR-A-210031_PL1; M1548-HYD-XX-XX-DR-C-900001_C08; M1548-HYD-XX-XX-DR-C-920002_C05; M1548-HYD-XX-XX-DR-C-900003_C07; M1548-HYD-XX-XX-DR-C-900004_C05; M1548-HYD-XX-XX-DR-C-900005_C04

REASON:- For the avoidance of doubt and in the interests of proper planning

- 2 The development hereby approved shall be constructed in accordance with the Construction Management Plan (CMP) approved under condition discharge application reference 22/00292/COND.

REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way, in the interests of amenities of neighbouring properties, and in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

- 3 The development permitted by this planning permission shall be carried out in accordance with the approved Site Specific Flood Risk Assessment prepared by Sweco Consulting Engineers Ltd reference 66202061-SWE-ZZ_XX-RP-C-0001 Revision 3, dated 28 July 2021, the Surface Water Drainage Strategy and Water Quality Treatment drawing number 66202061-SWE-ZZ-XX-DR-C-9020 Revision P02 dated 09 September 2021 prepared by Sweco Consulting Engineers Ltd, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% for climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event in a minimum of 2914.80 m³ (or such storage volume agreed with the LLFA) of total storage volume in permeable paving, infiltration basins, pond, swales and geocellular tanks.
3. Discharge of surface water from the private drain to ground via infiltration.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

- 4 No above ground works shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year+ climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Provision of infiltration tests to BRE Digest 365 standards at the exact locations and depths of all proposed infiltration features.
2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Full, detailed drawings of all works proposed to the ordinary watercourse Ash Brook including any realignment, reprofiling and regrading, etc.
4. Provision of robust SuDS management and treatment.
5. Relocation of surface water pipes from under buildings.

6. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. The calculation should consider the worst case infiltration rates.
7. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
8. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON:- To prevent the increased risk of flooding, both on and off site.

- 5 Upon completion of the drainage works for each unit in accordance with the timing, phasing arrangements, a management and maintenance plan for SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

Details of the complete site wide as built drawings for site drainage shall be provided and approved prior to the first occupation of the final unit.

REASON:- To prevent the increased risk of flooding, both on and off site.

- 6 Prior to occupation of Units A and C, an updated Travel Plan(s) shall be submitted to and approved in writing by the Local Planning Authority to take account of individual occupiers of the units as necessary. No part of Units A and C shall be occupied until implementation of the approved Travel Plan. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The measures within the Travel Plan for Unit B approved under application reference: 23/00203/COND shall be permanently maintained in accordance with the approved details.

REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised.

- 7 Prior to the first occupation of the development hereby permitted, the details of water supplies and fire hydrants as shown on drawing DS0039972-01 Rev C1 shall be installed and retained in accordance with said drawing.

REASON:- to ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

- 8 The acoustic fencing to be installed will be as shown in the Sharps Redmore Technical Note 2 (Revision A) (dated 11 May 2023) and architectural layout 4594-CA-00-00-DR-A-00061_PL6. The fence must be effectively installed, to perform as stated within the Sharps Redmore Technical Note 2 (Revision A) (dated 11 May 2023) and shall be retained in accordance with those details thereafter.

REASON:- To safeguard the amenities of nearby noise sensitive properties.

- 9 Prior to first use of each static plant or machinery, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the cumulative sound rating level of all fixed plant within the Development shall not exceed the current typical background sound levels at any time at the nearby noise sensitive receptors as specified in Table 14 Target Sound Criteria, of Report reference 66202764-SWE-ZZ-XX-RP-YA-0001 Revision C02. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise resulting from its operation shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014+A 2019.

REASON:- To safeguard the amenities of nearby noise sensitive properties.

- 10 Prior to the first occupation / use of individual units within the development a plan agreeing the appropriate Servicing and Delivery arrangements for the each unit shall be submitted to and approved in writing by the Local Planning Authority. Subsequent occupiers of the building are required to also update the Servicing and Delivery Plan for their unit.
REASON:- To ensure construction of a satisfactory development and in the interests of highway safety and amenity
- 11 The buildings hereby approved shall be constructed in accordance with the materials and finishes as set out in Drawing numbers: M1548-CWA-ZC-ZZ-DR-A-220030 Rev PL1, M1548-CWA-ZA-ZZ-DR-A-220010 Rev PL1 and M1548-CWA-ZB-ZZ-DR-A-220020 Rev PL1 to the satisfaction of and unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 12 No site clearance or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
- 13 The development hereby approved shall be carried out in accordance with the External LED Lighting Assessment Report July 2021 Revision P4 and associated drawing number 20-024-SK-EX-099 P1 External Lighting Layout, unless otherwise agreed in writing by the Local Planning Authority. No alterations or changes to the approved lighting shall be made without written agreement from the Local Planning Authority, following submission of further details.
REASON:- To protect the amenities of nearby properties and in the interests of light pollution.
- 14 Prior to the first occupation of the development hereby permitted the vehicular access from North Road shall be provided as shown on drawing 21-T020-15 Rev D in Appendix A1 of the Icení Projects Technical Note dated 11 September 2023. The access on Drawing number 4594-CA-00-00-DR-A-00061 PL6 shall be fully implemented within two years of the first occupation of the development. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 15 Prior to the first occupation of each unit hereby permitted the service yards and car parking areas for each unit as detailed on Drawing number 4594-CA-00-00-DR-A-00061_PL6 shall be surfaced and marked out or completed as applicable, in accordance with the approved plan and thereafter retained for the sole use of servicing and parking for the development hereby permitted.
REASON:- To ensure adequate off-street parking provision is available at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety.
- 16 Prior to the first occupation of each unit hereby permitted the secure and covered cycle parking stores and bin storage areas as detailed on Drawing numbers 4594-CA-00-00-DR-A-00061_PL6; M1548-CWA-ZA-XX-DR-A-200015_PL1; M1548-CWA-ZB-XX-DR-A-200025_PL1; M1548-CWA-ZC-XX-DR-A-200035_PL1 and 4594-CA-00-XX-DR-A-00350_PL3 shall be fully completed for that unit and ready for use in accordance with the approved plan and thereafter retained for the sole use of cycle parking and bin storage for the development hereby permitted.
REASON:- To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan and adequate waste and recycling storage is provided.

- 17 Prior to the first occupation of each unit hereby permitted the passive infrastructure and active Electric Vehicle Charging Points (EVCP) shall be installed and ready for use, in accordance with the approved plan Drawing Number 4594-CA-00-00-DR-A-00061_PL6 and thereafter retained for the sole use of electric car charging for the development hereby permitted.
REASON:- To ensure adequate EVCP provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan.
- 18 The development hereby approved shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Design and Access Statement to include the following:
Passive design measures –
a) Efficient building envelope with enhanced U-values;
b) Enhanced air permeability to reduce heating demand;
c) Glazed facades to provide natural daylighting and reduce reliance on artificial lighting;
d) Balanced g-value for translucent elements to ensure optimised internal conditions.
Active design measures –
e) High efficiency mechanical ventilation heat recovery (MVHR) systems to serve office areas;
f) High efficiency LED lighting;
g) Passive infrared (PIR) presence detection and daylight dimming control for lighting;
h) Solar Voltaic Roof Panels
These measures shall then be permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 19 The development shall be carried out in accordance with the scheme of soft and hard landscaping, including all hard surfacing, rain garden features, retained, felled and new trees and shrubs as detailed on Drawing numbers:
M1548-BWM-ZA-01-DR-L-100020-REV K, M1548-BWM-ZA-01-DR-L-100021-REV K,
M1548-BWM-ZA-01-DR-L-100022-REV K, M1548-BWM-ZA-01-DR-L-100023-REV K,
M1548-BWM-ZA-01-DR-L-100024-REV K.
REASON:- To ensure a satisfactory appearance for the development.
- 20 All planting, seeding and turfing comprised in the approved landscaping details as specified in condition 19 of this approval shall be carried out in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the completion of the approved development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 21 All hard surfacing for each unit comprised in the approved landscaping details as specified in condition 19 of this approval shall be carried out prior to the first occupation of each unit hereby permitted. All hard landscaping across the Site as shown in the approved landscaping details in condition 19 shall be fully complete prior to the first occupation of the final unit.
REASON:- To ensure a satisfactory appearance for the development.
- 22 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.
- 23 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.

REASON:- To ensure the protection of those trees which should be retained in the interests of visual amenity.

- 24 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 and Countryside Act 1981 (As amended).

- 25 Following removal of the identified trees in the Arboricultural Impact Assessment (AIA) and from the date of this permission, including any site clearance, all retained trees identified in the AIA shall be protected in accordance with the details as approved in the AIA and detailed on the Tree Protection Plan 10918 TPP 01 Rev C contained therein. The protection measures shall be maintained until the conclusion of all site and building operations remain in place, unless otherwise agreed by the Local Planning Authority

REASON:- To ensure that the retained tree(s) are not damaged or otherwise adversely affected during site operations.

- 26 In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND) 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 27 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 27.

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.

- 27 In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND), 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.

- 28 In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND), as required under condition 26 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.
- 29 Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 (as amended), and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of the premises as Class E(g)(iii), B2 and B8 and for no other uses or purposes whatsoever, including any uses or purposes within the same use Class.
REASON:- To enable the Local Planning Authority to fully consider the effects of any development normally permitted by these Orders to safeguard the provision of employment uses as required under Policy EC1/4 of the Local plan and to safeguard the amenities of the locality.

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

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead 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 Community Infrastructure Levy

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

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

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

- 2 **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.

- 3 **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.

- 4 **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.

- 5 **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.

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

10. BACKGROUND DOCUMENTS

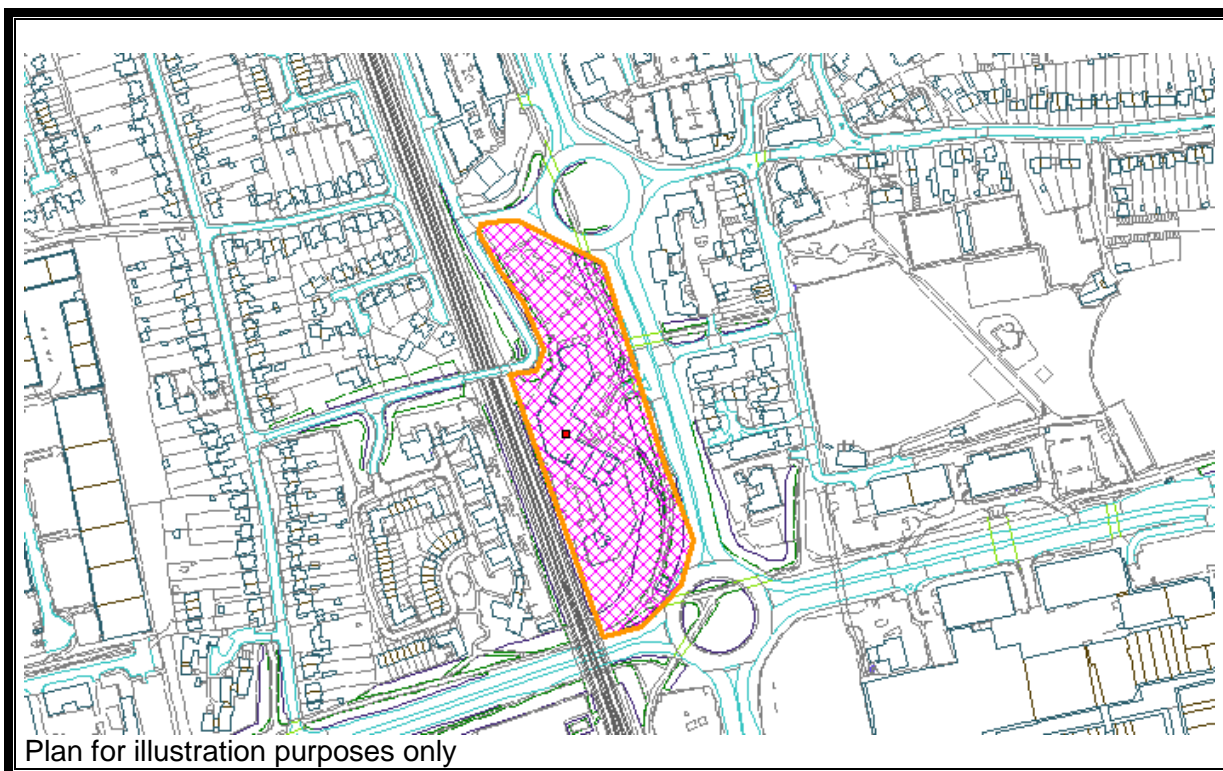
1. The application file, forms, plans and supporting documents having the reference number relating to this item.

2. Stevenage Borough Local Plan 2011 to 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Developer Contributions adopted March 2021, Impact of Development on Biodiversity adopted March 2021.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018
6. Central Government advice contained in the National Planning Policy Framework 2023 and Planning Policy Guidance March 2014.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Ailsa Davis	07702 874529

Application No :	23/00655/FPM
Location :	Land West of Lytton Way, Stevenage
Proposal :	Variation of condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to alter the position of the stair and lifts cores to ensure maximum travel distance for means of escape are improved.

Drawing Nos.:	16-019 D – 050 C01; ICON-2-PS-200 – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations ICON-PS-1-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – RevB; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – RevB; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – RevB; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – RevB; ICON-PS-1-105 - Proposed GA Plan - Level 11 – RevB; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – RevB; ICON-PS-1-107 - Proposed GA Plans - Level 13,15 – RevB; 502686-IWD-B1-XX-DR-A-2310_P2 A3 Elevations Sheet 1; 502686-IWD-B1-XX-DR-A-2311_P2 A3 Elevations Sheet 2; 502686-IWD-B1-XX-DR-A-2312_P2 A3 Elevations Sheet 3; ICON-PS-2-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – RevB; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – RevB; ICON-2-PS-2-103 - Proposed Elevations; ICON-PS-3-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – RevB; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – RevB; ICON-PS-3-103 - Proposed GA Plan - Level 11 – RevB; ICON-PS-3-104 - Proposed GA Plan - Level 12 – RevB; 502686-IWD-B3-XX-DR-A-2310_P2 A3 Block 3 - Elevations Sheet 1; 502686-IWD-B3-XX-DR-A-2311_P2 A3 Block 3 - Elevations Sheet 2; 502686-IWD-B3-XX-DR-A-2312_P2 A3 Block 3 - Elevations Sheet 3; ICON-PS-4-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – RevB; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – RevB; ICON-PS-4-103 - Proposed GA Plan - Level 11 – RevB; ICON-PS-4-104 - Proposed GA Plan - Level 12 – RevB; 502686-IWD-B4-XX-DR-A-2310_P3 A3 Elevations Sheet 1; 502686-IWD-B4-XX-DR-A-2311_P3 A3 Elevations Sheet 2; 502686-IWD-B4-XX-DR-A-2312_P3 A3 Elevations Sheet 3; ICON-2-PS-5-100 - Proposed GA Plan - Level 00; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – RevB; ICON-PS-6-102 - Proposed GA Plan - Level 02,04 – RevB; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – RevB; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – RevB; ICON-PS-6-105 - Proposed GA Plan - Level 11 – RevB; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – RevB; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – RevB; 502686-IWD-B6-XX-DR-A-2310_P3 A3 Elevations Sheet 1; 502686-IWD-B6-XX-DR-A-2311_P3 A3 Elevations Sheet 2; 502686-IWD-B6-XX-DR-A-2312_P3 A3 Elevations Sheet 3; ICON-2-PS-7-100 - Proposed GA Plan - Level 00; ICON-2-PS-7-101 - Proposed GA Plan - Level 01,03,05; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04; ICON-2-PS-7-103 - Proposed GA Plan - Level 06; ICON-2-PS-7-104 - Proposed GA Plan - Level 07; ICON-2-PS-7-105 - Proposed GA Plans - Level 08; ICON-2-PS-7-106 - Proposed Elevations.
Applicant :	Hill Residential Ltd
Date Valid:	24 August 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site which measures 2.75 hectares in area is located close to the roundabout junction of Lytton Way and Fairlands Way. The site comprised the former office building known as the Icon, which was a 1980's 7 to 8 storey building with large, glazed elevations. Prior to its demolition, it was a prominent and recognisable feature in Stevenage due to its clear visibility from many parts of the town as well as its unique design characteristics. The office building was served with undercroft parking as well as additional surface parking areas and small green spaces.
- 1.2 The site is bordered to the west by the East Coast Main Line railway line beyond which are residential properties in Kilby Road/Watson Road and to the east the site adjoins Lytton Way where the vehicular access to the site is taken from. The northern boundary of the site adjoins Trinity Road which forms the roundabout linking it with Lytton Way.
- 1.3 The site is relatively flat, although an embankment slopes down toward Lytton Way on the eastern side boundary of the site. This leads to a cycleway and footpath which runs north south along the eastern boundary of the site continuing in either direction.

2. RELEVANT PLANNING HISTORY

- 2.1 Permission granted under planning reference 2/0095/85 in May 1985 for office development in two phases with ancillary car parking, landscaping and access bridge onto Lytton Way.
- 2.2 Permission granted under reference 99/00225/FP in July 1999 for new entrance lobby, new canopy and associated landscaping works adjacent to new entrance.
- 2.3 Permission granted under reference 99/00493/FP in 2000 for a fire escape and elevational changes to rear of the building.
- 2.4 Permission granted under reference 00/00286/FP in July 2000 for alteration to car to provide additional 37 spaces.

- 2.5 Outline planning permission granted under reference 02/00562/OP in March 2003 for a four storey building on existing car park, comprising 2,790 square metres gross floorspace, for use within Class B1 (business use).
- 2.6 Permission granted under reference 14/00417/AD in September 2014 for installation of 1 no. internally illuminated box sign.
- 2.7 Screening Opinion 16/00780/SCR sought an EIA Screening Opinion for the proposed redevelopment of the site for residential. The Screening Opinion was issued in December 2016.
- 2.8 Permission refused under reference 19/00474/FPM in March 2020 for demolition of existing office building (Use Class B1) and structures, and construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works. The application was refused by the Council on the following grounds:
- 1) The proposed development by virtue of its height, design and appearance would result in an incongruous form of development which would be harmful to the visual amenities of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
 - 2) The proposal comprising 576 dwellings in 7 flatted blocks on this constrained site would result in an overdevelopment of the site which would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to policies SP7, SP8 and GD1 of the Stevenage Borough Local Plan 2011 – 2031 and the advice in the National Planning Policy Framework 2019 and the Planning Practice Guidance 2014 relating to high quality design.
 - 3) The proposal would fail to provide the necessary mitigation required to deal with the impact that the proposed development would have on the demand on the infrastructure required to support the proposed development. The proposal would, therefore, be contrary to policy SP5 of the Stevenage Borough Local Plan 2011 – 2031.
- 2.9 The Council's decision to refuse planning permission was appealed to the Planning Inspectorate under appeal reference: APP/K1935/W/20/3255/692. It was determined by the Planning Inspectorate on 15th July 2022 that the appeal was allowed, and planning permission was granted subject to conditions.
- 2.10 Application 22/00866/PADEMO sought prior approval for the demolition of existing Office building with associated parking and surrounding landscaping. This application was approved in October 2022.
- 2.11 Discharge of condition application 23/00054/COND sought to discharge of condition 3 (Construction Method Statement) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in February 2023.
- 2.12 Discharge of condition application 23/00129/COND seeks the discharge of condition 5 (Surface Water Drainage) attached to planning permission reference number 19/00474/FPM (As approved at appeal under reference: APP/K1935/W/20/3255692). This application was approved in June 2023.
- 2.12 Planning application 23/00239/FPM sought to vary condition number 2 (approved plans) attached to planning permission reference number 19/00474/FPM to provide additional lifts,

stair cores and amend balconies to provide metal balustrading. This application was approved in May 2023.

- 2.13 Non-material amendment application 23/00491/NMA sought a non-material amendment to planning permission reference number 23/00239/FPM to amend the position of stair and lift cores. This application was approved in July 2023.
- 2.14 Non-material application 23/00544/NMA sought a non-material amendment to planning permission reference number 23/00239/FPM to amend Condition 5 (Surface Water Drainage). This application was approved in July 2023.
- 2.15 Discharge of condition application 23/00591/COND seeks to discharge condition 6 (Noise Mitigation) attached to planning permission reference number 23/00239/FPM. This application is pending consideration.
- 2.16 Non-material amendment application 23/00614/NMA sought to amend condition 2 (approved plans) attached to planning permission 23/00239/FPM to alter the approved position of residential Block 1. This application was approved in August 2023.

3. THE CURRENT APPLICATION

- 3.1 This application which is currently before the Council seeks permission to vary condition number 2 (approved plans) attached to planning permission reference number 23/00239/FPM to provide additional lifts and stair cores. For reference, this condition states the following:

The development hereby permitted shall be carried out in accordance with the following approved plans:

502686-IWD-00-DR-A-2101_P1; 502686-IWD-XX-XX-DR-A-2320_P1 A3; 502686-IWD-B1-00-DR-A-2200_P2; 502686-IWD-B1-01-DR-A-2201_P2; 502686-IWD-B1-02-DR-A-2202_P2; 502686-IWD-B1-06-DR-A-2206_P2; 502686-IWD-B1-07-DR-A-2206_P2; 502686-IWD-11-DR-A-2211_P2; 502686-IWD-B1-12-DR-A-2213_P2; 502686-B1-13-DR-A-2213_P2; 502686-IWD-B1-XX-DR-A-2310_P2; 502686-IWD-B1-XX-DR-A-2311_P2; 502686-IWD-B1-XX-DR-A-2312_P2; 502686-IWD-B2-XX-DR-A-2310_P1; 502686-IWD-B2-XX-DR-A-2311_P1; 502686-IWD-B2-XX-DR-A-2312_P1; 502686-IWD-B3-00-DR-A-2200_P2; 502686-IWD-B3-01-2201_P2; 502686-IWD-B3-02-DR-A-2202_P2; 502686-IWD-B3-11-DR-A-2211_P2; 502686-IWD-B3-12-DR-A-2212_P2; 16-019 D – 314; 502686-IWD-B3-XX-DR-A-2310_P2; 502686-IWD-B3-XX-B3-DR-A-2311_P2; 502686-IWD-B3-XX-DR-A-2312_P2; 502686-IWD-B4-00-A-2200_P4; 502686-IWD-B4-01-DR-A-2201_P3; 502686-IWD-B4-02-DR-A-2202_P4; 502686-IWD-B4-2211-DR-A-2211_P4; 502686-IWD-B4-12-DR-A-2212_P4; 16-019 D-413; 502686-IWD-B4-XX-DR-A-2310_P3; 502686-IWD-B4-XX-DR-A-2311_P3; 502686-IWD-B4-XX-DR-A-2312_P3; 502686-IWD-B5-XX-DR-A-2310_P2; 502686-IWD-B5-XX-DR-A-2311_P2; 502686-IWD-B5-XX-DR-A-2312_P2; 16-019 D 500 C04, 16-019 501 C03, 16-019 D 502 C03, 16-019 D 503 C03, 16-019 D 504 C02, 502686-IWD-B6-00-DR-A-2200_P7; 502686-IWD-B6-01-DR-A-2201_P8; 502686-IWD-B6-02-A-2202_P6; 502686-IWD-B6-06-DR-A-2206_P4; 502686-IWD-B6-07-DR-A-2207_P3; 502686-IWD-B6-11-DR-A-2211_P5; 502686-IWD-B6-12-DR-A-2212_P5; 502686-IWD-B6-XX-DR-A-2310_P3; 502686-IWD-B6-XX-DR-A-2311_P3; 502686-IWD-B6-XX-DR-A-2312_P3; 16-019 D 700 C05, 16-019 D 701 C04, 16-019 D 701 C04, 16-019 D 702 C04, 16-019 706 C02, 16-019 D 707 C02, 16-019 D 708 C03, 16-019 D 709 C02; 502686-IWD-B7-XX-DR-A-2310_P2; 502686-IWD-B7-XX-DR-A-2312_P2; 2660-LA-01E, 2660-LA-02E, 2660-DT.01.

REASON:- For the avoidance of doubt and in the interests of proper planning.

- 3.2 The proposed amendments to the scheme comprise the installation of additional lift and stair cores to residential blocks 2, 5 and 7. The reason for the proposed design changes is to ensure the development, specifically blocks 2, 5 and 7 which are over 18m in height, meet the

new fire safety regulations coming into force under further revisions to Building Regulations. On 24 July 2023, the Rt. Hon Michael Gove MP announced in his long-term plan for housing that the Government's intention is to mandate second staircases in residential buildings over 18m in height, not the 30m height threshold recommendation that had been consulted on. No other changes are proposed to this development, including the approved housing mix.

- 3.3 This application comes before the Planning and Development Committee for its decision as it is a Major.

4. PUBLIC REPRESENTATIONS

- 4.1 As a major planning application, the proposal has been publicised by way of site notices and a press notice. In addition, neighbouring properties have been consulted by way of letter. At the time of drafting this report no representations have been received.
- 4.2 Please note that a verbatim copy of all comments and representations received are available to view on the Council's website.

5. CONSULTATIONS

- 5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.

5.2 HCC Highway Authority

- 5.2.1 The Highway Authority notes the proposed changes which relate to fire safety, with no attendant highway implications. It is recommended that Hertfordshire Fire and Rescue Service (HFRS) comments are sought on the proposed changes. In summary, the Highway Authority does not wish to restrict the grant planning permission.

5.3 HCC Fire and Rescue

- 5.3.1 No comments received.

5.4 Health and Safety Executive

- 5.4.1 Whilst the Health and Safety Executive have not formally provided comments on this application, they did provide comments on planning application 23/00239/FPM. For reference, this was an application to amend planning permission 19/00474/FPM which relates to the same development referred to under this planning application to provide additional lifts, stair cores to Blocks 1, 3, 4 and 6 and removal of the glazed balustrades across all blocks. For reference, the Health and Safety Executive advised the following:
- 5.4.2 For Section 73 applications it's at the discretion of the Council whether or not to consult HSE. The HSE generally advise that if the change is to the approved plans then we should be consulted.
- 5.4.3 However, in this case the original application was made before HSE became a statutory consultee on fire safety matters and so we wouldn't have commented on the original application – which can put us in a position where we would ask for more information to be able to understand the fire safety characteristics of the development, beyond the remit of the proposed change.
- 5.4.4 Therefore, unless the Council considers the Section 73 application raises particularly pertinent fire safety issues, HSE recommend not to consult them on this application. For

example, if there are any changes to the layout of the scheme that would result in constrained access to any of the blocks for a fire appliance (needs to get to within 18m of the fire service access into the building), then that would be a good reason to consult us.

5.5 Council's Conservation and Heritage Advisor

- 5.5.1 The application site, located to the west of Lytton Way, was approved for redevelopment. The scheme is looking for amendments to meet fire safety requirements, these amendments include altering the position of stair and lift cores. At the appeal relating to the approved application (19/00474/FPM) it was common ground between the parties that the development would not impact on the Old Town Conservation Area or other heritage assets.
- 5.5.2 The minor changes to the approved scheme will not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage will be preserved in accordance with national and local plan policy, no objection.

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 2023. This largely made minor corrections to the earlier July 2021 version of the NPPF and revised policy with respect to onshore windfarms. 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 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

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2019) which has the same status as the PPG.

6.4 National Design Guide

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

6.5 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)

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

Policy SP1: Presumption in favour of sustainable development

Policy SP2: Sustainable development in Stevenage

Policy SP7: High quality homes

Policy SP8: Good design

Policy SP11: Climate change, flooding and pollution

Policy SP13: The historic environment

Policy GD1: High quality design

Policy IT5: Parking and access

Policy FP5: Contaminated land

Policy FP7: Pollution

Policy FP8: Pollution sensitive uses

Policy NH5: Trees and woodland

Policy NH10: Conservation areas.

6.6 Supplementary Planning Documents

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

Stevenage Design Guide SPD (2023)

Council's Parking Standards SPD (2020)

6.7 Community Infrastructure Levy Charging Schedule

- 6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floorspace of a development. The proposed residential development would be liable for CIL.

7. APPRAISAL

- 7.1.1 The main issues for consideration in the determination of this application are design, layout and appearance, impact on the Old Town Conservation Area, impact on residential amenity, parking, highway implications, impact on trees and impact on the environment.

- 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 Design, Layout and Appearance

- 7.2.1 Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". It goes on to state that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

- 7.2.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
 - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
 - is sympathetic to local character and history;
 - establishes or maintains a strong sense of place;
 - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
 - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.2.3 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”.
- 7.2.4 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.
- 7.2.5 The Council’s Design Guide SPD (2023) generally reflects the above 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. The National Design Guide (2019) is also a material consideration in the determination of the development proposal. The scheme has been assessed against the key policy criteria on good design, as well as how it meets the four key objectives in the National Design Guide on what is considered to be a well-designed place.
- 7.2.6 The application site represents an “island” which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In terms of the characteristics of the area, to the west beyond the railway line are residential properties in Kilby Road/Watson Road, which comprise a mix of flats and welling houses. These comprise primarily 1 and 2 bedroom flats in buildings ranging 4, 6 and 10 storeys in height, the tallest element being where the development adjoins Fairlands Way. Also, as part of this development are a number of 2 storey 3 and 4 bedroom dwellings. To the west of this are residential properties in Fairview Road comprising mainly two storey detached and semi-detached dwellings. Further properties are located in Brick Kiln Road to the north-west of the site.
- 7.2.7 To the east are properties in Ditchmore Lane, comprising a mixture of 4 storey offices (Saffron Ground), the Haven, a 3 storey development, The Gate Hotel and residential properties. To the north-west of the Gate Hotel is Platform which is a converted office to residential building of 3 to 4 storeys in height. To the north of the site beyond Trinity Road is a petrol filling station beyond which is the residential development of Monument Court which is a flatted development which is 5/6 stories in height with undercroft car parking. To the northeast of the site adjacent the eastern arm of Trinity Road is the Townsend Mews development which is a 4 to 6 storey flatted development.
- 7.2.8 Turning to the Town Centre which is located to the south / southwest of the site there is the recently completely Multi-Storey Car Park which is 6 stories in height. The development which is taking place at the former Matalan site by Guinness Trust (Planning reference: 20/00643/RMM) comprises a building which would 20 storeys in height. In terms of SG1,

which currently has a resolution to grant planning permission subject to the completion of a S.106 Agreement (Planning Reference: 19/00743/FPM) would have buildings which would be up to 19 stories in height. In regard to 11 The Forum (Former Staples Unit), this has planning permission (Planning Reference: 21/01002/FPM) to deliver a part 9 stories, part 13 stories building. There is also the former BHS store permission (Planning reference: 19/00647/FPM) for an 11-storey building and more recently, the Council resolved to grant permission for the redevelopment of The Forum Centre (Planning Reference: 22/00923/FPM) for the delivery of a new life science campus which would comprise buildings of up to 6 double height stories (in order to allow sufficient headspace for plant to be installed on each floor).

- 7.2.9 In regard to the development as approved by the Planning Inspectorate, the development involved the demolition of the existing 7/8 storey offices and to be replaced with 7 flat blocks ranging across the site between 8 and 16 stories. The submitted plans indicated that the tallest buildings would be blocks 1 and 6 which would be located at the southern (block 1) and northern (block 6) boundaries of the site. These buildings are between 11 and 16 stories in height and would be set at an angle, with block 1 facing north-east across Trinity Road / Lytton Way roundabout and block 6 toward Fairlands Way / Lytton Way. These buildings would have a height of between 35m and 50m and would comprise undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.2.10 Block 2 would be sited to the south of Block 1 and comprise an 8-storey block which faces east/west with the front elevation facing toward Lytton Way. This has a height of 26m and would also comprise undercroft parking and cycle parking at the ground floor with residential units above. Flat blocks 3 and 4 would be sited either side of the proposed access to the site and are intended to frame the entrance to the development. These are similar in appearance and comprise a 13-storey element adjacent to the access road reducing to an 11 storey element. These would face east/west and have a height of between 33m and 40m. At ground floor level block 4 would contain a gym, communal lounge area and a management lobby with residential accommodation on the floors above.
- 7.2.11 Block 5 would be positioned toward the southern part of the site located between blocks 4 and 6 and comprises an 8-storey block and would be similar in appearance to block 2. This faces east/west with the front elevation facing toward Lytton Way and has a height of 26m. This would comprise of undercroft car parking and cycle parking at the ground floor with residential units above.
- 7.2.12 The final element of the scheme is block 7 which would be located towards the western part of the site and set back behind the other 6 blocks which face onto Lytton Way. This is a part 6 storey, part 9 storey building having a height ranging between 20m and 30m. The block would also incorporate undercroft parking and cycle facilities at the ground floor with the residential accommodation above.
- 7.2.13 In terms of finished appearance, the buildings would be completed in facing brickwork. The taller elements will be light grey brick with the lower section consisting of the darker tones. Balconies and windows would provide accented colour throughout the development. The two grey tones of brickwork are intended to form a striped banding at ground floor to connect all buildings across the development and add architectural variety at pedestrian level. All of the residential properties would have balconies which from a design perspective help to break up the facades and add interest to the appearance of the buildings.
- 7.2.14 Taking into consideration the above, the Council had originally raised concerns with respect to the number of taller buildings which was proposed and formed part of the reasons for refusing the scheme. However, the inspector in her appeal decision letter noted the Council's aim to regenerate the new town, the recent permissions for the MSCP (multi-storey car park) and Matalan, and planning applications (which have resolution to grant) with taller buildings (See para 7.2.8 for reference). As such, the town was going to see the provision of number

of tall buildings. The inspector, therefore, considers the provision of tall buildings on the site as not harmful per se. This is because of the development's proximity is not only located close to tall buildings within and outside of the town centre, but also as an island surrounded by roads, parkways and the railway and is therefore separated from other smaller buildings. In the absence of a policy to prevent the grouping of tall buildings, the inspector considers that of greater concern is of whether the development is of sufficient design quality and appropriate effect on the character and appearance of the area to be consistent with local and national policies.

- 7.2.15 In the Inspector's analysis of the proposal, she considered that taken together, the building form and layout, height, proportions, active frontages, materials and architectural detail of the proposed development would be successful in the site. The inspector goes onto consider that whilst the scheme does not have the flair that is attributed to the existing building, she emphasised the importance of high-quality materials to be secured by way of condition. With the condition in place, the inspector considered that the proposed development would be high quality.
- 7.2.16 Notwithstanding the above, the Inspector in her analysis considered that the development would have a moderate adverse effect on townscape and views. This is due to how the groupings of the buildings would appear from certain viewpoints. However, she did not consider the proposed development would have an adverse impact on the legibility of the town centre. Moreover, she also considered that the landscaping and car parking areas would not have an adverse effect on the proposed development.
- 7.2.17 In summary, the Inspector considered the development would have a moderate harmful effect on the character and appearance of the area, stemming only from the loss of the existing building and the developments appearance in long views. As such, she considered there was a conflict with local plan policies on design. But and as referenced in paragraph 7.3.24 of this report, the inspector identified that there would be a number of benefits this development would deliver. As such, she felt that these overall benefits would outweigh the policy conflict identified and, in this regard, granting planning permission accordingly.
- 7.2.18 Turning now to the proposed development, which is currently before the Council, the scheme is looking for amendments to meet fire safety requirements. These amendments include the addition of lifts and stair cores to blocks 2, 5 and 7. The additional lift and stair cores cannot be accommodated within the approved envelope of the buildings to maintain the apartments with respect to them meeting National Space Standards as required by Policy GD1 of the Local Plan. In addition, there has been changes to the proposed location of the sprinkler tank which would serve the development as a whole. As a result, in order to accommodate the additional lift and stair cores to meet fire safety requirements, the blocks have been extended and altered accordingly. These changes to the respective blocks are set out in Table 1.

Table 1: Alterations to Blocks 2, 5 and 7

Block number	Proposed alteration details	Narrative to alteration
2	Length remains as approved at 40.49m. Depth increased by 1.12m. No change in height.	The width of the existing wall on the east and west facades are altered by the proposal. Block 2 incorporated a water tank as part of the sprinkler system. Due to proposed changes, the tank has been relocated into Block 7
5	Length remains as approved at 40.49m Depth increased by 1.12m	The width of the existing wall on the east and west facades are altered by the proposal.

	No change in height.	
7	Block 7 increases in length by 240mm. The maximum depth remains unchanged despite proposed changes.	<p>The form of Block 7 has 2 elements, part 8 storey and part 5 storey.</p> <p>The taller element (8 storey) increased in length by 1.78m.</p> <p>The shorter element (5 storey) is reduced in length by 2.02m. The depth increases by 900mm.</p> <p>Block 7 incorporates the boosted water tank as part of the site-wide sprinkler system relocated from Block 2.</p>

- 7.2.19 On Block 7, there have been minor adjustments to the positioning of windows and balconies so as to maintain symmetry to the façade. On the north side of Block 7, the undercroft is infilled with brick work to match the existing approved design. The overall changes to Blocks 2, 5 and 7 are deemed to be minor and imperceptible and not deemed to affect the coherence or the integrity of the blocks design. With regards to finished appearance, the materials in the development would not change from that which was approved at appeal.
- 7.2.20 It is considered that the proposed amendments to the previously approved scheme would represent a limited direct change to the townscape character area in which the site is located. The proposed revisions to this scheme, however, would result in no discernible change to the previously identified impacts on the character of the street scene due to the proposed mix of uses, activation of frontages and general layout of private and public realm through the site remaining unchanged.
- 7.2.21 However, it is appreciated from a number of local views there would likely be observable changes to the originally approved scheme in terms of form and massing. However, the overall articulation of the scheme into a series of blocks would remain as before, including the approach to achieve visual differentiation through variation of building line, vertical spacing and changes to the heights of the buildings across the relevant blocks. The proposed amendments would be read in conjunction and fully appreciated within the townscape and to the overall skyline within short and medium distance views and appear as very modest increases to the overall approved built form. This is especially given the fact there is no increase to the approved height of the buildings.
- 7.2.22 Given the aforementioned, it is considered that the proposed design changes to the approved scheme are minor and would reflect the overall design principles of that which has been established by the appeal decision. The proposal also seeks to retain the overall layout, form, scale and architectural character of the development as viewed from the wider public realm. Therefore, and as established by the appeal decision, the scheme would continue to represent an appropriate land use for this site. Moreover, whilst it could be argued that the amended scheme does cause moderate harm in terms of its effect on the character and appearance of the area, specifically through the loss of the existing building and from the appearance of the development from longer views, it is still considered that in terms overall planning balance, the overall benefits this development would deliver outweigh the overall moderate harm caused by the scheme proposed in its amended form.

7.3 Impact on the Old Town Conservation Area

7.3.1 The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes several 'statutory duties' for decision-makers, all of which are applicable to the proposed development:

- "Section 16(2): In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- "Section 66(1): In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- "Section 72: In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

7.3.2 Case law (South Lakeland, 1992) has determined that 'preserve' means 'to do no harm'. However, if harm is identified, 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. In doing so, case law has emphasised the need to give "considerable importance and weight" to preserving listed buildings or the character and appearance of conservation areas (Barnwell Manor, Case No: C1/2013/0843). 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).

7.3.3 Paragraph 197 of the NPPF (2023) states that 'in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

7.3.4 Furthermore, paragraphs 199 to 202 of the NPPF (2023) 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 must be given to it. Dealing with Paragraph 199, it stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the Old Town Conservation Area, 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.

- 7.3.5 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.
- 7.3.6 Paragraph 202 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. In undertaking this balance, considerable importance and weight must be attached to the less than substantial harm.
- 7.3.7 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 205, 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.
- 7.3.8 In considering public benefits, the Planning Practice Guidance (PPG) (2019) (Reference ID: 18a-020-20190723) sets out that the National Planning Policy Framework 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”.
- 7.3.9 The planning practice guidance goes on to 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.

7.3.10 Turning to the adopted Local Plan, Policy SP13 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:-

- 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.
- Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.
- Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.

7.3.11 Policy NH10 of the Local plan relating to Conservation Areas states that development proposals within or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document.

7.3.12 Turning to the Guidance on Tall Buildings by Historic England (Advice Note 4) (March 2022). The guidance focuses on, as specified by Historic England, *“plan-making and the importance of a plan-led approach to tall building development; the information needed to support plan-making, and to assess and determine individual developments at application stage; and how to identify appropriate locations for tall buildings and define design parameters in relation to the historic environment”*.

7.3.13 The guidance goes on to state that *“in the right place well-designed tall buildings can make a positive contribution”* and that *“if a tall building is not in the right place, by virtue of its size and widespread visibility, it can seriously harm the qualities that people value about a place”*. (para 3.2. p6).

The approved scheme

7.3.14 The principle and design approach of the development has been established by virtue of the planning permission being issued by the Planning Inspectorate. The application which is currently before the Council is seeking material amendment approval to refine the overall design of the development to ensure the development is compliant with new Fire Regulations, specifically blocks 2, 5 and 7. As such, it is merely these design changes to the proposal which have been considered in terms of the developments impact on the setting of a number of heritage assets.

Impact Assessment

7.3.15 The proposed design changes to this development will have an indirect impact in terms of visual change to the overall character and appearance of the townscape setting of the Old Town Conservation Area which is located to the east of the site.

7.3.16 It has been identified that the proposed design changes to the previously approved scheme, in combination with the approved design changes to blocks 1, 3, 5 and 6 under planning permission 23/00239/FPM, would be discernible within a number of local views which are representative of the heritage assets and its overall setting. It was established at the appeal that the majority of views of the scheme from within the High Street and historic core of the conservation area would be obscured by the established built pattern of development combined with the containment by the overall built form as viewed from within the historic

core. However, it was identified that there would be some glimpsed views of the development in part over the rooflines.

- 7.3.17 The amended scheme in combination with the approval under 23/00239/FPM retains the overall originally approved layout of built form and spaces and there would be no increase in height. Therefore, it has been established that there would be no greater visual impact within the views from the High Street as a result of the proposed design changes.
- 7.3.18 The development was identified as being more readily visible from the public open space of the Millennium Gardens / Cricket Ground which fall within the conservation area. The proposed development was identified as being a new feature within the local townscape views and also rising above the treeline and in the context of more modern buildings that form part of the character area i.e. the southern part of the Old Town Conservation Area. The development would also be visible from some longer views through or within the wider urban context of the conservation area.
- 7.3.19 It is within the local and more distanced views from the conservation area that the changes to the original scheme would be observable. However, these changes would be minor in the context of the development as a whole, including the approved changes under permission 23/00239/FPM, and appreciable on the skyline as minor increase to the overall size of blocks 2, 5 and 7. In addition, as emphasised above, the height of the blocks would not be increased. Further to this, the overall spacing between the blocks would also remain as approved. Moreover, the overall architectural approach to the design and materiality of the blocks has not changed either.
- 7.3.20 Taking the aforementioned into consideration, it is identified that the proposal would result in no significant change to the previously identified impacts on the appreciation and understanding of the heritage assets in terms of their significance and in the context of the existing townscape. It can be concluded that whilst the proposed development would represent a change to the character and appearance of the setting of the conservation area and some of the views identified, such level of change would not result in harm and would sustain the significance of the heritage assets. Further to this, by the Planning Inspectorate granting planning permission for the originally proposed scheme, they also did not identify any adverse built heritage impacts as a result of the development.
- 7.3.21 Following consultation with the Council's Heritage and Conservation Advisor, they agree with the overall conclusion reached and consider the proposed amendments to the scheme would not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage will be preserved in accordance with national and local plan policy.

Assessment of Heritage Balance and Public Benefit

- 7.3.22 Paragraph 200 of the NPPF (2023) sets out that any harm to a designated heritage asset should require clear and convincing justification. In addition, where proposals that may cause less than substantial harm to the significance of a designated heritage asset, should be weighed up against the public benefits of the proposal, including where appropriate, securing the optimum viable use. In undertaking that weighting exercise 'considerable importance and weight' must be given to the preservation of the significance of the listed building, including its setting. In determining the application, it must be noted that 'less than substantial harm' is not a 'less than substantial planning consideration'.
- 7.3.23 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 (as set out in paragraph 10.5.7) 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 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.

7.3.24 As identified by the Planning Inspectorate in the granting of planning permission, they considered there were a number of public benefits identified. The inspector identified that the scheme would deliver 575 residential units which in doing so would support the Government's aim expressed in paragraph 60 of the NPPF which is to significantly boost the supply of housing. The proposed development would also deliver affordable housing and they considered that due to historic under-delivery, was afforded significant weight. The site is also in a sustainable location, would redevelop a brownfield site which as set out in the NPPF, is afforded substantial weight. There is also the economic impacts of the development in terms of construction jobs as well as future expenditure into the local economy by future owner / occupiers of the development. Therefore, and as set out under paragraph 90 of the Inspectors decision, she states and quote *"I find that the benefits together have substantial weight"*.

7.3.25 Taking the above into consideration, the inspector in paragraph 96 of their decision set out and quote *"In conclusion, the negative effects of the proposed development in terms of character and appearance and conflict with the development plan as a whole are outweighed by other considerations."*

Summary

7.3.26 In summary, it can be concluded that the proposed amendments to the development whilst observable from certain viewpoints within the conservation area, the proposed amendments to the scheme would not result in any adverse impact upon the setting of the Old Town Conservation Area or any statutory listed buildings. The significance of the surrounding built heritage would be preserved in accordance with national and local plan policy. Moreover, the overall benefits this development would deliver as identified above would outweigh any potential harm the development would cause on the heritage assets.

7.4 Impact on residential amenity

Impact upon neighbouring amenity

7.4.1 The application site is considered to be an "island" site which adjoins the East Coast rail line to the west, Fairlands Way to the south, Lytton Way to the east and Trinity Road / Chequers Bridge Road to the north. In view of this, the application sites does not physically adjoin any residential developments. In assessing the impact on neighbouring amenity, the Council's Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new developments. These are as follows:

No of Storeys	Type of Separation	Min. distance (metres)
Between existing and new 2 storey or a mix of 1 and 2 storey dwellings	Back to Back	25m
	Back to Side	15m
Between new 2 storeys or a mix of 1 and 2 storey	Back to Back	20m
	Back to side	12m
Over 2 storeys between existing and new dwellings	Back to Back	35m
	Back to Side	25m
Between new dwellings over 2 storeys in height	Back to Back	30m
	Back to Side	20m

- 7.4.2 The nearest residential properties to the west of the site are in Kilby Road/Watson Road and to the northern part of the site properties in Brick Kiln Road, both of which are separated by the railway line. These developments are located between 50-60m away from the proposed development, including Block 7 which is the closest block to Kilby Road. Given the level of separation, which accords with the current standards set out in the Design Guide, the proposed amendments sought under this application could not cause any additional harm over and above what was agreed to be acceptable when the application was originally determined by the Council and at appeal.
- 7.4.3 Turning now to Monument Court, this lies to the north of the site and is over 50m away and again accords with the Council's guidelines. Additionally, as the layout of the development has not changed, Block 6 would still be angled such that it faces on a south-west / north-east axis direction towards Lytton Way and Fairlands Way. This means the principal elevation overlooks the roundabout of Lytton Way and Fairlands Way and towards the East Coast Main Railway Line. In assessing the impact on properties within Townsend Mews along with the properties backing onto Lytton Way facing Ditchmore Lane, these would also be over 50m away from the proposed development. As such, the proposed design changes would cause no additional harm to the amenities of these properties over and above what has been established as being acceptable under the 2019 permission.
- 7.4.4 Having regard to the aforementioned relationships and separation, it is considered that there would be no sustainable objection to the revised scheme with regard to the impact on the amenities of nearby residential properties.

Future Residential Amenity

- 7.4.5 In assessing the future residential amenity which would be provided by the proposed development, all of the dwellings as set out in this application accord with the space requirements set out in the adopted local plan. In terms of the relationship between the blocks, as the layout of the development has not changed since it was approved at appeal, there would still be adequate separation distances to ensure the majority of the development has suitable privacy levels for future occupiers.
- 7.4.6 In terms of layout, blocks 2, 5 and 7 would consist of 1, 2 and 3 bedroom apartments. Over 50% of apartments in these blocks are dual aspect. The one-bedroom flats are generally single aspect with private amenity space, open plan kitchen/living/diners and have direct access to private balconies. The two-bedroom units are generally dual aspect with kitchen / living / diners achieving views across two directions. The main bedrooms offer an en-suite. The 3-bedroom units are dual aspect and offer a main bedroom with en-suite and bathroom. These have open plan kitchen/living/diners and have direct access to private balconies. Additional to this, 50% of the units in the development will comply and exceed the accessible and adaptable dwelling requirements set out in the Local Plan.
- 7.4.7 With regards to amenity space, there would be no change to this provision as approved under the appeal decision. In this regard, the development would still comprise 900 sq.m of amenity space which includes an equipped play area in the amenity space along with sculptural play within the courtyard spaces between the buildings and in the equipped amenity space. Added to this, all of the buildings are still served with balconies, the approximate size of which is 5sq.m which provide an area of amenity for the occupiers. It was also determined that the site is also within 5-minute walking distance from Millennium Gardens and King George V playing fields which offer a range of open space and play equipment and facilities. Additionally, there are the Medway Playing Field and the play area at Cutty's Lane within a 10 minutes walking distance. Having regard to the available public open space nearby, it is considered that the combination of this on-site and off-site open space provision would be appropriate for this development.

7.4.8 With regards to the Nationally Described Space Standards (NDSS) for residential development as defined by Central Government policy, and, is a requirement of Policy GD1 of the Local Plan (2019), all of the residential properties within this development, including the bedrooms, would accord with these standards.

7.4.9 Having regard to the above assessment, it is considered that the dwellings which form part of this development will all have an acceptable living environment.

7.5 Parking

7.5.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. When planning application 19/00474/FPM was originally determined by the Council, the application was assessed against the Council's Parking Standards SPD (2012). This set out the maximum amount of off-street parking for residential developments based on the number of bedrooms. The development would comprise the following accommodation schedule:

- 20 no. studio apartments (1 parking space);
- 249 no. one bedroom units (1 parking space);
- 257 no. two bedroom units (1.5 spaces)
- 50 no. three bedroom units (2 parking spaces).

7.5.2 Based on the above requirement, 755 off-street parking spaces would have been required. However, the site was determined to fall within residential accessibility zone as defined by the 2012 Parking SPD. Given this, the SPD sets out that between 25% to 50% of the maximum number of car parking spaces to serve this development. In this regard, the Council would require between 188 to 378 parking spaces. The proposed development sought to provide 274 car parking spaces which was determined to be in accordance with the Council's adopted standards at the time.

7.5.3 Turning to visitor parking, as the applicant confirmed the parking was not to be allocated, it was determined at the time that there was no requirement to provide parking for visitors. In relation to disabled parking, the 2012 parking standards required 5% of the total number of spaces should be designated for disabled parking. In this regard, 15 disabled bays were to be provided as part of the proposal which accords with the 5% requirement.

7.5.4 In relation to the gym which is to be located in block 4, as this would be for the occupiers of the development and ancillary to the proposed residential use, it was determined at the time that there would no requirement to provide additional parking facilities to serve this element.

7.5.5 In regard to cycle parking, the 2012 standards stipulated that 1 long-term cycle parking space should be provided per unit if no shed or garage is provided. Consequently, the scheme was required to provide 576 cycle parking spaces. The scheme at the time met these requirements.

7.5.6 Whilst the 2019 planning application was refused by the Council, it did not refuse the application on parking grounds. Turning to the appeal, which was lodged to the Planning Inspectorate, during the appeal process the Council had adopted the Parking Provision and Sustainable Transport SPD (2020). This set out new car parking requirements, specifically new requirements for flats. These are set out as follows:

- Studios and 1 bedroom flats – 1 space per flat
- 2 bedroom flats – 1.5 spaces per flat
- 3 bedroom flats – 1.5 spaces per flat.

7.5.7 As the overall housing mix had not changed, there was a requirement to provide 729.5 (rounded up to 730). However, as the site was identified to fall within an accessibility zone 1,

a requirement of between 25% to 50% of the maximum number of car parking spaces to serve this development were required. This calculates to be 182.5 (rounded up to 183) to 365 car parking spaces. As the level of parking provided had not changed, it was determined through the appeal process there was sufficient parking to serve this scheme.

- 7.5.8 Turning to visitor parking, as the applicant confirmed the parking was not to be allocated, it was determined at the time that there was no requirement to provide parking for visitors. In relation to disabled parking, the 2020 SPD sets out a requirement of 5%. As the level of disabled parking had not changed, the scheme was determined to be in accordance with this requirement.
- 7.5.9 Looking at Electric Vehicle Charging Points (EVCP), the Parking Standards introduced new requirements for EV charging. The standards require all new parking spaces be designed to fulfil Passive EVCP standards with the relevant underlying infrastructure being provided. In addition, a minimum of 20% of new parking on site should have access to an active EV charging point.
- 7.5.10 Notwithstanding the above, Part S of the Building Regulations (Infrastructure for the charging of electric vehicles) which took effect on the 15th June 2022 sets out a much more stringent requirement for EVCP compared to that of the Council's own standards. As such, it was determined at the appeal for the 2019 application that EVCP requirements would be dealt with a Building Regulations approval stage of the development project. As such, the scheme would comprise of sufficient EVCP to encourage a shift to less polluting forms of transport.
- 7.5.11 Looking now at cycle parking, the Parking Standard SPD (2020) introduced the following requirements:

C3-C4	Residential (without garage)	1-bed	1 space per unit	1 space per 40 units
		2-bed	2 spaces per unit	
		3-bed	3 spaces per unit	
		4-bed		
	Houses in multiple occupation (without garage)		1 space per bedroom	

- 7.5.12 Taking into consideration the above, there was a requirement to provide at least 948 cycle parking spaces. As part of the appeals process, the applicant submitted amended plans to incorporate the uplift in cycle parking requirements. However, to ensure that sufficient cycle parking can be delivered as part of this development, the inspector imposed the following condition to the appeal decision:

- 12) Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works above slab level shall take place until revised plans, including the details of any external cycle stores, showing the provision of at least 948 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or phase and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.

- 7.5.13 Turning now to the proposed Section 73 application which is currently before the Council, in order to facilitate the provision of the additional stair cores and lifts, the ground floor areas of buildings 2, 5 and 7 had to be reconfigured. This has meant the undercroft parking areas and cycle storage facilities have had to be redesigned accordingly. Notwithstanding, these reconfigured demonstrate that there is no reduction in the level of parking proposed, nor a

reduction in secure cycle storage facilities. Taking this into consideration, the amended scheme accords with the Council's adopted Parking Standards SPD (2020).

- 7.5.14 However, to ensure the appropriate level of parking is provided and as per the Planning Appeal decision, appropriately worded conditions would be imposed to ensure the level of cycle parking and car parking is provided prior to any beneficial occupation of any given phase or residential block as detailed in the application submission.

7.6 Highway implications

- 7.6.1 This application which is currently before the Council does not seek to extend or alter the approved access and egress arrangements for pedestrians, cyclists and motor-vehicles. In addition, there are no changes to the overall housing mix nor the layout of the development. As such, the proposed amended scheme would not cause any undue harm to the safety and operation of the highway network. This is reflected by the fact Hertfordshire County Council as Highways Authority have raised no concerns with the amended scheme.

7.7 Impact on trees

- 7.7.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.
- 7.7.2 The overall additional footprint to the relevant blocks do not extend into the root protection areas of any trees which are to be retained. The applicant as part of this submission has annotated the approved Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) where the extent of the footprint has been marked. This plan clearly demonstrates that no further tree removal is required to accommodate the proposed changes and there is no impact on retained trees.
- 7.7.3 Taking into consideration of the above, the proposed amendment scheme is unlikely to cause any additional harm to trees over and above what was established to be acceptable by the planning permission. However, and as per the appeal decision, a condition would be imposed requiring the requisite tree protection measures be put in place as specified in the Impact Assessment to ensure the trees retained are detrimentally affected by the development during its construction phase.

7.8 Impact on the environment

- 7.8.1 The application site defined as a previously developed site comprising office buildings which is currently undergoing demolition. As such, there is the potential risk of contaminants being identified on-site which could potentially pose a risk to the environment and human health. Taking this into consideration, the 2019 application was supported by a Contamination Report which identified there were risk of contaminants on site. As such, the Planning Inspectorate imposed a condition to the planning permission. This condition requires a remediation strategy to be prepared and implemented if any contaminants were to be identified. In this regard, it is recommended that this condition be replicated on the Section 73 decision should the Council be minded granting planning permission.

Groundwater

- 7.8.2 The application site is not located within a Source Protection Zone and no concerns had been raised by Thames Water or Affinity Water with respect to potential impact from the development under the 2019 application.

Air Quality

- 7.8.3 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within, or near, an Air Quality Management Area (AQMA).
- 7.8.4 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the approved Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.8.5 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small increase in NO2 emissions which, in accordance with IAQM/EPUK guidance, is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required.

Noise Pollution

- 7.8.6 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.
- 7.8.7 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures are set out in the approved 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.
- 7.8.8 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding future occupiers, these would be dealt with by the Borough Council's Environmental Health department. In terms of noise impact from the East Coast Main Railway Line along with noise associated with aircraft and vehicular traffic, as per the appeal decision, a condition would be imposed to any decision issued by the Council.

Light Pollution

- 7.8.9 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.
- 7.8.10 Turning to the operational side of the development, as no details have been provided as to the design, location and intensity of illumination of any external lighting, as per the appeal decision, a condition would be imposed accordingly to any permission issued. This is to ensure that any external lighting system does not prejudice the safety and operation of the East Coast Main Railway line. In addition, it would also ensure the amenities of future of the

development would not be detrimentally affect by external levels of illumination by any external lighting systems to be installed.

- 7.8.11 In terms of lighting associated with the construction aspect of the proposed development, this was dealt with as part of the approved Construction Management Plan (CMP). A condition would be imposed to any permission issued requiring the CMP to be strictly adhered too until the completion of all construction works. This will ensure the safety of the adjacent railway line is maintained at all times and that the amenities of future occupiers of each respective phase / block are completed and made available for occupation.

7.9 Other Matters

Community Infrastructure Levy

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

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

- 7.9.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.9.3 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.

Section 106

- 7.9.4 As the overall housing mix remains as approved under the appeal decision, there are no implications to the S106 agreement. The approved scheme included a Section 73 clause and therefore, any scheme approved under Section 73 remains bound to the original S106 Agreement and as such, there is no need to any supplemental agreements. The S106 agreement also includes the relevant viability review mechanisms and as a consequence, the development will be subject of viability reviews as the development progresses. This mechanism will capture any uplift in value which would go towards affordable housing.

Fire Safety

- 7.9.5 This application is accompanied by a Planning Statement which includes details on the fire strategy to demonstrate how the development would meet new Building Regulations requirements as announced by DLUHC. The following changes to the project have been made in order for the development to meet these new regulations:
- 1) Blocks 2, 5 and 7 with a top-storey height of over 18m are to incorporate two stair cores, with an associated evacuation lift and firefighting lift.
 - 2) Where there is more than one stair core in each block, each stair core is to be separated with independent egress routes on the Ground Floor.
 - 3) A protected lift lobby on upper floors is to be provided with a refuge location and an EVC (Evacuation Chair). The evacuation lift should be directly accessible from the protected lobby.
 - 4) Mechanical ventilation is to be provided for the common corridors of all blocks, in the form of a mechanical extract shaft at the end of the corridor and a relief shaft in the lift lobby.
 - 5) The balconies, including balustrading, are to be full non-combustible as per planning permission 23/00239/FPM in order to meet new requirements.
- 7.9.6 Whilst the Council has not received comments from the Health and Safety Executive (HSE), they did provide comments to planning application 23/00239/FPM. These are still pertinent to this application as it is similar in nature to the previously approved. As HSE advised at the time, given the application was submitted and approved before the Gateway One was introduced, there is no statutory requirement to formally consult HSE on Section 73 applications. Furthermore, given there are no changes to the overall layout to the development and firefighting equipment can reach all respective parts of the development site combined with the fire safety measures being put in place, it would be unreasonable to formally require the HSE to be consulted on this application.
- 7.9.7 Notwithstanding, the development would have to still go through the relevant Building Regulations approval which has stringent requirements now in place with respect to fire safety and tall buildings. Therefore, it will be at this stage which is the most appropriate way in dealing with the proposed fire safety measures which are to be put in place.
- 7.9.8 It is important to note that the developer has registered this approved development under earlier regulations and thus, could build this development out under these regulations. As such, if the Council was minded to refuse planning permission against officer recommendation, the developer can still technically deliver the development in relation to Blocks 2, 5 and 7 as approved by the Planning Inspectorate but under previous Building Regulations. Therefore, it can be concluded that the proposed amendments as sought under this Section 73 application would bring further significant fire safety enhancements to the approved development as a whole, as the amended scheme has been designed to meet the most up-to-date regulations on fire safety.

General Waste and Recycle Facilities

- 7.9.9 The Council's Design Guide SPD (2023) sets out the following requirements for general waste and recycle storage facilities for residential and commercial developments:

Bin Type	Use	Domestic / Trade	External Dimensions mm H x L x D (H + open lid)
180ltr Wheelie Bin (Black)	General Waste	Domestic	1070 x 580 x 730
240ltr Wheelie Bin (Brown)	Green & Food Waste	Domestic	1100 x 600 x 800

60ltr Bag (Black)	Recyclables - Plastic & Cans	Domestic	490 x 350 x 350
60ltr Bag (Blue)	Recyclables - Paper & Card	Domestic	490 x 350 x 350
23ltr Caddy (Red)	Glass	Domestic	405 x 320 x 400
23ltr Caddy	Food Waste	Domestic	405 x 320 x 400
240ltr Wheelie Bin (Black)	General Waste	Domestic	1100 x 600 x 800
360ltr Wheelie Bin	General Waste / Recyclables	Domestic / Trade	1120 x 630 x 890
660ltr Eurobin	Recyclables	Trade	1400 x 1300 x 720
1100ltr Eurobin	General Waste / Recyclables	Trade	1400 x 1300 x 1000

7.9.10 The Design Guide also sets out the following requirements in terms of the overall design and location of general waste and recycle facilities:

External storage area features:	Housing developments	Flatted developments
Should be located within 10 metres of an external access but not near ground storey windows.	✓	✓
Storage and collection points must be as close as possible to, and preferably within 10 metres of, a place suitable for a collection vehicle to stop.	✓	✓
Must be at or near street level, and should be accessible via appropriately sized and graded ramps to allow bins to be wheeled to and from the collection point easily.	✓	✓
Must be safe for users by being well lit and visible from public vantage points and nearby dwellings / tenancies.	✓	✓
Should be unroofed, unless they are fully enclosed and secured (ideally inaccessible to animals).	✓	✓

External storage area features:	Housing developments	Flatted developments
Should be accessible for collection purposes and not impede pedestrian or vehicular access on public thoroughfares or to and from buildings.	✓	✓
Should be located as close to the front property boundary as possible, preferably behind the front boundary wall, without detracting from the street scene.		✓
Consideration should be given to the <ul style="list-style-type: none"> • allocation of additional external storage space in the future, e.g. additional bins, • composting facilities - in residential development with a garden or landscaping, • provision of onsite storage for bulky waste (i.e. furniture) items and potential opportunities for re- use of these items. 		✓

- 7.9.11 Taking into consideration of the above, each of the residential blocks have been designed with a secure general waste and recycle storage facility at ground floor level. All of the stores are easily accessible and positioned in close proximity to external access points. They have also been positioned so they can be easily accessed from the internal road by refuse collection operators. In addition, each of the stores would have a level access with the pavement to ensure bins so there are no encumbrances to waste operators when collecting and putting back refuse / recycle bins.
- 7.9.12 In addition to the above, due to the overall size of these stores, they can sufficiently accommodate any future refuse and recycle requirements which may required from time to time. Moreover, they could potentially hold for a short period of time, larger bulky items. Further to this, they have been sited so as to not impact on the amenity of residential properties which are also positioned at ground floor level of each of the residential blocks.
- 7.9.13 Given the above, the refuse and storage facilities have been designed to meet the criterion set out in the Council's Design Guide SPD (2023).

Adaptation to climate change

- 7.9.14 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand;
 - using passive environmental systems, e.g. natural ventilation;
 - daylighting and passive solar gains;
 - using high levels of insulation and air tightness in the fabric of the building;
 - specifying energy efficient services, controls and appliances;
 - implementing water recycling and the provision of water butts;
 - using renewable energy;
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.9.15 As part of the 2019 application submission, it was accompanied by an Energy Strategy (Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30

July 2019). This strategy identified that the development would seek to achieve a 65% carbon reduction against Part L of the Building Regulations 2013. This was one of the key benefits identified by the Planning Inspector in their decision letter. As such, a condition was imposed to the permission requiring the applicant to submit a more detailed strategy to ensure the development would meet the 65% carbon reduction against Part L of the Building Regulations 2013. It is recommended this condition be imposed to this Section 73 application if the Council was minded granting planning permission. This would ensure the development adopts suitable methods which minimises energy usage and that it would be adaptable to climate change.

Equality, Diversity and Human Rights

- 7.9.16 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.9.17 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.
- 7.9.18 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.19 In terms of inclusive access, the proposed buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible; the floors and thresholds would be level and lifts would serve all floors. The routes into the building would be clear and signed and demarcated appropriately using landscape treatments. There would be no abrupt changes in levels on the approach to the proposed buildings. Disabled parking spaces would be provided across the site at ground floor level. The design proposals have been developed with reference to Approved Document Part M (AD-M) and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'
- 7.9.20 Level access would continue to be provided to the development at all pedestrian access points. The design of the scheme provides a safe, secure and attractive environment. The immediate connectivity of a development site includes factors that relate to pedestrian and cycle access as well as access by wheelchair users. In terms of pedestrian facilities in the area, footways are generally of a high standard, are level / trip free and well lit. In addition, the scheme comprises additional lift access across blocks 2, 5 and 7 to all floors of these buildings.
- 7.9.21 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

8 CONCLUSIONS

- 8.1 In conclusion, the negative effects of the proposed development in terms of character and appearance and the conflict of the proposal with the development plan are outweighed by the overall benefits it would deliver as identified in the Planning Inspectorate decision. The proposed design changes to the development would not have a significant impact on the setting of the Old Town Conservation Area of other heritage assets. In addition, the scheme would not have a detrimental impact on the amenity of existing residential properties and there would still be suitable living standards for future occupiers of the development.
- 8.2 The development would still comprise sufficient off-street parking (including cycle parking) and the amended scheme would not prejudice highway safety. In addition, the amended scheme would cause no additional harm to trees which are to be retained as part of this development and through appropriate conditions, would not cause any significant environmental issues. The revised scheme would still be subject to CIL and would be bound by the obligations which were secured through a Section 106 agreement attached to the 2019 permission. The revised scheme through appropriately worded conditions would comprise of sufficient general waste and recycle storage facilities and ensure the delivery of Secured by Design measures in order to help design out crime.
- 8.3 For the reasons set out above, it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 That planning permission be GRANTED and authority to be 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 begin not later than 3 years from the date of the appeal decision APP/K1935/W/20/3255692 whereby planning permission was granted on 15th July 2022.

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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

16-019 D – 050 C01; ICON-2-PS-200 – Site Plan; 502686-IWD-XX-XX-DR-A-2320_P1 A3 - Proposed Site Elevations ICON-PS-1-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-1-101 - Proposed GA Plan - Level 01, 03,05 – RevB; ICON-PS-1-102 - Proposed GA Plan - Level 02,04 – RevB; ICON-PS-1-103 - Proposed GA Plan - Level 06,08,10 – RevB; ICON-PS-1-104 - Proposed GA Plan - Level 07,09 – RevB; ICON-PS-1-105 - Proposed GA Plan - Level 11 – RevB; ICON-PS-1-106 - Proposed GA Plan - Level 12,14 – RevB; ICON-PS-1-107 - Proposed GA Plans - Level 13,15 – RevB; 502686-IWD-B1-XX-DR-A-2310_P2 A3 Elevations Sheet 1; 502686-IWD-B1-XX-DR-A-2311_P2 A3 Elevations Sheet 2; 502686-IWD-B1-XX-DR-A-2312_P2 A3 Elevations Sheet 3; ICON-PS-2-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-2-101 - Proposed GA Plan - Level 01,03,05,07 – RevB; ICON-PS-2-102 - Proposed GA Plan - Level 02,04,06 – RevB; ICON-2-PS-2-103 - Proposed Elevations; ICON-PS-3-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-3-101 - Proposed GA Plan - Level 01,03,05,07,09 – RevB; ICON-PS-3-102 - Proposed GA Plan - Level 02,04,06,08,10 – RevB; ICON-PS-3-103 - Proposed GA Plan - Level 11 – RevB;

ICON-PS-3-104 - Proposed GA Plan - Level 12 – RevB; 502686-IWD-B3-XX-DR-A-2310_P2 A3 Block 3 - Elevations Sheet 1; 502686-IWD-B3-XX-DR-A-2311_P2 A3 Block 3 - Elevations Sheet 2; 502686-IWD-B3-XX-DR-A-2312_P2 A3 Block 3 - Elevations Sheet 3; ICON-PS-4-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-4-101 - Proposed GA Plan - Level 01,03,05,07,09 – RevB; ICON-PS-4-102 - Proposed GA Plan - Level 02,04,06,08,10 – RevB; ICON-PS-4-103 - Proposed GA Plan - Level 11 – RevB; ICON-PS-4-104 - Proposed GA Plan - Level 12 – RevB; 502686-IWD-B4-XX-DR-A-2310_P3 A3 Elevations Sheet 1; 502686-IWD-B4-XX-DR-A-2311_P3 A3 Elevations Sheet 2; 502686-IWD-B4-XX-DR-A-2312_P3 A3 Elevations Sheet 3; ICON-2-PS-5-100 - Proposed GA Plan - Level 00; ICON-2-PS-5-101 - Proposed GA Plan - Level 01,03,05,07; ICON-2-PS-5-102 - Proposed GA Plan - Level 02,04,06,08; ICON-2-PS-5-103 - Proposed Elevations; ICON-PS-6-100 - Proposed GA Plan - Level 00 – RevB; ICON-PS-6-101 - Proposed GA Plan - Level 01,03,05 – RevB; ICON-PS-6-102 - Proposed GA Plan - Level 02,04 – RevB; ICON-PS-6-103 - Proposed GA Plan - Level 06,08,10 – RevB; ICON-PS-6-104 - Proposed GA Plan - Level 07,09 – RevB; ICON-PS-6-105 - Proposed GA Plan - Level 11 – RevB; ICON-PS-6-106 - Proposed GA Plan - Level 12,14 – RevB; ICON-PS-6-107 - Proposed GA Plans - Level 13,15 – RevB; 502686-IWD-B6-XX-DR-A-2310_P3 A3 Elevations Sheet 1; 502686-IWD-B6-XX-DR-A-2311_P3 A3 Elevations Sheet 2; 502686-IWD-B6-XX-DR-A-2312_P3 A3 Elevations Sheet 3; ICON-2-PS-7-100 - Proposed GA Plan - Level 00; ICON-2-PS-7-101 - Proposed GA Plan - Level 01,03,05; ICON-2-PS-7-102 - Proposed GA Plan - Level 02, 04; ICON-2-PS-7-103 - Proposed GA Plan - Level 06; ICON-2-PS-7-104 - Proposed GA Plan - Level 07; ICON-2-PS-7-105 - Proposed GA Plans - Level 08; ICON-2-PS-7-106 - Proposed Elevations.

REASON:- For the avoidance of doubt and in the interests of proper planning.

3. Upon commencement of construction works the methods of construction and all associated mitigation measures as detailed in the approved Construction Method Statement (CMS) as submitted and approved under planning reference 23/00054/COND shall be strictly adhered too until conclusion of all site and building operations unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To minimise the impact of construction vehicles and to maintain the amenity of the local area.

4. No development, excluding demolition and site clearance, shall commence until all trees within the development which are to be retained as identified in the Tree Protection Plan (Plan 67135-02, Appendix 4 of the Arboricultural Impact Assessment (AIA) dated 31/10/2018 reference 67135 (V2)) have been protected by fencing or other means of enclosure in accordance with Appendix 4 and 8 of the AIA. Tree protection measures shall be retained until conclusion of all site and building operations. Within the tree protection areas, there shall be no alterations to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery

REASON:- To safeguard the trees which are to be retained and to protect the visual amenities of the area.

5. The surface water drainage strategy shall be carried out in accordance with drawing numbers 10336_1602C2 and 10336_1601C2 which shall be retained thereafter with the drainage strategy maintained in accordance with Appendix F of the Drainage Statement prepared by gta civil and transport (document reference: 10336 dated 8 February 2023).

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

6. Prior to commencement of works above slab level, a scheme for protecting the proposed dwellings from noise from road, rail an air transport sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried our in accordance with the approved details and be retained thereafter.

REASON:- To protect the amenity of future occupiers of the development hereby approved.

7. Prior to commencement of works above slab level, samples of the materials to be used in the construction of the external surfaces of the buildings 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.
8. Prior to commencement of work above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the approved details and retained thereafter.
REASON:- To ensure external lighting systems do not impact upon the safety and operation of the highway network and East Coast Main Railway Line nor have an unacceptable impact on the amenities of nearby residential properties and future occupiers of the development.
9. Prior to commencement of works above slab level, an energy strategy to achieve 65% carbon reduction against Part L of the Building Regulations 2013 when assessed using SAP10 emission factors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained thereafter in accordance with the approved details of the energy strategy and in accordance with the water consumption targets contained within the Whitecode Design Associated Energy Strategy 10293-S-ENER-0001 Revision 5 dated 30 July 2019.
REASON:- To ensure the development is adaptable to climate.
10. Prior to the commencement of works above slab level, details of the ramped access into the amenity garden to the south of block 7 shall be submitted to and approved in writing by the Local Planning Authority. The ramped access shall be carried out in accordance with the approved details prior to the first use of the amenity garden and be retained thereafter.
REASON:- To ensure there is step free access to the amenity garden area which will be utilised by the future occupiers of the development.
11. Prior to commencement of works above slab level, a detailed scheme of Secured by Design Section 2: Physical Security of the Home measure for the 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 scheme prior to occupation of each block and be retained thereafter.
REASON:- In order to design out crime and to ensure the development has a safe and attractive environment.
12. Notwithstanding condition 2 and the details of car and cycle parking shown on the submitted plans, no works shall take place until revised plans, including the details of any external cycle stores, showing the provision of 948 cycle parking spaces together with the details of their type and design have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be fully completed for each block or place and in accordance with the approved details before first occupation of that particular block or phase of the development and be retained thereafter.
REASON:- To ensure the provision of cycle parking spaces in line with the Council's adopted Parking Standards SPD.
13. Notwithstanding condition 2, details of the treatment of all boundaries, including details of any walls, fences, gates or other means of enclosure and timing of their delivery shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works take place. The approved boundary treatments shall be completed in accordance with the approved details and be retained thereafter. No part of the development shall be occupied until an Armco or similar barrier has been installed in positions where vehicles may be in a position to drive or roll onto the railway.

REASON:- To ensure the development has an acceptable appearance and to protect infrastructure associated with the railway line managed by Network Rail.

14. Prior to the first occupation of any dwelling within the development, written confirmation shall be provided to the Local Planning Authority that either:-
- (i) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - (ii) A housing and infrastructure phased plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a housing and infrastructure phasing plan is agreed, no occupation shall take place than in accordance with the agreed housing and infrastructure phasing plan.

REASON:- Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

15. Prior to first occupation of any dwelling within the development, details of a scheme to provide at least 20 bird and 30 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of provision. The development shall be carried out in accordance with the approved scheme and be retained thereafter.

REASON:- Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary to avoid sewage flooding and/or potentially pollution incidents.

16. Prior to first occupation of any dwelling within a block, the refuse and recycling stores for that block as shown on the approved plans shall be carried out in accordance with the approved details and be retained thereafter.

REASON:- To ensure that there is sufficient refuse/recycle provision in accordance with the Council's standards and maintained for all dwellings and the development as a whole in perpetuity.

17. 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, including a programme for implementation, must be submitted to the Local Planning Authority and approved in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to the Local Planning Authority for approval.

REASON:- To prevent harm to human health and pollution of the water environment.

INFORMATIVES

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

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

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

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. 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.
3. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx
4. 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-developmentmanagement.aspx> or by telephoning 0300 1234047.
5. 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.
6. 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.

7. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
8. 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>
9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.
10. 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.
11. The applicant is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design to ensure that the development is compliant with both National and Local Planning Policies. In addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations".
12. A 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via

www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

PRO-ACTIVE STATEMENT

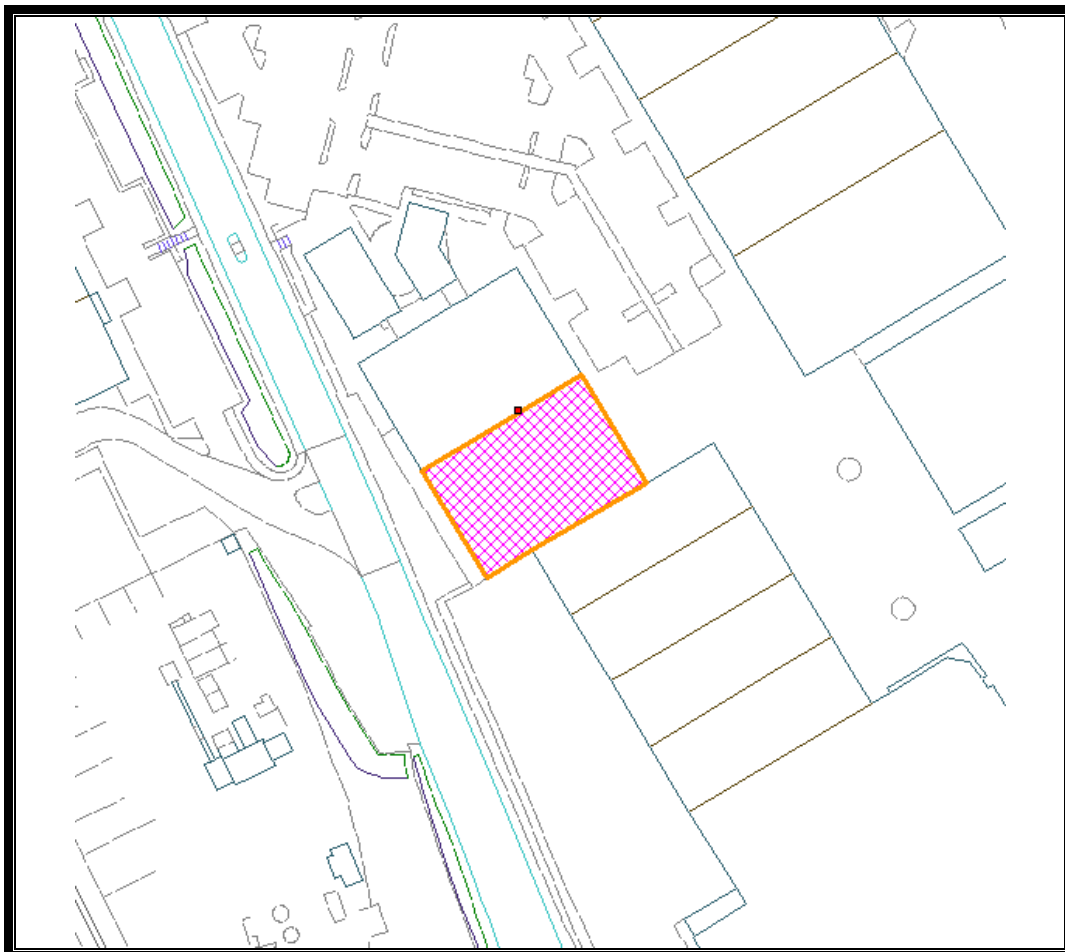
Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the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

10 BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD 2020; Design Guide SPD 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Policy Guidance.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Ailsa Davis	07702 874529

Application Nos :	23/00393/FPM 23/00350/S106
Location :	Unit 7B Roaring Meg Retail Park, London Road, Stevenage
Proposal :	External alterations and insertion of mezzanine floorspace (ref. 23/00393/FPM) Variation of s106 agreement dated 4 December 2014 (ref. 23/00350/S106)
Drawing Nos.:	2264-U7B-L01; 2264-U7B-X01; 2264-U7B-P01-A; 2264-U7B-P02-A; 2264-U7B-P03-A; 2264-U7B-X02-A
Applicant :	Stevenage Retail Limited
Date Valid:	22 May 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located approximately 1km south of Stevenage Town Centre within the Roaring Meg Retail Park, now known as 9 Yards Stevenage. As such, the retail park occupies an 'out-of-centre' location in terms of planning policy. Roaring Meg Retail Park, extending to some 33,000m² floorspace, is an established retail destination serving the wider Stevenage area, complimenting the Town Centre's retail and leisure offer whilst also serving as a significant employer in the local area. The retail park can be accessed from both Monkswood Way to the east and London Road to the west.
- 1.2 The application site comprises the vacant Unit 7B, extending to 1,116m² at ground floor level. There is currently no mezzanine floorspace within the unit. Part of the Retail Park is located within Flood Zone 2 and Flood Zone 3. The proposals would result in no change to the overall building footprint and therefore does not give rise to any flood related issues. The site is not located within a Conservation Area nor within close proximity to any listed buildings.

2. RELEVANT PLANNING HISORY

- 2.1 Planning permission was originally granted for the Retail Park in April 1987 (under permission 2/0048/87). The description of development was for:

Sub-regional durable goods retail warehouse complex, ice rink and leisure unit, residential flat, licensed restaurant, fast food units, community arts centre and car and coach parking facilities, and improvements to water meadow.

- 2.2 On 8 October 2002, an application (Ref: 01/00230/FP) to vary condition 4 of planning permission 2/0048/87 to allow the sub-division of unit 7 was granted. The following condition was attached to the permission:

No retail unit, within unit 7, shall be less than 929m² of gross floorspace.

- 2.3 A subsequent application under planning reference 06/00214/FP was approved in July 2006 for the subdivision of unit 7 to create 2 units. It should be noted that this permission did not impose any restrictive conditions onto the units. Further to the above, a Certificate of Lawfulness of Proposed Use (08/00081/CLPU) for the unrestricted sale of retail goods under use class A1 (now superseded by Use Class E) was granted at Appeal.

- 2.4 In August 2015, planning permission (Ref:15/00322/FP) was granted for the removal and re-provision 808.5m² of mezzanine floorspace along with a replacement shopfront at Unit 7B. Planning application (18/00325/S106) to vary the Section 106 agreement to allow food sales from the subject unit was submitted in June 2018 and subsequently withdrawn. The proposals sought to facilitate the occupation of the unit by M&S Simply Food.

- 2.5 Planning permission for the redevelopment of Unit 5 was granted in December 2014, with the only restriction on the use being the preclusion of sale of food, unless this was ancillary to the main use (14/00111/FPM). The permission was granted subject to a Section 106 agreement dated 4 December 2014, which included Obligation 5 within the Third Schedule, re-attaching the original user restriction on Units 2, 6 and 7 – i.e. the units which had benefitted from the unrestricted retail use confirmed by the previously secured Lawful Development Certificates.

- 2.6 The obligation states:

Units 2, 6 and 7 Roaring Meg Retail Park aforesaid shall not be used for the sale of any foodstuffs for consumption off the premises, clothes, footwear (other than specifically for the playing of sport) or other fashion goods retailing pursuant to the Lawful Development Certificates).

- 2.7 It should be noted the original planning permission for the Retail Park (ref. 2/0048/87) included the below goods restriction at Condition 3:

Range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods.

- 2.8 On reviewing in further detail, there is a change in wording and grammar between the original restrictive condition under permission ref. 2/0048/87 and the wording used in the 14/00111/FPM s106 agreement which is significant. The original restriction states clothes and footwear (other than specifically for the playing of sport), however the restriction in the 14/00111/FPM s106 agreement states clothes, footwear (other than specifically for the playing of sport) which would only allow footwear for the playing of sport and not clothes, which is significant for this application given the proposed tenant.
- 2.9 Following clarification with the applicant, it was agreed that the comma between clothes and footwear was introduced in error when the updated s106 agreement was being drafted in 2014. On reviewing the 2014 committee report, during which this restriction was re-attached, it is clear that the reference was to the original restriction, i.e. 'clothes and footwear (other than for the playing of sport)'. Whilst the original permission restrictions therefore do not currently apply under the 2014 s106 agreement, it is acknowledged the goals / spirit of the original permission was to allow bulkier sporting goods and footwear on the Retail Park.
- 2.10 On the basis that the obligation needs to be revised in any case to allow the USC fashion concession to occupy the unit alongside Sports Direct, it has been agreed to amend the obligation to follow the wording used in the original 1987 planning permission so that it would permit sports clothing *and* sports footwear by replacing the comma with the word 'and'. The rationale for the original obligation was to prevent fashion clothing retailers from occupying the unit without planning permission and such a revision (accounting for limited fashion clothing sales as proposed within USC) would therefore remain consistent with this.
- 2.11 It is therefore agreed that the prevailing planning permission:
- Precludes the sale of foodstuffs (for consumption off the premises), clothing and footwear (other than for the playing of sport) and fashion goods.
 - Sports Direct (without the ancillary USC fascia) could therefore occupy the unit without any variation to the permitted range of goods restriction. It is only the ancillary USC element, which sells fashion clothing and footwear, which triggers the requirement for a variation to the existing goods restriction.
 - There are no conditions which preclude the insertion of mezzanine floorspace up to the limit of 200m² and;
 - There are no conditions which preclude internal works.

3. THE CURRENT APPLICATION

- 3.1 This report covers both application ref. 23/00393/FPM for the external alterations and insertion of mezzanine floorspace and application ref. 23/00350/S106 for the variation of

Section 106 Agreement (dated 04.12.2014) approved under planning permission reference number 14/00011/FPM.

3.2 The proposals comprise the modification of Obligation 5 of the Third Schedule of Section 106 Agreement dated 4 December 2014 back to the original wording of the restrictive goods condition of the 1987 planning permission to allow occupation of the unit by Sports Direct and fashion retailer USC, the insertion of mezzanine floorspace and associated external alterations. The modification of the restriction, which currently prevents the sale of fashion clothing and footwear, would facilitate Sports Direct occupying the unit and providing its USC fashion and clothing concession within the store in line with the operator's business model requirements.

3.3 The proposal seeks to modify the schedule as follows:

Units 2, 6 and 7 Roaring Meg Retail Park aforesaid shall not be used for the sale of any foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport) or other fashion goods retailing pursuant to the Lawful Development Certificates); other than for the sale of clothing and footwear from up to 446m² of the sales area within Unit 7B, shown edged red on the enclosed Site Location Plan.

3.4 Following the proposed reconfiguration of the internal floorspace and the insertion of the proposed mezzanine floorspace, the floorspace breakdown within the unit would be as follows:

Unit 7B	Existing Floorspace	Proposed Floorspace	Difference
Ground Floor	1,116 sqm	1,116 sqm	-
Mezzanine	-	1,115 sqm	+1,115 sqm
Total (GIA)	1,116 sqm	2,231 sqm	+1,115 sqm

3.5 In summary, the proposals comprise 3 elements:

- Modification of Clause Obligation 5 within the Third Schedule of the s106 Legal Agreement dated 4 December 2014, to allow the sale of fashion and clothing from up to 20% (extending to 446m²) of floorspace of Unit 7B;
- External alterations including amendments to the elevations including recladding, new glazing and entrance doors; and
- The insertion of a mezzanine floor comprising 1,115m² gross floorspace resulting in a total unit size of 2,231m² gross (a net uplift of 1,115m² or 915m² if one takes into account the 200m² allowance).

3.6 The application is being considered at Planning and Development Committee as it is a major application.

4. PUBLIC REPRESENTATIONS

4.1 Following notification of the application via letters, the erection of a site notice and press advert, no public representations were received.

5. CONSULTATIONS

HCC Highway Authority

5.1 In response to the Highway Authority's initial comments, the applicant's transport consultant submitted data obtained from the management company of the entry and exit movements

by hour for the week commencing the 24th July, and the other a chart of the daily entries across May, June and July 2023. Whilst the hourly data as mentioned by the consultant obtained is for July, during school holidays, the monthly figures compiled show that the July flows were higher than May and June, therefore the data for July is acceptable.

- 5.2 The car park accumulation assessment/table shows the peak period is on Sundays between 1200-1300hrs with 779 spaces occupied which is 87% capacity of the car parks, consequently the Highway Authority is satisfied that there is sufficient spare capacity in the car park and the additional volume of traffic most likely linked trips is not expected to lead to any detrimental impact on the operation and safety of the public highway road network. The Highway Authority therefore has no objection to the proposal subject to conditions and informatives.
- 5.3 The Highway Authority recommended a condition be imposed requiring the submission of a Construction Traffic Management Plan prior to commencement. Given the only physical works would be an internal mezzanine floor and minor elevational alterations, it is not considered such a condition is necessary or reasonable to make the proposal acceptable. The site is not being redeveloped and the existing external footprint of the building would remain unchanged.

SBC Environmental Health

- 5.3 I can confirm that I have no comments or representations to make on behalf of Environmental Health.

HCC Lead Local Flood Authority

- 5.4 The LLFA have identified that the site is adjacent to a low-risk surface water flow path/ponding area (land with a chance of flooding of between 0.1% and 1% each year), is located in Flood Zone 2 and is adjacent to Flood Zone 3. Therefore, appropriate flood resistance and resilience measures should be considered within the development. This application is not increasing the existing external footprint of the site, only altering the internal area of the building through the incorporation of a mezzanine level, therefore we recommend the advice below.
- 5.5 A minimum of 300mm freeboard between maximum design water level (from any source) and 150mm freeboard between the finished floor level and external ground levels is recommended. All ground levels should be sloping away from vulnerable areas such as doorways or essential infrastructure such as pumping or electrical sub stations. If any parts of the development cannot be accessed during a flood event e.g. the road adjacent to the site, the applicant should consider creating an emergency plan to ensure safe access and egress routes. Water resilient design should also be used in the buildings e.g. raised electrical sockets and air bricks.

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 This largely made minor corrections to the earlier July 2021 version and revised policy with respect to onshore windfarms. 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 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 SP4: A Vital Town Centre;
 Policy SP8: Good design;
 Policy SP11: Climate change, flooding and pollution;
 Policy IT4: Transport assessments and travel plans;
 Policy IT5: Parking and access;
 Policy IT6: Sustainable transport;
 Policy GD1: High quality design;
 Policy FP1: Climate change;
 Policy FP2: Flood risk in Flood Zone 1
 Policy TC12: New Comparison retail provision
 Policy TC13: Retail Impact Assessments

6.5 Supplementary Planning Documents

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

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. This proposal would be CIL liable at £60/m².

7. APPRAISAL

- 7.1.1 The main issues for consideration in the determination of this application are its acceptability in retail policy terms, the sequential test, its impact on the vitality and viability

of the Town Centre, design and visual impact (external alterations), flood risk and drainage, climate change mitigation and highways and parking.

- 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 Retail Policy Considerations

- 7.2.1 This section of the report assesses the proposed development against the provisions of Paragraphs 87 to 91 of the NPPF, namely whether there are sequentially preferable sites that have the potential of accommodating the floorspace associated with the application. Paragraph 87 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The application is supported by a Planning and Retail Statement (PRS) which assess the proposal against the relevant retail policies.
- 7.2.2 It is important to note that Unit 7B is currently vacant, having previously been occupied for retail uses and the proposal does not therefore introduce the principle of additional town centre uses within this established retail destination. Applying the sequential approach should have regard to the need, both consumer and operator, that would be met by the development. It is not an academic exercise divorced from the commercial realities of what it is that developers and landlords are seeking to supply in response to market demand. This approach was adopted by the Planning Authority in determining the applications to facilitate the re-occupation of the previously vacant Unit 4A by TK Maxx (22/00389/FPM and 22/00385/FPM) where the retailer's relocation requirements formed an important part of the Council's considerations in the decision-making process and ultimately the grant of planning permission.
- 7.2.3 The relevance of commercial factors to the planning process and implementation of the sequential test were considered and reinforced within the findings of Scunthorpe judgement (Zurich Assurance Limited V North Lincolnshire Council), focusing the considerations of the sequential test on the real world, with corresponding commercial realities to be given due consideration:

'It is important to mark that developers, and planning authorities work in the real world'.

- 7.2.4 For the sequential test to have meaning, the sequential approach must be applied in a way that allows the identified need to be fully met. Applicants and local planning authorities are to demonstrate flexibility in terms of format and scale of the developments. The PPG advises that applicants and planning authorities should consider what contribution more central sites are able to make individually to accommodate the proposal. This should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Local planning authorities need to be realistic and flexible in terms of their expectations.
- 7.2.5 The Planning and Retail Statement makes the following observations which set the context for the sequential assessment:
- The application is in response to specific occupier requirements. The proposals would facilitate the occupation of the currently vacant Unit 7B by Sports Direct/USC, and it is not therefore a speculative application;
 - The existing accommodation at The Forum Shopping Centre within which Sports Direct and USC are currently located is due to be redeveloped, and it is therefore necessary for the retailer to identify appropriate alternative accommodation in order to remain within Stevenage;

- Currently, the vacant unit is in Class E(a) use, which is controlled by a s106 obligation, restricting the range of goods that can be sold from the unit. The s106 obligation precludes the sale of foodstuffs (for consumption off the premises) footwear and clothing (excluding sports related goods which are permitted) and fashion goods;
- The proposed widening of the use for sale of non-sports clothing and footwear relates only to 20% (446m²) of the unit's total floorspace, with the sale of fashion clothing and footwear only proposed from the USC concession within the Sports Direct store. Sports Direct are able to operate within the unit without the need to widen the existing goods restriction; and
- The application site forms part of an existing retail park, located within an established retail and leisure destination in Stevenage, serving the wider needs of the local catchment area.

7.2.6 The Planning Practice Guide makes clear that the Government does not seek the arbitrary subdivision of proposals splitting operations into separate sites beyond the flexibility of a business model. Therefore, individual retailers should not be required to separate the sale of categories of products onto separate sites. The approach to disaggregation and suitability of sequential sites has been clarified in a number of Judgements and Secretary of State decisions.

7.2.7 The Dundee judgement (Tesco Stores Limited v Dundee City Council (Scotland), 21 March 2012), establishes the key principles of site 'suitability' in respect of the sequential test. It is important to note that whilst the Dundee case was a Scottish case, the Supreme Court's decision applies in England as well as Scotland. In considering alternative sites as part of the sequential test, Paragraph 20 of the Dundee judgement states that key considerations in assessing the suitability of a sequential site are:

'...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site'.

7.2.8 These findings are reinforced by the findings of Scunthorpe judgement (Zurich Assurance Limited V North Lincolnshire Council) focusing the considerations of the sequential test on the real world, with corresponding commercial realities to be given due consideration:

'It is important to mark that developers, and planning authorities work in the real world'.

7.2.9 The implementation of the sequential test was further considered by the Secretary of State for a retail proposal at Tollgate (APP/A1530/W/16/3147039). Paragraph 12.3.20 states:

'The sequential test therefore means that whilst a sequentially preferable site need not be capable of accommodating exactly the same as what is proposed, it must be capable of accommodating development which is closely similar to what is proposed.'

7.2.10 In the Scotch Corner Secretary of State Decision in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678) the Inspector found at paragraph 11.7:

'In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites...'

7.2.11 In considering the proposals for a Next store in Sheffield, the Inspector stated at paragraph 35:

'What needs to be established is whether an alternative site is suitable for the development proposed, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site'.

- 7.2.12 It is therefore clear that there is no requirement to disaggregate a proposal into its smaller constituent parts when implementing the sequential test, and when considering sequential sites, these need to be suitable for the development proposed as a whole, and not an alternative hypothetical smaller version of the proposal.
- 7.2.13 The proposed development is based on the retailer's clear understanding of the form and size of unit that is required for the proposed Sport Direct flagship store, which requires the following key business model criteria:
- A minimum of circa 2,000m² floorspace across ground and mezzanine floors;
 - The proposal reflects the retailer's plans for Sports Direct to deliver 10 new flagship Sports Direct stores across the UK, which include the provision of a small concession of 20% floorspace (up to 446m²) to be used for fashion clothing and footwear as part of the retailer's USC fascia.
 - Immediately adjoining customer car parking given the bulky product ranges that are sold directly to customers from within the unit;
 - Appropriate and safe servicing arrangements, to allow the unit to be serviced with no conflict with pedestrians or customer vehicles; and
 - Commercially viable location in an accessible location that would attract a customer base and allow for linked trips.
- 7.2.14 The Planning and Retail Statement submitted in support of the application advises any compromises to the retailer's business model would result in the occupier not being able to fully implement its preferred retail model and would result in the retailer not proceeding with the site.

7.3 The Sequential Test

- 7.3.1 Given that Unit 7B is located in an out-of-centre location, the applicant has undertaken a sequential test in line with national and local policy. To demonstrate flexibility for the purposes of undertaking the sequential test, the applicant has searched for units between 2,008m² and 2,454m² floorspace. This demonstrates a flexible interpretation of the sequential test, with sites 10% smaller and larger than the subject unit considered as part of the assessment.
- 7.3.2 As the proposals relate to an existing retail unit and the operator has an immediate requirement to relocate to ensure continuity of employment and representation given the forthcoming redevelopment of The Forum in the town centre, the applicant advises for a site to be considered genuinely available it needs to be currently vacant or be available in the immediate short term. Sites which require development or redevelopment cannot be considered genuinely available in the context of the application proposals. Officers agree with this approach.

Stevenage Town Centre – Existing Opportunities

- 7.3.3 Stevenage Town Centre is located approximately 1km to the north of the application site and is the dominant retail centre within the Borough. Located directly north of the Town Centre is Stevenage Old Town, also known as the High Street Shopping Area (HSSA). The applicant advises Stevenage Town Centre and Stevenage Old Town represent the appropriate focus for the sequential test given their role and function within the local retail hierarchy and is consistent with how the Council has considered other recently approved planning applications at Roaring Meg Retail Park. Officers consider this acceptable.

- 7.3.4 Stevenage Town Centre and Stevenage Old Town were surveyed by the applicant's agent in March 2023 to identify vacant units which could be considered sequentially preferable to the application site. The vast majority of vacant units identified in Stevenage Town Centre were very small; with the majority of vacant units below 300m², and only 3 vacant units/sites larger than 1,000m². An overview of the relevant sequential sites is set out below.

Former BHS, The Forum

- 7.3.5 The vacant unit extends to a total of circa 7,000m² across three floors, with circa 2,340m² floorspace on each floor. The BHS store closed on 20th August 2016 and has remained vacant since that time. The unit is subject of a recent planning permission for its redevelopment for predominantly residential uses (application ref. 19/00647/FPM), with a ground floor retail unit. Planning and Development Committee resolved to grant permission for the redevelopment of the site in November 2020, and permission was issued in August 2021 following the signing of the s106 Legal Agreement. According to Barbour ABI, the scheme is anticipated for completion in 2025.
- 7.3.6 The retail element within the approved redevelopment, at 520m², is significantly below the identified minimum floorspace threshold of 2,008m² and would not therefore be able to accommodate the development proposals. The agent was not aware of the unit being actively marketed, and the unit is not therefore considered to be genuinely available. The unit benefits from a planning permission for a comprehensive redevelopment for residential led uses, and it is therefore concluded by the applicant that the unit is not a suitable or genuinely available site for the proposed development and dismisses it as a sequentially preferable site on this basis.
- 7.3.7 In the absence of any evidence to demonstrate otherwise, it is accepted that this site is not available and can therefore be discounted from the sequential test.

Former Office Outlet - Unit 11, The Forum, Fairlands Way

- 7.3.8 Unit 11 Fairlands Way extends to 1,625m² at ground floor and a small amenity mezzanine block of 37m², with a combined total floorspace of 1,662m². The store closed in 2019, and the unit has remained vacant since. The agent has not been able to locate any recent evidence of the unit being actively marketed for retail uses. An application for the redevelopment of the site was submitted to the Council in September 2021 (21/01002/FPM) and granted in October 2022. The approved scheme comprises the demolition of the existing store and construction of a part 9, part 14 storey, part 15 storey building comprising 226 build to rent dwellings and 161m² of Use Class E and Use Class F floorspace.
- 7.3.9 Given the aspirations to redevelop the site for Build to Rent dwellings, with planning permission granted in October 2022, the applicant argues the site cannot be genuinely available for the proposed retail uses. Notwithstanding that the site benefits from planning permission for predominantly residential uses and is not therefore genuinely available, the applicant also states the site provides limited and constrained car parking areas located around the perimeter as well as the rear, with relatively limited car parking provided at the front of the retail unit. It is considered the unit does not therefore provide convenient customer parking that would reflect modern occupier requirements.
- 7.3.10 The site is located in a stand-alone and isolated position in retail terms. The isolated location of the site does not provide a sufficient critical mass of retail floorspace to attract sufficient numbers of shoppers to be commercially viable to a prospective occupier. Taking account of the fact that there has been a recent planning permission for alternative uses, this indicates that the site is not available. It is therefore agreed that this site can be discounted on the grounds of availability.

Poundland Store 77-83 Queensway

- 7.3.11 The Unit extends to circa 5,000m² over 3 floors, split across ground (2,177m²), first (2,212m²) and second floors (923m²) and is situated within Stevenage Town Centre. It was formerly a Littlewoods department store and is currently occupied by Poundland. The PRS advises the latest marketing brochure states that bid deadline for offers on the property is 6 June 2019. LoopNet (formerly Realla), operated by Costar, does not identify the unit as currently available either for rent / lease or for sale. Therefore, the PRS argues the unit cannot be considered to be genuinely available for the purposes of the sequential assessment in this instance.
- 7.3.12 Floorspace within 77-83 Queensway, with a total area of circa 5,000m², is significantly above the maximum flexible threshold of 2,454m². The total floorspace of the ground and first floors within the building extends to circa 4,400m² – some 80% larger than the proposed unit. If Sports Direct were to occupy only one floor within the unit, the building would need to be reconfigured or areas “moth balled” to meet the operator’s requirements or provide separate commercial accommodation for other occupiers on other floors. This would require significant financial investment that is not commercially viable.
- 7.3.13 In addition, it is understood that the existing building was constructed using materials which include asbestos. The proposed operator would not occupy a building known to have asbestos. Therefore, a full asbestos survey and controlled removal would need to be undertaken impacting on the timings given the short term need for the prospective tenant to relocate from existing accommodation at The Forum, with the lease due to expire in February 2024.
- 7.3.14 In summary, 77-83 Queensway is occupied by Poundland and it is understood this arrangement is ongoing. The applicant is not aware of the site currently being marketed on any online property portals and cannot therefore be considered genuinely available in the immediate term. In the event the unit were to become available, it is too big for the proposed operator and would require significant physical alteration, including the removal of all asbestos material used in its construction, and investment into the building by the existing owner to refurbish the balance of the unit to be occupied for commercial uses. This process would be commercially unviable and the programme for its delivery would extend materially beyond the proposed operator’s timeline for when it needs to open, given the timescale constraints associated with the relocation of Sports Direct and USC from existing accommodation in The Forum, with the exiting lease ending February 2024. It is therefore agreed that this site can be discounted on the grounds of availability and suitability.

The Forum Centre Redevelopment

- 7.3.15 The proposals at The Forum Shopping Centre comprise the following:

Demolition of existing retail units (use Class E) and erection of proposed mixed-use development comprising biopharma manufacturing laboratories and workspace facilities (use class E(g)) together with flexible active ground floor uses including cafes, retail, collaboration spaces (use class E), Cinema (Sui Generis) and drinking establishments (Sui Generis), new multi-storey public car park, service road, public realm improvement works and ancillary works.

- 7.3.16 The proposed flexible retail, café and collaboration uses extend to a total of 4,041m² across a number of buildings within the development, with 2,661m² retail floorspace proposed at the “Collaboration Building” spread across two blocks at ground (1,433m²) and mezzanine (1,228m²) level, and 1,012m² at the “Grad Lab / Office Building”, of which 566m² is at ground floor and 446m² at mezzanine floorspace.

- 7.3.17 The PRS advises the floorspace within the “Grad Lab/Office Building” is below the identified minimum floorspace threshold and cannot accommodate the development proposals. The floorspace within the Collaboration Building would be split across two blocks. The applicant has not been able to identify how the commercial accommodation is split between these two blocks and have therefore assumed that the floorspace would be split evenly between the two blocks, i.e. each block providing circa 715m² at ground floor, and circa 615m² at mezzanine level, with a combined total floorspace of circa 1,330m² within each block. The application proposals at The Forum also include a cinema and associated drinking establishment uses as part of the overall flexible commercial floorspace of 2,661m². The proposed commercial floorspace is anticipated to provide a varied mix of town centre uses, rather than purely large format retailing.
- 7.3.18 The PRS advises the flexible commercial floorspace within both the Collaboration Building (split across two blocks) and the Grad Lab / Office Building is therefore below the identified minimum floorspace threshold of 2,008m². Notwithstanding the above, the applicant suggests the occupation of the flexible commercial / retail floorspace by one retailer could impact negatively on the Council’s aspirations of delivering a mixed-use development in this location, including retail, cinema and flexible commercial and retail uses.
- 7.3.19 In addition, there are no clear timescales for the anticipated delivery of The Forum redevelopment proposals, despite receiving planning permission under ref. 22/00923/FPM in June 2023. Sports Direct’s current lease will expiry in February 2024 and alternative accommodation to facilitate a relocation is therefore required in the immediate to short term. It cannot therefore be concluded that the proposed floorspace at The Forum redevelopment is genuinely available within the timescales that the retailer is operating within. It is therefore concluded that the floorspace within The Forum redevelopment scheme is not genuinely suitable or available in the context of the application proposals. It is agreed that this site can be discounted on the grounds of availability.
- 7.3.20 The sequential test assessment has concluded that there are no suitable or available sequentially preferable sites which could accommodate the development proposal. In the absence of any suitable town centre sites, the application site is considered to be an appropriate location for the use proposed by this application. As such, it is agreed that the sequential test has been passed.

7.4 Town Centre Impact Considerations

- 7.4.1 Policy TC13 of the Local Plan requires an assessment of impact to be undertaken where a town centre use over 300m² is proposed outside of the designated Town Centre. It is however acknowledged that the proposed development relates to an existing unit in retail use within an established retail destination. The principle of retail use, albeit with a restrictive goods obligation, has therefore been accepted within this location.
- 7.4.2 Given the particular circumstances of the proposal, the PRS makes the following observations:
- The implementation of the impact test will be undertaken on the accepted principle of like affects like, where the proposal would have the largest impact on similar type of retail provision, in accordance with paragraph 15 of the PPG (Reference ID: 2b-015/20190722);
 - Sports Direct’s products range can be sold from the unit under the terms of the existing planning permission and the impact assessment therefore considers the uplift in the proposed mezzanine floorspace and the USC fashion and clothing;
 - The ancillary USC element includes the sale of goods which are not currently permitted from the unit, as the current legal agreement precludes the sales of foodstuffs, clothing and footwear (excluding sports related items).

Proposal Turnover

- 7.4.3 In order to understand the potential impact of the proposed development, it is necessary to identify the likely turnover that the proposal would generate. Mintel Retail Rankings provides a sales density of £3,590 per square metre (at 2021 prices) for Sports Direct stores. Sports Direct can occupy the existing vacant unit without the need for planning permission (save for any external alterations to the shopfront) and therefore applying this sales density to the additional proposed mezzanine floorspace of 1,115m² results in an anticipated increase in turnover of circa £4.00m at 2021. It is an accepted principle that mezzanines would typically have a reduced turnover than ground floor retail floorspace.
- 7.4.4 Whilst a 50% reduction to the turnover of mezzanine floorspace is typically applied, for robustness, the applicant has not sought to undertake this reduction in anticipated turnover in this instance. The turnover is anticipated to decrease marginally to £3.93m in 2023 due to an anticipated reduction in comparison goods sales density of -0.4% in 2021-2022, and -1.6% in 2022-2023, as identified within the latest Experian Retail Planner Briefing Note 20. It is important to note that the unit can be occupied by a range of non-bulky comparison goods retailers, without the need for planning permission, which could also include up to 200m² mezzanine floorspace, with associated turnover and result in comparable or additional draw from existing retail provision.

Turnover of Existing Town Centre Provision

- 7.4.5 The Stevenage Town Centre GOAD Report (December 2021), the most up to date report available for the centre, identifies a total of circa 15,087m² convenience and 26,626m² comparison floorspace within the Town Centre. This results in an estimated turnover of £133.1m for comparison floorspace and circa £150.9m for the convenience floorspace, with a total estimated turnover of the Town Centre of circa £284m at 2021. Adopting the sales density growth figures set out within Experian Retail Planner Briefing Note 20 (ERPBN 20), a -6.7% (2022) and -2.4% (2023) reduction in convenience retail sales densities and -0.4% (2022) and -1.6% (2023) decrease in comparison retail sales densities 2021-2022, equates to a combined total town centre goods turnover of £267.86m in 2023.
- 7.4.6 This turnover does not include the significant redevelopment proposals that are being brought forward within the Town Centre, which will contribute positively to the overall performance and function of Stevenage Town Centre. Sports Direct have advised that their existing Sports Direct and USC stores in The Forum will close on termination of their lease and the site will be redeveloped as part of the wider proposals at The Forum. This will result in a reduction in comparison goods turnover within Stevenage Town Centre of circa £3.19mil in 2021 (decreasing to £3.13mil in 2023), assuming that the store operates in line with the company average. This turnover has therefore been removed from the combined Stevenage Town Centre turnover, resulting in an anticipated annual turnover of circa £264.73mil in 2023.
- 7.4.7 The PRS advises that the closure of the existing store is not linked with the application and that the Sports Direct and USC stores will close irrespective of whether this application is approved, given the wider proposals for the redevelopment of The Forum. Assuming an unrealistic scenario whereby all the proposed development's turnover (£3.92m at 2023) is derived from Stevenage Town Centre, the PRS states this would represent an impact of just 1.48% on the total turnover of the Town Centre. It is therefore accepted that there would not be a significant adverse impact on the Town Centre in the context of the NPPF.

Public and Private Town Centre Investment

- 7.4.8 Given the scale and nature of the existing, committed and planned public and private investment projects which are strategic in nature, it is concluded that the application proposal would not give rise to a significant adverse impact on existing, committed and

planned public and private investment in Stevenage Town Centre, or indeed in any other centre in the catchment area of the proposals. As such, it is considered that the proposal would not have a significant adverse impact on one or more of the considerations of paragraph 90 of the NPPF. The retail impact analysis therefore does not give rise to a reason to refuse the application.

7.5 Highways and Parking

- 7.5.1 The application proposal seeks planning permission for a mezzanine floor. The proposals would result in an increase in gross floor space of 1,115m², with the total combined floor space within the unit increasing from 1,116m² to 2,231m². The Council's Parking Provision and Sustainable Transport SPD (2020) requires 1 space per 20m² for non-food retail warehouses exceeding 1,000m². An uplift of 1,115m² would generate a requirement for 56 additional parking spaces or 46 taking into account the 200m² allowance.
- 7.5.2 There is currently parking for circa 1,016 cars of which 393 are in the northern car park and 504 in the southern car park, with parking for 62 cars in the service yard and 57 adjacent to Harvester. It is understood that the car park is busiest over the weekend with lower occupancy levels during weekdays. No changes are proposed to the layout or number of spaces associated with this application. The Transport Statement submitted in support of the application states the proposal would result in an increased demand for parking which is estimated at 24 spaces on the Saturday afternoon based on surveys in the TRICS (Trip Rate Information Computer System) database.
- 7.5.3 Whereas there could be an increased demand for car parking at the weekend, the applicant and occupiers are satisfied that the existing number of parking spaces would be sufficient under normal trading conditions with opportunities to travel by other modes. The Transport Statement confirms a Travel Plan would be implemented to encourage staff to travel to and from the store by modes other than the private car.
- 7.5.4 Deliveries and refuse collection would take place as per the existing arrangements from the service yard to the rear of Unit 7B. Unit 7B would receive on average 1 delivery per day which would not impact on the operation of the local or wider highway network. Deliveries would typically be planned to take into account existing stores in surrounding towns, and where possible link the delivery with another store thereby reducing costs and delivery mileage.
- 7.5.5 With regards to cycle parking there is parking for a minimum of 99 bicycles including 67 in public areas with 7 spaces adjacent to Unit 11B, and parking for a further 32 bicycles within the service yards of the retail park. The Parking Provision SPD (2020) would require the provision of 4 long term and 3 short term cycle spaces for the proposed increase in floor space from the mezzanine floor taking into account the 200m² allowance. No additional cycle parking is proposed; however, the applicant has argued the large amount of existing provision on site is not widely used and therefore there is capacity to accommodate any increase in demand as a result of the increase in floor space. Given the retail park primarily sells bulky comparison goods (with the exception of M&S and TK Maxx), it is considered most customers would travel to the site by car and the existing cycle parking offer would be sufficient in this instance.
- 7.5.6 In terms of accessibility, vehicular, pedestrian and cycle access to the retail park forms off London Road and the A606 Monkswood Way. The A606 provides a primary A road, connecting the site and wider Stevenage to the A1(M). Stevenage is also easily accessible from further afield by train, bus and bike. There are two bus stops located along London Road, approximately 150 metres north of the unit. Roaring Meg Retail Park Stop A and B provide bus services: 44, 45, 301, 378 and 379. A network of cycle lanes serves the site and the wider area, with cycle access via a dedicated cycle lane is provided from London Road and Monkswood Way.

7.5.7 In terms of trip generation and parking, following clarification with the transport consultant, the Highway Authority agrees that the existing spaces can accommodate the extra demand. It is further agreed the increases in demand would not result in a material change in traffic conditions in the local area. Given that Stevenage Borough Council has an adopted CIL, contributions to provide infrastructure to support the development more generally would be sought via this mechanism. These may be linked to the North and Central Hertfordshire Growth and Transport Plan 2019 (Section 4) PK1 & PK2. The Highway Authority concludes that this level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the Highway Authority would not wish to restrict the grant of planning permission.

7.6 Flood Risk and Drainage

7.6.1 The Lead Local Flood Authority have identified that the site is adjacent to a low-risk surface water flow path/ponding area (land with a chance of flooding of between 0.1% and 1% each year), is located in Flood Zone 2 and is adjacent to Flood Zone 3. The application proposes external alterations, an internal mezzanine floor and the partial widening (20%) of the range of goods sold from the Unit only, with no increase in the building footprint proposed. As such, the proposal is not considered a vulnerable use and the development would not increase the likelihood of flooding at the site, or elsewhere.

7.7 External Alterations

7.7.1 This application proposal also includes external alterations to the front elevation to facilitate the occupation of the unit by the proposed operator. In summary, the proposed changes are minor and would involve amendments to the elevations including recladding, new glazing and entrance doors. There would also be new signage zones, subject to a future advertisement consent application. No changes are proposed to the existing metal cladding, composite cladding, glazing, frame and spandrels. It is considered the proposed elevational alterations are minor and would not have an adverse visual impact on the application unit or the wider retail park. This element of the scheme is therefore considered acceptable.

7.8 Climate Change Mitigation

7.8.1 Policy FP1 'Climate Change' states planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future 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.

7.8.2 The existing building fabric would be retained and repurposed for a new use, which is a highly efficient way of reducing energy use and carbon when compared with demolition and new build development. The limited alterations which would be carried out to a Controlled Fitting (as defined by Building Regulation Approved Document L2) relate to the extension of the existing shop front. The building is currently in a shell condition and would remain so following the shopfront alteration works and no Controlled Services (as defined by

Approved Document L2) are being altered. There are limited opportunities for energy or water saving measures in the shell works as the existing building fabric is being retained and no plant or equipment would be installed. The shell works would be undertaken in full accordance with the Building Regulations and high efficiency double glazing would be used in the new shopfront with specialist coatings to mitigate solar gain. The proposed operator would need to complete their fit out in accordance with the current Building Regulations; this is likely to include the use of high efficiency Controlled Services such as LED lighting and a heat pump / AC units.

- 7.8.3 Given the limited nature of the external alterations and internal fit out required to facilitate the provision of the mezzanine, it is considered compliance with Building Regulations in relation to climate change mitigation would be acceptable in this regard.

7.9 Other Matters

Equality and Human Rights Considerations

- 7.9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.9.2 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty. The approach adopted in response to inclusive design includes level access. The building complies with current approved document M under the Building Regulations.
- 7.9.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.9.5 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

Community Infrastructure Levy

- 7.9.6 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 ²	£100/m ²
Sheltered housing	£100/m ²	
Extra care housing	£40/m ²	
Retail development	£60/m ²	
All other development	£0/m ²	

- 7.9.7 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.
- 7.9.8 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.

8. CONCLUSIONS

- 8.1 This application is seeking planning permission and a variation to the legal agreement to allow Sports Direct and USC to occupy Unit 7B, Roaring Meg Retail Park. The proposals comprise external alterations, insertion of mezzanine floorspace and a widening of the range of goods to be sold from part of Unit 7B to allow the ancillary sale of fashion clothing and footwear up to 20% of the unit's floorspace by a USC concession.
- 8.2 Sports Direct and USC trade from two units in the Forum Shopping Centre, which has recently been granted planning permission for its redevelopment for predominantly life science and retail use. Unit 7B presents the opportunity for Sports Direct to deliver a flagship store, one of 10 that Sports Direct are proposing to deliver nationally, which includes the retailer's fashion and clothing brand USC concession.
- 8.3 The Planning and Retail Statement submitted in support of the application, alongside this report has considered the acceptability of the proposal against the relevant policies contained in the NPPF and the Local Plan (2019), and concludes the following:
- The application site is an established out-of-town retail destination in Stevenage;
 - The proposed development would deliver significant investment into the local economy by way of retaining existing Sports Direct and USC jobs and delivering new employment opportunities arising from increased floorspace that the retailer would occupy, with corresponding increase in employment numbers, as well as investment into the local economy by way of the repurposing and enhancement works proposed;
 - Notwithstanding the out-of-centre location of the site, the sequential assessment concludes that there are no sequentially preferable sites within Stevenage Town Centre capable of accommodating the development, and the application site is therefore the most sequentially preferable location;
 - The proposal would not have any adverse impacts on the performance and vitality and viability of Stevenage Town Centre;

- The development presents sustainable development, resulting in the enhancement and occupation of an existing vacant retail unit in an accessible location; and
- The proposed development is acceptable in all other respects.

8.4 Given the above, the proposed development accords with the Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2021) and PPG. As the proposed development accords with the development plan, planning permission should be granted in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

9. RECOMMENDATIONS

9.1 That the Committee agree the modification of Obligation 5 of the Third Schedule of Section 106 Agreement dated 4 December 2014 as follows:

Units 2, 6 and 7 Roaring Meg Retail Park aforesaid shall not be used for the sale of any foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport) or other fashion goods retailing pursuant to the Lawful Development Certificates); other than for the sale of clothing and footwear from up to 446m² of the sales area within Unit 7B, shown edged red on the enclosed Site Location Plan.

9.2 To 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 variation to the original S106 agreement.

9.3 That planning permission be GRANTED subject to the following conditions, with any amendments to the conditions listed in this report be delegated to the Assistant Director of Planning and Regulation:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
2264-U7B-L01; 2264-U7B-X01; 2264-U7B-P01-A; 2264-U7B-P02-A; 2264-U7B-P03-A;
2264-U7B-X02-A

REASON:- For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods. Notwithstanding, Unit 7B hereby permitted may also be used for the sale of clothing and footwear from up to a maximum sales area of 446m² (net). The extended range of goods may only be sold on the basis the floorspace is operated as a single unit.

REASON:- The impact of the development has been modelled on the basis the sale of clothing and footwear would be from Unit 7B only.

4 Unit 7B hereby permitted, including any mezzanine floor, shall only operate as one unit with internal connections maintained, as indicated on drawing no. 2264-U7B-P01-A Proposed Ground Floor Plan.

REASON:- The impact of the development has been modelled on the basis of Unit 7B operating as one unit.

- 5 The mezzanine floorspace hereby permitted shall at no time be utilised as an independent retail unit.
REASON:- The impact of the development has been modelled on the basis of Unit 7B operating as one unit.

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

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

INFORMATIVE

1 Community Infrastructure Levy

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

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

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

2 Building Regulations

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

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

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 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).

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Practice Guidance.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00528/FPH
Location :	115 Haycroft Road, Stevenage
Proposal :	Single storey front extension and construction of driveway with associated dropped kerb.
Drawing Nos.:	2333-P001; 2333-P002A;
Applicant :	Mr Mark Temple
Date Valid:	6 July 2023
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application property is a three-bedroom mid-terraced property on the northern side of Haycroft Road, at its far eastern end, close to the junction with Barclay Crescent to the south and Chelsom Close to the west with Lawrence Avenue beyond.
- 1.2. The property is constructed of red brick with a dual pitched tiled roof. The prevailing character of this area is for red bricked terraced or semi-detached housing of a uniform size and design.
- 1.3. There are examples of hardstands in the front curtilages of a number of properties, including the adjoining neighbouring properties.

2. RELEVANT PLANNING HISORY

- 2.1 None relevant

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the erection of a single storey front extension and the creation of a hardstand for two vehicles in the front curtilage adjacent to the front boundary with the highway.
- 3.2 The extension would measure 2.5m deep, 7m wide, 2.6m high to the eaves and 3.4m high to the ridge with a hipped roof containing a small area of crown roof measuring 0.7m deep and 4.6m wide.
- 3.3 The hardstand would measure 5m wide and 5m deep at its shortest and 5.7m deep at its longest would be created in the front curtilage adjacent to the front boundary.
- 3.4 This application comes before the Planning and Development Committee because the applicant is related to employees of Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

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

5. CONSULTATIONS

- 5.1. Herts County Council as Highways Authority

- 5.1.1 Subject to informatives, this level of development is unlikely to generate any significant movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity. Therefore, the highway authority would not wish to restrict the grant of planning permission.

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 September 2023. 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 Adopted Local Plan (2019)

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

Policy SP8: Good design;
Policy IT5: Parking and access;
Policy GD1: High quality design;

6.5 Supplementary Planning Documents

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

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 to be considered are the impact of the proposal on the character and appearance of the area, the impact on the amenities of neighbouring occupiers, and the car parking provision.

- 7.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Impact on the Character and Appearance of the Area

- 7.2.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.2.2 Appendix C of the Stevenage Design Guide SPD 2023 provides guidance on extensions and alterations to dwellings. The Council will consider the impact upon the appearance of the existing property as well as the character and appearance of the area. In addition, the guide sets out that the extension should appear subservient to the original house; smaller in width, height and depth than the existing property, but still using the same scale and proportions.
- 7.2.3 Appendix C of the Design Guide SPD also stipulates that building features such as windows, roof pitches, overhangs, gables, chimneys should all be consistent with those of the existing property. If the roof of the main building is pitched, for example, then the extension should have a pitched roof, at the same angle. However, this does not mean that contemporary design will not be acceptable, providing it respects local character and does not detract from the original building.
- 7.2.4 The property forms part of a terrace of four properties on the northern side of Haycroft Road, opposite the junction with Barclay Crescent to the south. The prevailing character of the area is small terraces of 3 to 4 dwellings all of identical size, design and materials. The terraces in this part of Haycroft Road all have much deeper than average front gardens (approximately 12-15m deep).
- 7.2.5 The proposed extension would not therefore, appear overbearing or over dominant within the overall plot, nor against the existing dwelling. The design of the extension is acceptable, and the use of similar materials will result in a cohesive appearance. The area of crown roof is minimal and not considered to be detrimental to the street scene.

7.3 Impact on Neighbouring Amenities

- 7.3.1 Policies SP8 and GD1 of the Local Plan 2019 require development proposals to have regard to the guidance contained within the Design Guide SPD 2023. Policy GD1 also requires that development does not adversely impact the amenities of neighbouring occupiers. Appendix C of the Design Guide SPD states that the Council will assess proposals for residential extension in terms of their impacts on privacy, outlook, and natural light.
- 7.3.2 The proposed extension will be 2.5m deep which exceeds the requirements of the Design Guide SPD (2023) for front extensions adjacent to a shared boundary (1.5m). This guidance is to protect the amenities of neighbouring habitable rooms from detrimental harm to outlook and loss of light.
- 7.3.3 However, in this regard, both neighbouring properties have their front entrance doors adjacent to the shared boundaries, and in the case of No.117, they have a single door serving their kitchen in addition to the main front door adjacent to the boundary.
- 7.3.4 Accordingly, the proposed extension, whilst deeper than the guidance sets out, would not harm the outlook or impact levels of daylight and sunlight to any habitable rooms in this instance.

7.4 Car Parking Provision

- 7.4.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020.
- 7.4.2 The proposed development would not alter the number of bedrooms in the dwelling. However, the applicant proposes to install a hardstand in the front garden measuring 5m wide and 5m deep at its shortest and 5.7m deep at its longest. This can accommodate two vehicles which is acceptable for a three bedroom dwelling. With the imposition of a condition to require the hardstand to be constructed of porous materials or a soakaway installed, the

hardstand will be acceptable. The neighbouring property, and many others in the area have similar front curtilage hardstands.

7.4.3 Herts County Council as Highways Authority have assessed the application and raised no objections or concerns with regards to the dropped kerb.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the following conditions and informatives:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

2333-P001; 2333-P002A;

REASON:- For the avoidance of doubt and in the interests of proper planning

2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 The materials to be used in the construction of the external surfaces of the front extension hereby permitted shall match the materials used in the construction of the original dwelling to the satisfaction of the Local Planning Authority.

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

4 The proposed hardstanding shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the dwellinghouse.

REASON:- In the interest of visual amenity and to ensure the development is sustainable and accords with the aspirations of Class F, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

For the Following Reason(s):-

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

INFORMATIVES

1 Public Information on Planning Applications

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

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

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

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

Hertfordshire Building Control can also be contacted by post at Hertfordshire Building Control Ltd, 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 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.

6 Hertfordshire County Council as Highways Authority

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

6 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.

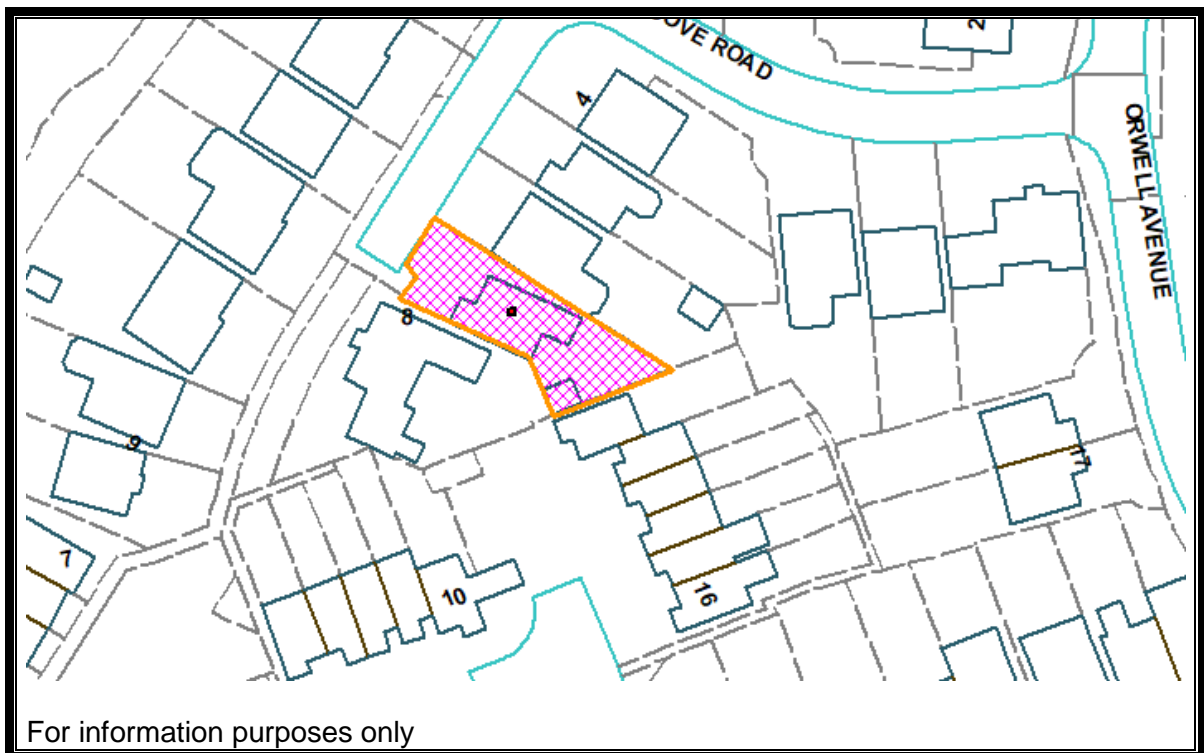
10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020 and Stevenage Design Guide adopted January 2023.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Practice Guidance.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Linda Sparrow	07931 863551
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Linda Sparrow	07931 863551

Application No :	23/00621/CLED
Location :	7 Dove Road, Stevenage
Proposal :	Certificate of Lawfulness for (Existing Development) for the enlargement and conversion of a garage into an annexe
Drawing Nos.:	Site Location Plan; Garage Plan; Garage Floor plan;
Applicant :	Ms Stephanie Beechey
Date Valid:	15 August 2023
Recommendation :	CERTIFICATE OF LAWFULNESS APPROVED



1. SITE DESCRIPTION

- 1.1 The application site comprises a detached property within a residential area of Stevenage. The front curtilage is fully block paved and can accommodate three vehicles. The original cat slide roof which formed a canopy over the garage has been filled in with a bay window following the conversion of the garage.

2. RELEVANT PLANNING HISORY

- 2.1 2/0246/94, Land North of Gorsedell. Outline planning application for residential development and associated estate roads and open space. Granted 22.09.1995.
- 2.2 2/0156/98, Land North of Gorsedell. Application to vary Condition No.2 of outline planning permission, reference number 2/0246/94, to extend the time period for the submission of reserved matters for residential development and associated estate road and open space. Granted 18.09.1998.
- 2.3 2/0358/98, Land North of Gorsedell. Details following outline planning permission, reference number 2/0246/94 for access road for residential development. Granted 09.02.1999.
- 2.4 00/00078/RM, Land North of Gorsedell. Details for 58 Dwellings and Associated Works Pursuant to Outline Planning Permission 2/0246/94 and Renewed by Permission 2/0156/98 ORWELL AVE (17 TO 29, DOVE ROAD, SEVERN WAY (2 TO 16), RYE CLOSE, KENMARE CLOSE (1 AND 2). Granted 26.06.2000.
- 2.5 01/00698/FP, Land North of Gorsedell. Application to modify Section 106 Agreement dated 22 September 1995 in respect of the definition of affordable housing rent. Granted 03.05.2002.
- 2.6 **Building Control Application:**
 - 2.6.1 09/02153/IN - Extension and conversion of garage into habitable accommodation and internal alterations to dwelling.
Notification received from Approved Inspector 15.09.2009.
Completion notice received from Approved Inspector 18.11.2009

3. THE CURRENT APPLICATION

- 3.1 Lawful Development Certificate (Existing) for the enlargement and conversion of the garage into habitable accommodation.
- 3.2 The application site has its permitted development rights intact; it is not located in a Conservation Area or any other Article 2(3) land and it is not a listed building.
- 3.3 This application comes before the Planning and Development Committee is because the applicant is an employee of Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Planning Practice Guidance paragraph 008 Reference ID 17c-008-20140306 states that there is no statutory requirement to consult third parties, including neighbours. It goes on to state that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.

5. CONSULTATIONS

- 5.1. Planning Practice Guidance paragraph 008 Reference ID 17c-008-20140306 states that there is no statutory requirement to consult third parties. It goes on to state that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.

6. RELEVANT PLANNING POLICIES

- 6.1 Section 191 of the Town and Country Planning Act 1990 (as amended) provides that any person who wishes to ascertain whether any existing use or operation/development is lawful may make an application to the Local Planning Authority for a Lawful Development Certificate (LDC).
- 6.2 Section 191(4) states that *"if on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application"*.
- 6.3 Section 171B(1) relates to enforcement of breaches in planning control and states that *"where there has been a breach of planning control consisting in the carrying out, without planning permission, of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed"*.
- 6.4 National Planning Practice Guidance summarises the position in paragraph 003 (17c-003-20140306) in the following terms, *"lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required."*

7. APPRAISAL

- 7.1 Having checked the Council's Planning records, the Permitted Development (PD) Rights are intact for this application property. Specifically, there are no restrictions or conditions attached to the original planning permissions, referred to in Section 2 of this report, for the estate within which the application property is located in respect to parking, including restricting the use of garages for the parking of motor-vehicles only. This means the conversion of the original garage did not require planning permission from the Council as Local Planning Authority at the time the conversion was undertaken in 2009.
- 7.2 The Council is therefore satisfied that under Section 191(4) of the Town and Country Planning Act, a Lawful Development Certificate can be issued for this element of the development.
- 7.3 However, whilst details of the size of the extension have not been provided, it would appear that the garage was extended to the front to infill the existing overhanging canopy/cat slide roof. This would have required planning permission as it extends beyond the principal elevation of the dwellinghouse and fronts a highway, therefore not complying with Class A (extensions and alterations to a domestic dwellinghouse) of the General Permitted Development Order 2015 (as amended).
- 7.4 Notwithstanding this, the applicant has provided evidence in the form of their Building Control completion certificate from 2009 as confirmation that the works were undertaken more than 4 years ago and therefore exempt from enforcement action under the 4-year rule and Section 171.B of the Town and Country Planning Act 1990. Additionally, this evidence is corroborated by two factors:
 - 1. Google street view from Dec 2009 clearly shows the conversion has already been completed (see figure 1).
 - 2. The Council's Building Control records have an entry from 2009 showing completion in November 2009.

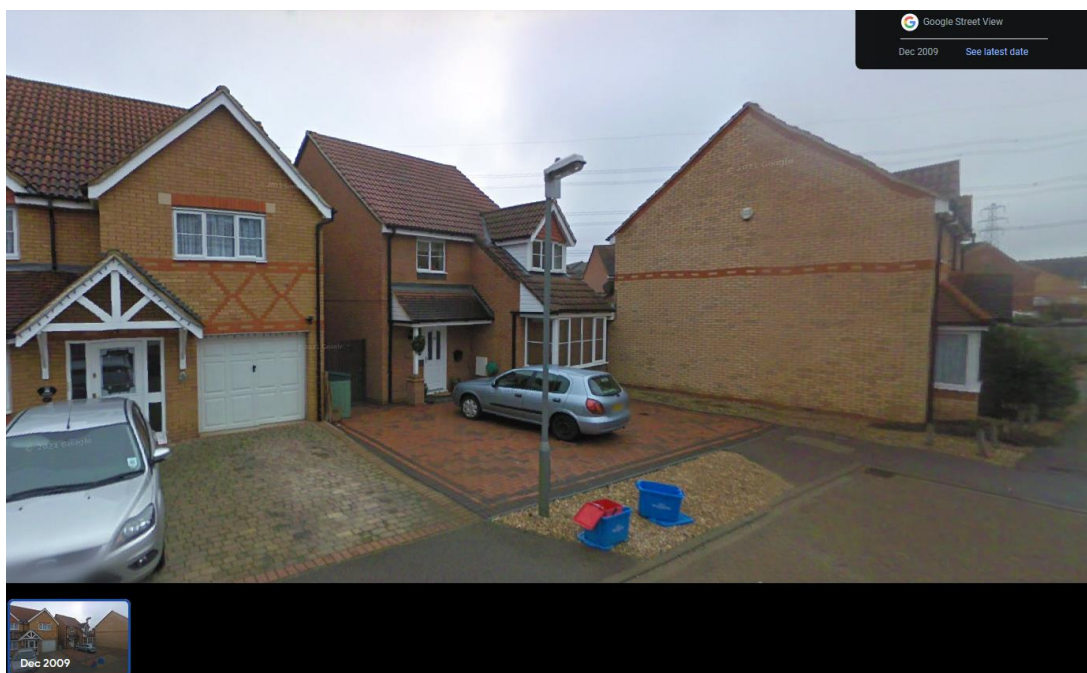


Figure 1: Google Street View from 2009



Figure 2: Property as 2023

- 7.5 Accordingly, Section 191(3A) states that when determining applications for LDC's, enforcement action against a breach of planning control can only be taken where the time limits set out in section 171B have not expired. Regarding this application, which is also seeking an LDC for an existing operation/development (i.e. the extension to the front of the garage), the time limit for enforcement action against the breach under section 171B(1) is four years from the substantial completion of the operation/development.

- 7.6 As has been laid out in this report, the works were completed in 2009. Therefore, the time limit for taking enforcement action against the breach of planning control expired in 2013. Accordingly, the development is now considered to be exempt from enforcement action and, in accordance with section 191(2)(a) the development is therefore lawful and under section 191(2)(b) no enforcement notices have been issued to which the development would be in contravention.

8. CONCLUSIONS

- 8.1 It is considered that on the balance of probabilities, the extension and conversion of the garage to habitable accommodation has been undertaken more than 4 years ago. Therefore, for the purposes of s.171B(1) of the Town and Country Planning Act 1990 (as amended) and the issue over the correct time period does not arise and it is considered that the works undertaken at the property known as 7 Dove Road to be lawful.

9. RECOMMENDATIONS

- 9.1 That the Certificate of Lawfulness is approved, subject to the following condition:
- 1 On the balance of probabilities, the evidence that has been provided has demonstrated that the enlargement and conversion of the garage at No. 7 Dove Road occurred more than 4 years ago. Therefore, for the purposes of S.171B of the Town and Country Planning Act 1990 it is considered that the enlargement and conversion of the garage is now lawful and exempt from enforcement action.

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 September 2023 and Planning Practice Guidance.

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Meeting: Planning and Development Committee

Agenda Item:

Date: 3 October 2023

Author: Linda Sparrow

07931 863551

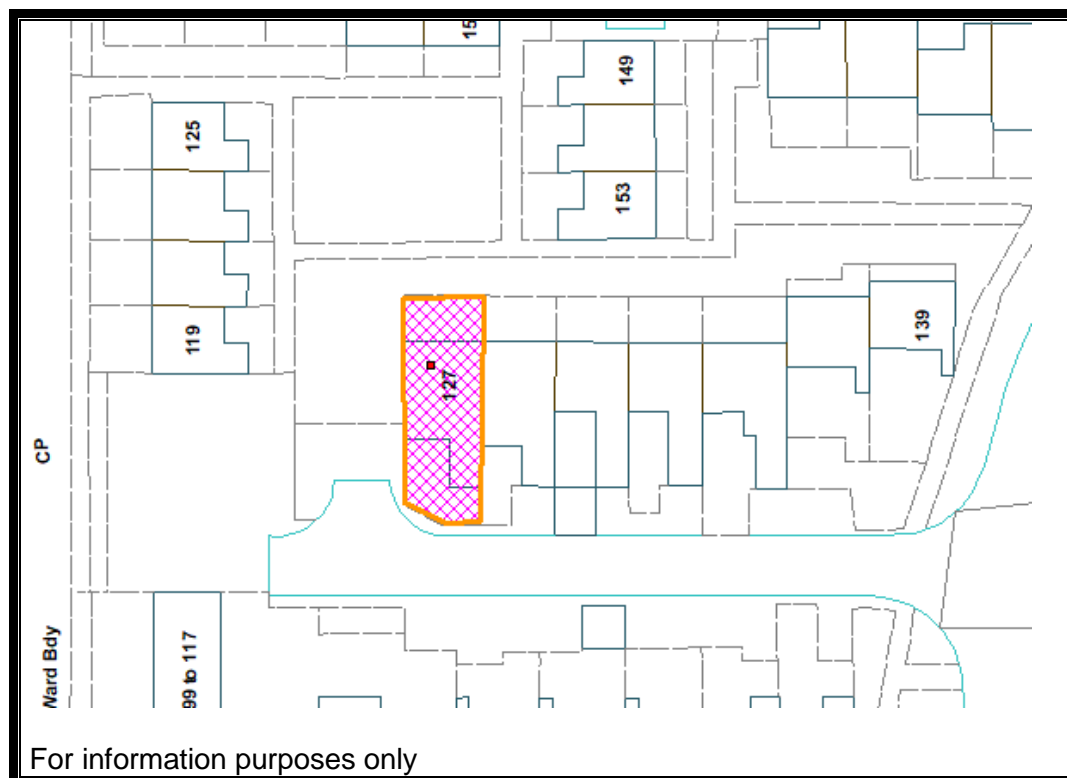
Lead Officer: Zayd Al-Jawad

01438 245257

Contact Officer: Linda Sparrow

07931 863551

Application No :	23/00631/CLEU
Location :	127 Ripon Road, Stevenage
Proposal :	Certificate of Lawfulness for (Existing Use) for the use of the property as 6-bed House of Multiple Occupation (Use Class C4)
Drawing Nos.:	Site Location Plan;
Applicant :	Mr E Fletcher
Date Valid:	15 August 2023
Recommendation :	CERTIFICATE OF LAWFULNESS APPROVED



1. SITE DESCRIPTION

- 1.1 The application site comprises an end of terrace Radburn style property within a residential area of Stevenage.

2. RELEVANT PLANNING HISORY

- 2.1 2/0198/65, St Nicholas Area. Development including residential, shopping, schools and road. Granted.
- 2.2 2/0104/68, St Nicholas Area. Residential development of 435 dwellings and 170 garages under St Nicholas Phase 5. Granted.
- 2.3 2/0202/68, St Nicholas Area. Residential development of 405 dwellings, 30 old people's flats and 196 garages. Granted

3. THE CURRENT APPLICATION

- 3.1 This application is a Lawful Development Certificate (Existing) for the use of the property as a 6-bed House of Multiple Occupancy (HMO) under Use Class C4. The property is not served by any off-street car parking.
- 3.2 The application site is not located in a Conservation Area or any other Article 2(3) land and it is not a listed building. The permitted development rights for the change of use from a Class C3 dwellinghouse to a C4 HMO were removed on 20 September 2017 by way of an Article 4 Direction (see points 3.3 and 3.4 below). Prior to this date, such a change of use would have been permitted development under the General Permitted Development Order 2015 (as amended) (GPDO) that was in force at the time.
- 3.3 The Council adopted an Article 4 Direction on 20 September 2017. This Direction covers development comprising the change of use of a building from a use class within Class C3 (dwellinghouses) of the Schedule to the Town and Country Planning Act (Use Classes) Order 1987 (as amended), to a use falling within Class C4 (HMO) of that Schedule, being development comprised within Class L(b) of Part 3 (Changes of Use) of Schedule 2 of the Order and not being development comprised within any other Class. The Direction covers the whole of Stevenage Borough Council.
- 3.4 The Article 4 Direction has the effect that any development described above in point 3.3 should not be carried out on land within the district of Stevenage Borough unless planning permission is granted by the Local Planning Authority.
- 3.5 This application comes before the Planning and Development Committee because it has been called-in by Local Ward Councillor Sandra Barr.

4. PUBLIC REPRESENTATIONS

- 4.1 Planning Practice Guidance paragraph 008 Reference ID 17c-008-20140306 states that there is no statutory requirement to consult third parties, including neighbours. It goes on to state that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.

5. CONSULTATIONS

- 5.1. Planning Practice Guidance paragraph 008 Reference ID 17c-008-20140306 states that there is no statutory requirement to consult third parties. It goes on to state that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.

6. RELEVANT PLANNING POLICIES

- 6.1 Section 191 of the Town and Country Planning Act 1990 (as amended) provides that any person who wishes to ascertain whether any existing use or operation/development is lawful may make an application to the Local Planning Authority for a Lawful Development Certificate (LDC).
- 6.2 Section 191(4) states that *"if on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application"*.
- 6.3 Section 171B(3) relates to enforcement of breaches in planning control and states that *"In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach"*.
- 6.4 National Planning Practice Guidance summarises the position in paragraph 003 (17c-003-20140306) in the following terms, *"lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required."*

7. APPRAISAL

- 7.1 The application seeks a Lawful Development Certificate to confirm that the property has been operating as a HMO since 2015, prior to the introduction of the town-wide Article 4 Direction in 2017 which requires all HMO's to now apply for planning permission (see point 3.3 above).
- 7.2 The applicant has submitted evidence of rental agreements, bank statements and property management invoices and inspections which corroborate the application and prove that on the balance of probabilities, the property has been in continuous use as an HMO since 2015.
- 7.3 Section 171B(3) relates to time limits for enforcement action against changes of use that have occurred without the benefit of planning permission when said planning permission was required at the time the change of use occurred, and that this enforcement period lasts for 10 years from the time of the breach in planning control.
- 7.4 However, an appeal decision in 2019 (Appeal Ref. APP/K1935/X/18/3218192) at 80 Kymswell Road, Stevenage, against refusal of a Lawful Development Certificate reference 18/00600/CLED, established that Section 171(B) Time Limits, of the Town and Country Planning Act 1990 (as amended), relating to the 10-year rule for uses of premises do not apply to Lawful Development Certificates of this type when the use was established to be permitted development prior to the Article 4 Direction.
- 7.5 The Inspector noted: *"At the time the change of use occurred the GPDO that was then in force included an amendment that had introduced provisions under Class 1 of Part 3 to Schedule 2 which granted permission for development consisting of the change of use of a building to a use falling within Class C4 of the Schedule to the Use Classes Order from a use falling within Class C3, and vice versa. It follows that at the time the change of use occurred the development was lawful. The Article 4 Direction cannot be retrospective, the lawful use must still exist and there has not been a breach of planning control"*.
- 7.6 Taking the aforementioned into account, it is therefore considered that the applicant has provided sufficient evidence to show that the property has been in operation as an HMO since

2015. Further, the commencement of the use of the premises as an HMO in 2015 was permitted development under the GPDO at the time and as such the use was established as permitted development prior to the enactment of the Article 4 Direction.

- 7.7 The Council is therefore satisfied that under Section 191(4) of the Town and Country Planning Act, a Lawful Development Certificate can be issued for this element of the development.

8. CONCLUSIONS

- 8.1 It is considered that on the balance of probabilities, the use of the property as a HMO is lawful as it came into use in 2015 when such changes of use were permitted development. Therefore, for the purposes of s.171B(3) of the Town and Country Planning Act 1990 (as amended) it is considered that the use of the property known as 127 Ripon Road as a HMO to be lawful.

9. RECOMMENDATIONS

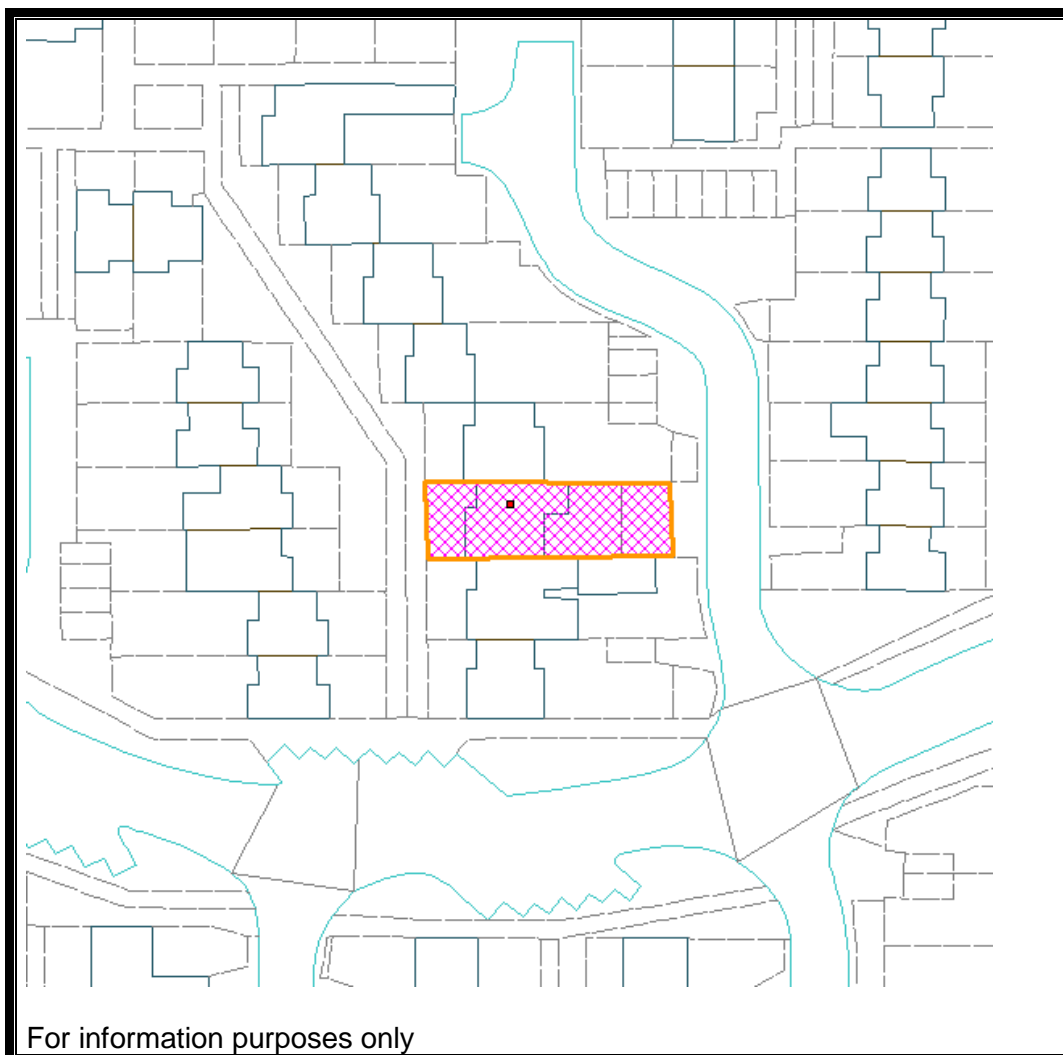
- 9.1 That the Certificate of Lawfulness is approved, subject to the following condition:
- 1 On the balance of probabilities the evidence that has been provided has demonstrated that No. 127 Ripon Road was operating as a C4 House of Multiple Occupation prior to 20 September 2017 when the Council's Article 4 Direction came into force, and is, therefore, a lawful use that is exempt from enforcement action.

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 September 2023 and Planning Practice Guidance.

Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 245257
Contact Officer:	Ailsa Davis	07702 874529

Application No :	23/00618/CLEU
Location :	45 York Road, Stevenage
Proposal :	Certificate of lawfulness for use as a 7 bedroom HMO (Use Class Sui-Generis)
Drawing Nos.:	Site Location Plan;
Applicant :	Mr Brassington
Date Valid:	10 August 2023
Recommendation :	CERTIFICATE OF LAWFULNESS APPROVED



1. SITE DESCRIPTION

- 1.1 The application site comprises a mid-terrace property within a residential area of Stevenage.

2. RELEVANT PLANNING HISTORY

- 2.1 99/00345/FP, St Nicholas Area. Detached Single Garage. Granted.
- 2.2 11/00085/FP, St Nicholas Area. Part two storey, part single storey rear extension and first floor front extension. Granted.
- 2.3 23/00165/CLED, St Nicholas Area. Certificate of lawfulness (Existing) use as a 7 bedroom HMO (Use Class Sui-Generis). Refused.

3. THE CURRENT APPLICATION

- 3.1 This application is a Lawful Development Certificate (Existing) for the use of the property as a 7-bed House of Multiple Occupancy (HMO) under use class *sui generis*. The application site is not located in a Conservation Area or any other Article 2(3) land and is not a listed building.
- 3.2 This application comes before the Planning and Development Committee because it has been called-in by Local Ward Councillor Sandra Barr.

4. PUBLIC REPRESENTATIONS

- 4.1 Planning Practice Guidance paragraph 008 Reference ID 17c-008-20140306 states that there is no statutory requirement to consult third parties, including neighbours. It goes on to state that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.

5. CONSULTATIONS

- 5.1. Planning Practice Guidance paragraph 008 Reference ID 17c-008-20140306 states that there is no statutory requirement to consult third parties. It goes on to state that views expressed by third parties on the planning merits of the case are irrelevant when determining the application.

6. RELEVANT PLANNING POLICIES

- 6.1 Section 191 of the Town and Country Planning Act 1990 (as amended) provides that any person who wishes to ascertain whether any existing use or operation/development is lawful may make an application to the Local Planning Authority for a Lawful Development Certificate (LDC).
- 6.2 Section 191(4) states that *“if on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application”*.

- 6.3 Section 171B(3) relates to enforcement of breaches in planning control and states that *"In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach"*.
- 6.4 National Planning Practice Guidance summarises the position in paragraph 003 (17c-003-20140306) in the following terms, *"lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required."*

7. APPRAISAL

- 7.1 Large HMO's (those for more than 6 persons) are unclassified by the Use Classes Order and are therefore deemed to fall within the class of *Sui Generis*. Any change of use to or from *Sui Generis* requires planning permission. The application which has come forward under s191 of the Act is to determine firstly, whether the site has been functioning as a Large HMO and secondly, whether the Large HMO has operated for a period of 10 years or more, unaffected.
- 7.2 Government guidance and planning case law sets out that the onus of proof is placed firmly on the applicant and a certificate of lawfulness may be refused on the basis of proven or present evidence. Critically, the relevant test of evidence is the 'balance of probability' and not the more onerous burden of proof 'beyond reasonable doubt'. The applicant's evidence should be sufficiently precise and unambiguous to justify a grant of this certificate. The planning merits of the use cannot be considered.
- 7.3 A Certificate of Lawfulness application was refused in April 2023 under ref. 23/00165/CLED on the basis it had not been sufficiently demonstrated beyond the balance of probability that the property had been in continuous use as a Large 7 bedroom HMO for a period of at least 10 years. Whilst the evidence submitted was considered sufficient to prove the property was indeed an HMO in 2011/2012, no evidence was provided other than a "statement of truth" that it was in operation for the required 10 years to allow a Lawful Certificate of Existing Use to be issued. The Statements submitted, without evidence to prove their content, were not considered sufficient evidence to prove on the balance of probabilities that the property had been operating continuously as a Large HMO (*Sui Generis*) for at least 10 years.
- 7.4 The evidence submitted under this application to demonstrate the existing use has been continuous over at least the last 10 year period (and since 2011), is as follows:
- Statement of Truth by David Brassington (owner and first managing agent)
 - Statement of Truth by David Savage (managing agent of the property since 2012)
 - Statement of Truth by Richard Seaman - the builder who carried out the initial building works and has handled maintenance in the property ever since
 - List of tenancy start dates
 - Tenancy Agreements from first tenants in 2011
 - HMO Licence with commenced date of 1st October 2018 - current licence for the HMO property for up to 8 persons, as 7 households.
- 7.5 Two elements should be demonstrated as part of this application. Firstly, can the current use of the property be considered to function as a large HMO and secondly has the use been continuous since at least 31st July 2013? This date being 10 years before the submission of this application in August 2023.

Does the building provide a large House of Multiple Occupation?

- 7.6 The building provides 7 bedrooms for a maximum number of 8 occupiers, with shared facilities of kitchen and living area, set over two full storeys. To the front of the property there is a small garden off the public footpath. At the rear, off the access road there is a gravelled area for car parking and a fenced, paved garden area with a garden shed for storage. The ground floor of the property has an entrance porch containing a tumble dryer leading to a hallway. From the hallway are doors to the kitchen / living area, a bathroom with shower, wash basin and wc, a bedroom with ensuite shower, wash basin and wc, a further bedroom and a cupboard containing a washing machine.
- 7.7 The kitchen contains a large hob, microwave, sink, dishwasher, 2 large fridge freezers, worktop and cupboards. The living area contains a dining table and chairs and lounge seating. Stairs from the hallway lead to the first floor which has doors to 2 bedrooms with ensuite shower, wash basin and wc, 3 further bedrooms, a bathroom with shower, wash basin and wc. It is agreed therefore the property provides a large House of Multiple Occupation, being for over 6 occupiers.

Has the use been continuous since July 2013?

Statements of Truth

- 7.8 In regard to this evidence, three Statements of Truth are provided. These are from the owner as applicant - Mr David Brassington, then from Mr David Savage who has managed the property on behalf of the owner since 2012. Thirdly, is one from Mr Richard Seaman, the builder who carried out the initial building works of extension and alterations, and who has carried out various maintenance work at the property ever since. The applicant's Statement of Truth makes reference to the fact that the commercial arrangement for David Savage to lease the property is a fixed monthly fee, which obviously provides him with the financial incentive to let the maximum number of rooms permissible under the HMO licence. He has done so ever since taking over management of the property in 2012.

Tenancy Agreements from first tenants in 2011

- 7.9 This evidence is a collation of the principal pages of each Assured Shorthold Tenancy Agreement, for the first set of 7 tenants of the 7 rooms of the HMO, from the first occupation and start of the large HMO use in July 2011. The evidence demonstrates continuous occupation as a large HMO for in excess of the required 10-year period, being the last 12 complete years, since July 2011.

List of tenancy start dates

- 7.10 This evidence is information collated from the applicant's deposit managing service of My Deposits Protection Scheme. This shows the dates on which new tenancies were started and protected for each respective tenant of the HMO throughout at least the last 10-year period. This demonstrates that there have been multiple tenancies in each year across the 7 rooms of the HMO. The current tenants residing in the property started their tenancies in 2018, 2019, 2020, 2022 and 2023. Furthermore, screen shots have been provided from the logged in account of the My Deposits scheme. This provides evidence of the continuity of the use which was lacking in the previous application.

HMO Licence

- 7.11 Also submitted in evidence is the current HMO licence issued by the Council, which commenced in October 2018. This confirms the property has 7 rooms or 'households' for letting, for a maximum number of 8 persons. There was no requirement for a licence previous to this, so this is the sole licence on record.

8. CONCLUSIONS

- 8.1 For the purposes of Section 171(B) Time Limits, of the Town and Country Planning Act 1990 (as amended), the 10-year rule must apply for Large HMOs of 7 bedrooms or more. It is considered the evidence submitted with this application demonstrates the continuity of the existing use in excess of this time period and the evidence is sufficiently precise and unambiguous to justify the grant of a Certificate of Lawfulness. The applicant has discharged the statutory tests and meets the burden of proof. The evidence meets the relevant required test of 'on the balance of probability' from the Statutory Declarations and other documents provided.
- 8.2 The use of the property known as 45 York Road as a Large 7 bedroom HMO is considered to be lawful under Section 171B(3) of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

- 9.1 That the Certificate of Lawfulness is approved for the following reason:
- 1 On the balance of probabilities, the evidence that has been provided has demonstrated that No. 45 York Road has been continuously operating as a Large House of Multiple Occupation for a period of at least 10 years from the date of the application, and is, therefore, a lawful use that is exempt from enforcement action.

9. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.

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PART 1
Release to Press

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 – Ailsa Davis 07702 874529

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 : 22/00398/COND

 Date Received : 27.04.22

 Location : Symonds Green Community Centre Annexe 145 Scarborough
 Avenue Stevenage Herts

 Proposal : Discharge of conditions 3 (bin stores), 4 (soft and hard
 landscaping), 10 (acoustic report) , 17 (energy strategy) attached
 to planning permission reference number 21/01070/FPM

 Date of Decision : 10.08.23

 Decision : **The Condition(s)/Obligation(s) cannot be discharged but are
 deemed Acceptable**

Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.

The case officer's letter is attached providing further information.

2. Application No : 23/00019/FPH
Date Received : 09.01.23
Location : 67 The Paddocks Stevenage Herts SG2 9UE
Proposal : Retrospective planning permission for outbuilding and air conditioning units.
Date of Decision : 14.08.23
Decision : **Planning Permission is GRANTED**
3. Application No : 23/00226/FP
Date Received : 21.03.23
Location : 203 Valley Way Stevenage Herts SG2 9BU
Proposal : Erection of 1no. three bedroom dwelling
Date of Decision : 18.09.23
Decision : **Planning Permission is GRANTED**
4. Application No : 23/00248/FP
Date Received : 31.03.23
Location : 70 Hydean Way Stevenage Herts SG2 9XL
Proposal : Change of use from public amenity land to residential land in order to construct a new driveway.
Date of Decision : 28.07.23
Decision : **Planning Permission is GRANTED**
5. Application No : 23/00300/COND
Date Received : 18.04.23
Location : Land Between Watercress Close, Coopers Close And Walnut Tree Close Stevenage Herts SG2 9TN
Proposal : Discharge of condition 8 (Construction Management Plan) attached to planning permission reference 21/00057/FP
Date of Decision : 14.08.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

6. Application No : 23/00321/COND
Date Received : 24.04.23
Location : Marshgate Car Park St. Georges Way Stevenage Herts
Proposal : Discharge of condition 16 (drainage) attached to planning permission reference number 21/00627/FPM
Date of Decision : 08.09.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
7. Application No : 23/00347/FP
Date Received : 05.05.23
Location : 203 Valley Way Stevenage Herts SG2 9BU
Proposal : Variation of Condition 1 (approved drawings) to amend the HMO to 4 bedrooms and Condition 3 (car parking spaces) attached to planning permission reference number 21/00252/FP
Date of Decision : 18.09.23
Decision : **Planning Permission is GRANTED**
8. Application No : 23/00348/FPH
Date Received : 07.05.23
Location : 11 Essex Road Stevenage Herts SG1 3EZ
Proposal : Single storey side and rear extension.
Date of Decision : 30.08.23
Decision : **Planning Permission is GRANTED**
9. Application No : 23/00422/FPH
Date Received : 01.06.23
Location : 121 Kimbolton Crescent Stevenage Herts SG2 8RL
Proposal : Single storey front extension
Date of Decision : 16.08.23
Decision : **Planning Permission is GRANTED**

10. Application No : 23/00429/FP
Date Received : 02.06.23
Location : Lister Hospital Coreys Mill Lane Stevenage Herts
Proposal : Single-storey extension with associated terrace, construction of ramped access to external sun terrace area with associated works.
Date of Decision : 02.08.23
Decision : **Planning Permission is GRANTED**
11. Application No : 23/00434/CLPD
Date Received : 05.06.23
Location : 43 Walkern Road Stevenage Herts SG1 3RA
Proposal : Lawful Development Certificate (Proposed) for rear dormer window and 1 no. roof light.
Date of Decision : 31.07.23
Decision : **Certificate of Lawfulness is APPROVED**
12. Application No : 23/00435/FPH
Date Received : 05.06.23
Location : 43 Walkern Road Stevenage Herts SG1 3RA
Proposal : Single storey rear and side extension.
Date of Decision : 01.08.23
Decision : **Planning Permission is GRANTED**
13. Application No : 23/00440/FP
Date Received : 06.06.23
Location : The Wine Society Gunnels Wood Road Stevenage Herts
Proposal : Installation of sprinkler tanks and pump house
Date of Decision : 27.07.23
Decision : **Planning Permission is GRANTED**

14. Application No : 23/00443/COND
Date Received : 07.06.23
Location : 14 North Road Stevenage Herts SG1 4AL
Proposal : Discharge of condition 6 (Tree Protection Measures) attached to planning permission 22/00982/FP
Date of Decision : 17.08.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
15. Application No : 23/00447/FPH
Date Received : 08.06.23
Location : 105 Webb Rise Stevenage Herts SG1 5QF
Proposal : Single-storey rear extension.
Date of Decision : 02.08.23
Decision : **Planning Permission is GRANTED**
16. Application No : 23/00449/FPH
Date Received : 08.06.23
Location : 1 Aspen Close Stevenage Herts SG2 8SJ
Proposal : Proposed single-storey side extension, single-storey front extension, alterations to the roof and external elevations.
Date of Decision : 17.08.23
Decision : **Planning Permission is GRANTED**
17. Application No : 23/00450/TPTPO
Date Received : 08.06.23
Location : 34A Fellowes Way Stevenage Herts SG2 8BW
Proposal : Reduction by 30% to 2No Beech Trees T2 and T3 protected by TPO 43
Date of Decision : 01.08.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

18. Application No : 23/00455/CPAS
 Date Received : 13.06.23
 Location : David Lloyd Fitness Centre 2 Stevenage Leisure Park Kings
 Way Stevenage
 Proposal : Application to determine if Prior Approval is required for the
 proposed roof mounted solar panels (under 1mWp).
 Date of Decision : 27.07.23
 Decision : **Prior Approval is REQUIRED and GIVEN**
19. Application No : 23/00456/FPH
 Date Received : 14.06.23
 Location : 79 Lingfield Road Stevenage Herts SG1 5SQ
 Proposal : Demolition of existing conservatory and erection of a single
 storey rear extension.
 Date of Decision : 10.08.23
 Decision : **Planning Permission is GRANTED**
20. Application No : 23/00463/FP
 Date Received : 16.06.23
 Location : 108 York Road Stevenage Herts SG1 4HF
 Proposal : Retrospective change of use from public amenity land to
 residential land with associated hard surfacing for the parking of
 motor-vehicles.
 Date of Decision : 15.08.23
 Decision : **Planning Permission is GRANTED**

21. Application No : 23/00465/FP
Date Received : 17.06.23
Location : 14 North Road Stevenage Herts SG1 4AL
Proposal : Variation of condition 1 (approved plans) attached to planning permission reference number 22/00982/FP to amend the floor plans, external elevations plans, site layout plan and construction management plans.
Date of Decision : 07.08.23
Decision : **Planning Permission is GRANTED**
22. Application No : 23/00466/FPH
Date Received : 19.06.23
Location : 13 Burymead Stevenage Herts SG1 4AX
Proposal : Single storey side and rear extension
Date of Decision : 10.08.23
Decision : **Planning Permission is GRANTED**
23. Application No : 23/00468/FPH
Date Received : 19.06.23
Location : 10 Orchard Crescent Stevenage Herts SG1 3EW
Proposal : Demolition of existing garage and erection of single storey side and rear extension and erection of raised timber decking area
Date of Decision : 07.08.23
Decision : **Planning Permission is GRANTED**
24. Application No : 23/00475/COND
Date Received : 21.06.23
Location : Sanders Building & Gunnels Wood Building Gunnels Wood Road Stevenage Herts
Proposal : Discharge of conditions 15 (Refuse stores), 16 (Cycle parking stands) and 17 (Electric Vehicle Charging Points) attached to planning permission reference number 21/01362/FPM
Date of Decision : 09.08.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

25. Application No : 23/00476/TPTPO
Date Received : 21.06.23
Location : 1 Clements Place Rectory Lane Stevenage Herts
Proposal : 3 x Yew trees to be reduced by 30% due to excessive shading (marked T2, T4 and T5 on the TPO Map) protected by Tree Preservation Order 92.
Date of Decision : 11.08.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
26. Application No : 23/00484/TPCA
Date Received : 23.06.23
Location : Eastbourne Lodge 48A Eastbourne Avenue Stevenage Herts
Proposal : T2 - 1 x Ash - Fell due to weak fork, excessive shading also birds defecating on patio. (T1 - Ash, T3 - Ash , T4 -Oak and T5 - Ash - No work undertaken)
Date of Decision : 01.08.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
27. Application No : 23/00489/FPH
Date Received : 24.06.23
Location : 29 Burydale Stevenage Herts SG2 8AU
Proposal : Single storey front extension
Date of Decision : 03.08.23
Decision : **Planning Permission is GRANTED**

28. Application No : 23/00493/COND
Date Received : 26.06.23
Location : Land Between Watercress Close, Coopers Close And Walnut Tree Close Stevenage Herts SG2 9TN
Proposal : Discharge of condition 9 (Fire Hydrants and Water Supply) attached to planning permission reference number 21/00057/FP (Allowed on appeal under reference: APP/K1935/W/22/3298826).
Date of Decision : 14.08.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
29. Application No : 23/00494/TPTPO
Date Received : 26.06.23
Location : 6 Foster Close Stevenage Herts SG1 4SA
Proposal : Reduce crown by 50% to 2no. Hornbeam trees protected by Tree Preservation Order 10
Date of Decision : 17.08.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
30. Application No : 23/00497/CLPD
Date Received : 27.06.23
Location : 35 The Paddocks Stevenage Herts SG2 9TU
Proposal : Lawful Development Certificate (Proposed) for partial garage conversion to residential accommodation.
Date of Decision : 27.07.23
Decision : **Certificate of Lawfulness is APPROVED**

31. Application No : 23/00503/FP
Date Received : 28.06.23
Location : Sycamore House Leyden Road Stevenage Herts
Proposal : Installation of 2no. external flues and waste container with screen enclosure outside Cytiva laboratory space at the ground floor of Sycamore House. The external flues support the research in the adjacent Cytiva laboratory space and the waste container is to store liquid waste from the chemical processes in the labs.
Date of Decision : 01.08.23
Decision : **Planning Permission is GRANTED**
32. Application No : 23/00508/FP
Date Received : 29.06.23
Location : Jenny Chapman House Shephall View Stevenage Herts
Proposal : Replacement of existing windows.
Date of Decision : 28.07.23
Decision : **Planning Permission is GRANTED**
33. Application No : 23/00509/COND
Date Received : 29.06.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of Condition 26 (Materials) attached to planning permission reference number 17/00862/OPM (Bellway plots).
Date of Decision : 13.09.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
34. Application No : 23/00513/FPH
Date Received : 01.07.23
Location : 144 Chertsey Rise Stevenage Herts SG2 9JH
Proposal : Erection of front porch
Date of Decision : 10.08.23
Decision : **Planning Permission is GRANTED**

35. Application No : 23/00515/FPH
Date Received : 03.07.23
Location : 15 The Pastures Stevenage Herts SG2 7DF
Proposal : Retrospective erection of a single storey front extension and proposed erection of part single storey, part two storey rear extension.
Date of Decision : 08.08.23
Decision : **Planning Permission is GRANTED**
36. Application No : 23/00519/AD
Date Received : 04.07.23
Location : Monkswood Retail Park Elder Way Stevenage Herts
Proposal : 3no. non-illuminated signs.
Date of Decision : 27.07.23
Decision : **Advertisement Consent is GRANTED**
37. Application No : 23/00520/FPH
Date Received : 04.07.23
Location : 2 Lintott Close Stevenage Herts SG1 3LZ
Proposal : Construction of hipped roof over existing garage.
Date of Decision : 14.09.23
Decision : **Planning Permission is GRANTED**
38. Application No : 23/00522/CLPD
Date Received : 04.07.23
Location : 65 The Hedgerows Stevenage Herts SG2 7DQ
Proposal : Lawful Development Certification (Proposed) for garage conversion.
Date of Decision : 03.08.23
Decision : **Certificate of Lawfulness is APPROVED**

39. Application No : 23/00523/FPH
Date Received : 05.07.23
Location : 39 Shephall View Stevenage Herts SG1 1RW
Proposal : Erection of part single storey, part first floor side extension.
Date of Decision : 30.08.23
Decision : **Planning Permission is GRANTED**
40. Application No : 23/00524/FP
Date Received : 05.07.23
Location : Shephall Dental Surgery 246 Shephall Way Stevenage Herts
Proposal : Demolition of existing rear extension and erection of a part single-storey, part two-storey rear extension to Dental Surgery.
Date of Decision : 29.08.23
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The applicant has failed to demonstrate that the enlargement and modernisation of the premises is justified, nor have they demonstrated that the enlargement and modernisation is appropriate for the location and accessibility of the site. As such, the proposed development fails to accord with Policy HC5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the National Planning Policy Framework (2021) and Planning Practice Guidance.
41. Application No : 23/00525/NMA
Date Received : 05.07.23
Location : 15 Montfichet Walk Stevenage Herts SG2 7DT
Proposal : Non-material amendment to planning permission reference number 23/00237/FPH to change roof on porch to mono-pitched roof
Date of Decision : 28.07.23
Decision : **Non Material Amendment AGREED**

42. Application No : 23/00530/FPH
Date Received : 07.07.23
Location : 188 Hydean Way Stevenage Herts SG2 9YD
Proposal : Single-storey front extension.
Date of Decision : 24.08.23
Decision : **Planning Permission is GRANTED**
43. Application No : 23/00531/NMA
Date Received : 07.07.23
Location : Roebuck Retail Park London Road Stevenage Hertfordshire
Proposal : Non material amendment to planning permission reference 21/00754/FPM to amend approved front, side and rear elevations.
Date of Decision : 01.08.23
Decision : **Non Material Amendment AGREED**
44. Application No : 23/00532/CLPD
Date Received : 08.07.23
Location : 23 Glanville Crescent Stevenage Herts SG1 4FW
Proposal : Certificate of Lawfulness (Proposed) for the erection of 2 no. rear dormer windows and 2 no. roof lights.
Date of Decision : 29.08.23
Decision : **Certificate of Lawfulness is APPROVED**
45. Application No : 23/00533/TPCA
Date Received : 08.07.23
Location : Theydon Rectory Lane Stevenage Herts
Proposal : Felling of 4no. Conifers Trees, 1no. Yew Tree, 1no. Cherry Tree and reduction in height by 50% on 3no. Leylandi Trees
Date of Decision : 18.08.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

46. Application No : 23/00539/COND
Date Received : 11.07.23
Location : Unit 4A Roaring Meg Retail Park London Road Stevenage Herts
Proposal : Discharge of condition 7 (travel plan) attached to planning permission reference number 22/00389/FPM
Date of Decision : 05.09.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
47. Application No : 23/00540/COND
Date Received : 11.07.23
Location : Sanders Building & Gunnels Wood Building Gunnels Wood Road Stevenage Herts
Proposal : Discharge of Condition 13 (Material Samples) and Condition 19 (Fire Hydrants) attached to planning permission reference number 21/01362/FPM
Date of Decision : 31.08.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
48. Application No : 23/00541/PATELE
Date Received : 11.07.23
Location : Land Adjacent To 1 The Glebe Chells Way Stevenage Herts
Proposal : Installation of 1no. 15m monopole supporting 6no. antennas and 3 no. equipment cabinets and ancillary works
Date of Decision : 29.08.23
Decision : **Prior Approval is REQUIRED and REFUSED**
- For the following reason(s);
- The proposed development, by virtue of its siting in the public highway, will result in an obstruction to the free flow of pedestrian movements on this important pedestrian link which provides access to a local Neighbourhood Shopping Centre, two local primary schools and a secondary school, therefore resulting in harm to highway safety and convenience. The development is therefore contrary to Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide (2011), the Department for Transport (DfT) Manual for Streets (2007), the National Planning Policy Framework (2021) and Planning Practice Guidance.

49. Application No : 23/00543/PADEMO
Date Received : 13.07.23
Location : Cartref Redcar House Redcar Drive Stevenage
Proposal : Prior approval for the demolition of a single dwelling house
Date of Decision : 07.08.23
Decision : **Prior Approval is REQUIRED and REFUSED**

For the following reason(s);

The information submitted in support of the application does not clearly and accurately identify the site access, explain the means of managing site traffic, or describe the size and type of vehicles required in connection with the development. The applicant has therefore failed to demonstrate that the proposed means of demolition would have an acceptable impact on highway safety.
50. Application No : 23/00545/FPH
Date Received : 13.07.23
Location : 65 Walkern Road Stevenage Herts SG1 3RB
Proposal : Erection of outbuilding to create annexe.
Date of Decision : 05.09.23
Decision : **Planning Permission is GRANTED**
51. Application No : 23/00550/PATELE
Date Received : 15.07.23
Location : Land Adjacent To Bedwell Crescent And Fairlands Way Junction Stevenage Herts SG1 1JY
Proposal : Installation of 1no. 15m 5G telecom pole and associated equipment cabinets.
Date of Decision : 22.08.23
Decision : **Prior Approval is REQUIRED and GIVEN**

52. Application No : 23/00551/COND
Date Received : 17.07.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of Condition 26 (Hard Surfacing Materials) attached to planning permission reference number 17/00862/OPM (Miller Homes plots Phases 1A-C)
Date of Decision : 14.09.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
53. Application No : 23/00552/COND
Date Received : 17.07.23
Location : Marshgate Car Park St. Georges Way Stevenage Herts
Proposal : Discharge of conditions 22 and 23 (noise report) attached to planning permission reference number 21/00627/FPM
Date of Decision : 08.09.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
54. Application No : 23/00553/FPH
Date Received : 17.07.23
Location : 171 Verity Way Stevenage Herts SG1 5PR
Proposal : Part single-storey, part two-storey rear extension, raised patio with associated balustrade, and single-storey front extension.
Date of Decision : 06.09.23
Decision : **Planning Permission is REFUSED**
For the following reason(s);
The proposed single-storey front extension by reason of its overall size, scale and depth would appear bulky and result in an incongruous form of development which would be detrimental to architectural composition of the application property and the visual amenities of this part of Verity Way and does not follow the guidance for front extensions as set out in the Stevenage Design Guide SPD (2023). It would, therefore, be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), the National Planning Policy Framework (2023) and the Planning Practice Guidance.

The two-storey rear extension by virtue of its design, size, scale and massing, would introduce a number of differing roof designs which would be visually contrived and detrimental to the architectural form of the original dwelling, resulting in an incongruous form of development to the detriment of the visual amenities of the area. Additionally, the introduction of a flat roof at first floor does not follow the guidance for roof design as set out in the Stevenage Design Guide SPD (2023). The proposal would, therefore, be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), the National Planning Policy Framework (2023) and the Planning Practice Guidance.

The two-storey rear extension introduces a window in the side elevation directly overlooking the private amenity spaces of neighbouring properties within the terrace of dwellings to which the application site belongs, which would likely lead to an unacceptable loss of privacy to the occupiers of these neighbouring properties. It would, therefore, be contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2023), the National Planning Policy Framework (2023) and the Planning Practice Guidance.

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Document January 2020 for a 5 bedroom property. The proposal would, therefore be likely to result in on-street parking to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Car Parking Standards SPD (2020), the National Planning Policy Framework (2023) and Planning Practice Guidance.

55. Application No : 23/00554/HPA
- Date Received : 17.07.23
- Location : 39 Chertsey Rise Stevenage Herts SG2 9JL
- Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.65 metres, for which the maximum height will be 3.00 metres and the height of the eaves will be 3.00 metres
- Date of Decision : 10.08.23
- Decision : **Prior Approval is NOT REQUIRED**

56. Application No : 23/00556/FPH
Date Received : 18.07.23
Location : 297 Jessop Road Stevenage Herts SG1 5LU
Proposal : Demolition of existing conservatory and erection of part single-storey, part two-storey side and rear extension.
Date of Decision : 08.09.23
Decision : **Planning Permission is GRANTED**
57. Application No : 23/00557/COND
Date Received : 18.07.23
Location : Land Adjacent To 68 Stirling Close Stevenage Herts SG2 8TQ
Proposal : Discharge of conditions 7 (Climate Change) and 17 (Boundary Treatments) attached to planning permission reference number 22/00463/FP
Date of Decision : 07.08.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
58. Application No : 23/00558/FP
Date Received : 18.07.23
Location : 136 Bude Crescent Stevenage Herts SG1 2QZ
Proposal : Change of use from public amenity land to residential land.
Date of Decision : 21.09.23
Decision : **Planning Permission is GRANTED**
59. Application No : 23/00559/FP
Date Received : 18.07.23
Location : Bedwell Childrens Centre 2 - 3 Bedwell Park Stevenage Herts
Proposal : Change of use from Use Class E (offices with ancillary creche) to Use Class F.1 (Provision of education).
Date of Decision : 08.09.23
Decision : **Planning Permission is GRANTED**

60. Application No : 23/00561/FPH
Date Received : 19.07.23
Location : 18 Essex Road Stevenage Herts SG1 3EZ
Proposal : Single storey side extension.
Date of Decision : 11.09.23
Decision : **Planning Permission is GRANTED**
61. Application No : 23/00564/CLPD
Date Received : 21.07.23
Location : 7 Admiral Drive Stevenage Herts SG1 4FL
Proposal : Lawful Development Certification (Proposed) for erection of rear dormer window, roof lights, front porch and conversion of garage to habitable accommodation.
Date of Decision : 23.08.23
Decision : **Certificate of Lawfulness is REFUSED**

For the following reason(s);

The proposed garage conversion under Schedule 2, Part 1, Class A to Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 would not constitute permitted development as the application property has had its permitted development rights removed under Condition 9 of Application 08/00485/RM which states that all parking areas and garaging should be retained for parking only. This application therefore requires planning permission.
62. Application No : 23/00565/FPH
Date Received : 21.07.23
Location : 22 Essex Road Stevenage Herts SG1 3EX
Proposal : Proposed two-storey rear extension and creation of an additional storey by raising of the roof to form a two-storey dwelling
Date of Decision : 14.09.23
Decision : **Planning Permission is GRANTED**

63. Application No : 23/00568/TPTPO
Date Received : 25.07.23
Location : 38 Woodland Way Stevenage Herts SG2 8BT
Proposal : Proposed 18-20% crown reduction to 1no Beech Tree (T12),
reduce height and thinning to 1 no: Beech Tree (T17) protected
by TPO 34
Date of Decision : 04.09.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE
SUBJECT OF A TREE PRESERVATION ORDER**
64. Application No : 23/00572/FPH
Date Received : 25.07.23
Location : 243 Shephall Way Stevenage Herts SG2 9RL
Proposal : Demolition of existing conservatory and erection of a single-
storey rear extension.
Date of Decision : 14.09.23
Decision : **Planning Permission is GRANTED**
65. Application No : 23/00574/AD
Date Received : 26.07.23
Location : Unit B G-Park North Road Stevenage
Proposal : 1 No. non Illuminated flex face fascia sign.
Date of Decision : 06.09.23
Decision : **Advertisement Consent is GRANTED**
66. Application No : 23/00577/FPH
Date Received : 27.07.23
Location : 35 Sandown Road Stevenage Herts SG1 5SF
Proposal : Erection of two-storey rear extension with associated canopy,
erection of canopy on the front elevation of the dwellinghouse.
(Amended Description).
Date of Decision : 18.09.23
Decision : **Planning Permission is GRANTED**

67. Application No : 23/00578/CPA
Date Received : 27.07.23
Location : 62 - 80 Queensway And Forum Chambers Town Centre
Stevenage Herts
Proposal : Prior approval of proposed change of use of first and second floor
from Class E (Commercial/Business/Services) to Class C3
Residential for 23 units.
Date of Decision : 20.09.23
Decision : **Prior Approval is REQUIRED and GIVEN**
68. Application No : 23/00579/PATELE
Date Received : 28.07.23
Location : Potters Lane Stevenage Herts
Proposal : Prior approval for the proposed 15m 5G telecoms installation:
H3G street pole and additional equipment cabinets.
Date of Decision : 22.08.23
Decision : **Prior Approval is REQUIRED and GIVEN**
69. Application No : 23/00582/FPH
Date Received : 29.07.23
Location : 28 Weston Road Stevenage Herts SG1 3RW
Proposal : Proposed single storey front extension
Date of Decision : 21.09.23
Decision : **Planning Permission is GRANTED**
70. Application No : 23/00583/AD
Date Received : 29.07.23
Location : Stevenage Swimming Pool St. Georges Way Stevenage Herts
Proposal : Proposed replacement of 11 no. non-illuminated advertisement
window graphics and erection of 1 no. non illuminated roadside
sign.
Date of Decision : 18.09.23
Decision : **Advertisement Consent is GRANTED**

71. Application No : 23/00584/CC
Date Received : 31.07.23
Location : Stevenage Recycling Centre Caxton Way Stevenage Herts
Proposal : Modular building to provide public reuse shop and replacement office and staff welfare facilities at Stevenage Recycling Centre, Caxton Way, Stevenage, SG1 2DF
Date of Decision : 17.08.23
Decision : **This Council Raises NO OBJECTION to the Development Proposed**
72. Application No : 23/00588/CLPD
Date Received : 01.08.23
Location : 18 Rowan Crescent Stevenage Herts SG1 3SF
Proposal : Lawful Development Certification (Proposed) for the demolition of the existing conservatory and erection of a single storey rear extension.
Date of Decision : 13.09.23
Decision : **Certificate of Lawfulness is APPROVED**
73. Application No : 23/00589/HPA
Date Received : 01.08.23
Location : 445 Broadwater Crescent Stevenage Herts SG2 8HD
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 5.00 metres, for which the maximum height will be 2.86 metres and the height of the eaves will be 2.56 metres
Date of Decision : 24.08.23
Decision : **Prior Approval is NOT REQUIRED**

74. Application No : 23/00590/FP
Date Received : 02.08.23
Location : 12 Hollyshaws Stevenage Herts SG2 8NZ
Proposal : Variation of condition 1 (approved plans) and condition 5 (parking spaces) attached to planning permission reference number 21/00957/FP to reposition the garage and dropped kerb; alteration to the approved fenestration of the dwellinghouse.
Date of Decision : 31.08.23
Decision : **Planning Permission is GRANTED**
75. Application No : 23/00595/FP
Date Received : 02.08.23
Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts
Proposal : Variation of condition 1 (Approved Plans) attached to planning permission reference number 19/00736/FP to remove the existing access gate on Argyle Way and install a replacement wider and taller access gate.
Date of Decision : 05.09.23
Decision : **Planning Permission is GRANTED**
76. Application No : 23/00597/FP
Date Received : 03.08.23
Location : Lanes End Todds Green Stevenage Herts
Proposal : Removal of condition 3 (agricultural occupancy) attached to planning permission reference 2/296/84
Date of Decision : 18.09.23
Decision : **Planning Permission is GRANTED**

77. Application No : 23/00598/NMA
Date Received : 03.08.23
Location : Roebuck Retail Park London Road Stevenage Hertfordshire
Proposal : Non material amendment to 21/00754/FPM to provide alterations to the front elevation of the self-storage unit
Date of Decision : 05.09.23
Decision : **Non Material Amendment AGREED**
78. Application No : 23/00605/HPA
Date Received : 08.08.23
Location : 162 Oaks Cross Stevenage Herts SG2 8NA
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.50 metres, for which the maximum height will be 3.50 metres and the height of the eaves will be 3.00 metres
Date of Decision : 04.09.23
Decision : **Prior Approval is NOT REQUIRED**
79. Application No : 23/00612/PADEMO
Date Received : 09.08.23
Location : Cartref Redcar House Redcar Drive Stevenage
Proposal : Prior approval for the demolition of one single domestic dwelling
Date of Decision : 10.08.23
Decision : **Prior Approval is REQUIRED and GIVEN**
80. Application No : 23/00614/NMA
Date Received : 09.08.23
Location : Land To The West Of Lytton Way Stevenage Herts
Proposal : Non material amendment to condition 2 (approved plans) attached to planning permission 23/00239/FPM to alter the approved position of residential Block 1
Date of Decision : 23.08.23
Decision : **Non Material Amendment AGREED**

81. Application No : 23/00616/AD
Date Received : 10.08.23
Location : Monkswood Retail Park Elder Way Stevenage Herts
Proposal : Installation of 3 non-illuminated signs
Date of Decision : 07.09.23
Decision : **Advertisement Consent is GRANTED**
82. Application No : 23/00617/NMA
Date Received : 10.08.23
Location : Jenny Chapman House Shephall View Stevenage Herts
Proposal : Non material amendment to Condition 3 (Materials) to change the colour of windows from Cherry Wood Finish to White Finish.
Date of Decision : 22.08.23
Decision : **Non Material Amendment AGREED**
83. Application No : 23/00639/FP
Date Received : 18.08.23
Location : 222 Grace Way Stevenage Herts SG1 5AQ
Proposal : Retrospective planning application for a change of use from amenity land to residential land
Date of Decision : 21.09.23
Decision : **Planning Permission is GRANTED**
84. Application No : 23/00644/NMA
Date Received : 21.08.23
Location : 377 Broadwater Crescent Stevenage Herts SG2 8HA
Proposal : Non material amendment to planning permission reference number 22/00851/FPH to amend condition 1 (approved plans) in relation to windows, external doors, external materials (use of render).
Date of Decision : 05.09.23
Decision : **Non Material Amendment AGREED**

85. Application No : 23/00645/NMA
Date Received : 21.08.23
Location : 16 Leyden Road Stevenage Herts SG1 2BP
Proposal : Non material amendment to planning permission reference number 23/00503/FP to install 2no. external flues and waste containers
Date of Decision : 05.09.23
Decision : **Non Material Amendment AGREED**
86. Application No : 23/00650/NMA
Date Received : 22.08.23
Location : Swingate Car Park Swingate Stevenage Herts
Proposal : Non material amendment to planning permission reference number 20/00060/FP to amend condition 3 (Tree Protection Measures) to allow engineering works to take place outside of root protection area.
Date of Decision : 23.08.23
Decision : **Non Material Amendment AGREED**

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 September 2023 and Planning Policy Guidance.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 3rd October 2023

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242242

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Zayd Al-Jawad 01438 242257

1. APPEALS RECEIVED

- 1.1 23/00323/FPH, 23 Park View. Appeal against the refusal of planning permission for a two storey side extension.

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

3. DECISIONS RECEIVED

- 3.1 22/00307/ENFAPL, Car park to side of 8 Aintree Way. Appeal against the serving of an enforcement notice to remove the structure built around the car parking space and return the communal parking spaces to their original condition.

Decision

- 3.1.1 The enforcement notice is found to be a nullity (legally void) and no further action will be taken in connection to the appeal.

Reasons

- 3.1.2 Section 173 of the Town and Country Planning Act 1990 requires Council's to state the matters which are in breach of planning control in a manner that enables any person to whom it relates will know what those matters are. Further, Section 173 also requires clear steps that are required to be taken to resolve the breach in planning control.
- 3.1.3 The Inspector found that the enforcement notice served used terminology such as "approximate location as shown on the attached plan" and that the attached plan was not marked. However, owing to the location and size of the land in question, the Inspector was satisfied that the land was easily identifiable in this instance.

- 3.1.4 Section 5 (iii) of the enforcement notice related to “any other spaces of the communal car park... to be returned to their original condition”. The Inspector found this to be imprecise and ambiguous and he did not witness any definitive evidence of construction at the time of his visit. The enforcement notice relates to work that had already been completed and not future work. Consequently, the Inspector was not satisfied that the recipients of the notice would understand the nature and extent of this requirement with reasonable certainty.
- 3.1.5 Section 5 (iv) of the enforcement notice related to trees being replanted “in a location to be agreed by the LPA”. The Inspector stated that this element of the notice required the agreement of the Council which is not within the control of the recipients of the notice. The notice itself was unclear what the requirements of the Council would be in order to secure their agreement.
- 3.1.6 The Inspector concluded that there was significant uncertainty within the requirements of the enforcement notice and as such it is found to be a nullity as Section 173(3) of the Town and Country Planning Act 1990 has not been met.



Appeal Decision

Site visit made on 28 June 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/K1935/C/22/3310739

**Land and premises known as Car park to the side of 8 Aintree Way,
Stevenage, SG1 5RF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Larry Urbanowski against an enforcement notice (the notice) issued by Stevenage Borough Council.
 - The notice was issued on 14 October 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a structure on the land, in the approximate position marked with a cross on the attached plan.
 - The requirements of the notice are:
 - (i) Remove the unauthorised structure built on the Land;
 - (ii) Remove and dispose of all building materials, refuse and debris emanating from the unauthorised structure and related works from the Land;
 - (iii) Any other spaces of the communal car park located on the Land affected by the unauthorised works to be returned to their original state;
 - (iv) Provide 4 no. replacement trees of a similar type and maturity to those which were chopped down to be planted in a location to be agreed by the local planning authority, with all costs for the replacement trees, their replanting and reestablishment to be borne by the owner / occupier of 4 Aintree Way.
 - The period for compliance with the requirements is: 24 weeks.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. Since the notice is found to be a nullity, no further action will be taken in connection with the appeal. In the light of this finding the Local Planning Authority should consider reviewing the register kept under section 188 of the 1990 Act as amended.

Preliminary matters

2. During the appeal process I sought the views of the main parties on the construction of criteria (iii) and (iv) of Section 5 of the notice. I have taken those comments into account in coming to my decision.

Reasons

3. Section 173 of the Town & Country Planning Act 1990 relates to the content and effect of an enforcement notice. S173(1)(a) & (2) require a notice to state the matters which appear to the Council to constitute the breach of planning control, and sufficiently to enable any person on whom a copy of it is served to know what those matters are. Section 173(3) requires a notice to specify the steps required to be taken.

4. The relevant test in each case is that set out in *Miller-Mead*¹. It establishes that a notice which is hopelessly ambiguous and uncertain, so that the owner or occupier could not tell in what respect it was alleged that he had developed the land without permission, or could not tell with reasonable certainty what steps he had to take to remedy the alleged breach, would be a nullity.
5. The alleged breach of planning control, described in Section 3 of the Notice, relates to a structure on the land "in the approximate position marked with a cross on the attached plan", but there is no cross on the plan accompanying the Notice.
6. However, the land is a small area encompassing car parking spaces, access and areas of planting, and there was only one building on the land at the time of my visit. I am therefore satisfied that it is sufficiently clear to those served with the notice which building the notice refers to, such that the error does not render the notice a nullity. It is open to me nevertheless to correct any error or misdescription under section 176(1) of the Act, provided no injustice is caused to the appellant or the LPA. In this instance, I conclude that, the notice can be corrected by removing "in the approximate position marked with a cross on the attached plan" from the allegation, without injustice to the appellant or the Council.
7. In Section 5 of the Notice criterion (iii) requires, "Any other spaces of the communal car park located on the land affected by the unauthorised works to be returned to their original state". And criterion (iv) requires trees to be planted, "in a location to be agreed by the local planning authority".
8. The reference to 'any other spaces' means requirement (iii) is imprecise and ambiguous. The Council's comments on this matter advise that in June 2022 they were concerned that, on completion, the building works would spill over onto adjoining spaces, and had already encroached on some land adjacent to the south.
9. I have not seen definitive evidence of the extent of construction at the time the notice was issued in October 2022. But an enforcement notice relates to development which had occurred at the time the notice was issued, not in relation to further works which may occur in relation to construction commenced, but which has not been completed. The appellant is also entitled to know from within the four corners of the enforcement notice itself what is required, without reference to any other document, and that is not the case. Consequently, I am not satisfied that recipients of the notice would understand the nature and extent of this requirement with reasonable certainty.
10. Similarly, the need for the agreement of the local planning authority with respect to tree planting locations in requirement (iv) requires agreement of the Council, which is not within the control of recipients of the notice. The notice itself is also not clear what the requirements of the Council would be in order to secure their agreement, which introduces significant uncertainty into that requirement.
11. There is therefore a significant degree of uncertainty introduced by requirements (iii) and (iv) of the notice. Consequently, I find the notice to be a nullity as the requirements of Section 173(3) have not been met.

¹ *Miller-Mead v MHLG* [1963] 2 WLR 225

Conclusion

12. I conclude that the notice is a nullity. In these circumstances, the appeal on the ground set out in section 174(2)(b) of the 1990 Act as amended does not fall to be considered.

Peter White

INSPECTOR

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