

STEVENAGE BOROUGH COUNCIL
PLANNING AND DEVELOPMENT COMMITTEE
MINUTES

Date: Monday, 16 December 2019

Time: 6.30pm

Place: Council Chamber

Present: Councillors: David Cullen (Chair), Michelle Gardner (Vice Chair),
Doug Bainbridge, Sandra Barr, Jody Hanafin, Liz Harrington,
Lizzy Kelly, Graham Lawrence, John Lloyd and Tom Wren

Start / End Start Time: 6.30pm
Time: End Time: 9.10pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received on behalf of Councillors Sarah-Jane McDonough, Maureen McKay and Graham Snell.

Councillor Sandra Barr declared a personal interest in Agenda Item 5 as the Chair of Trustees at Larwood School.

2 MINUTES - 8 OCTOBER 2019

It was **RESOLVED** that the Minutes of the Planning and Development Committee held on 8 October 2019 be approved as a correct record and signed by the Chair.

3 19/00123/FPM - LAND TO THE WEST OF A1(M) AND SOUTH OF STEVENAGE ROAD, STEVENAGE

The Committee considered an application for the erection of 133 dwellings with associated landscaping, open space provision and access. The application was before the Committee for determination as it was considered a major residential scheme.

The Principal Planning Officer (JC) gave an introduction to the Committee. The Committee was advised that the main issues for consideration in the determination of this application were its acceptability in land use policy terms, affordable housing and planning obligations, visual impact of the development, impact on archaeological remains, impact upon neighbouring amenity, impact on the future amenity of residents, parking provision, highway implications, impact on the environment, development and flood risk, trees and landscaping, ecology and protected species and loss of agricultural land.

The Chair invited Mr N Anderson, an objector to address the Committee. Mr Anderson's objections related to vehicle-to-vehicle inter-visibility where by it is restricted by the bridge over the A1(m) and a bend in the road, issues of safety risk

with the new access road, potential queuing issues on the bridge and concerns over extending the bus service which would cause delays. Therefore, asked the committee to defer the application so a safe form of access can be achieved. Paragraph 4 of the officer report (page 15) provides a summary of the objections received.

The Chair thanked Mr Anderson and invited Mr S Brown, the agent, to address the Committee. Mr Brown referred the Committee to the extensive consultations on the proposed development. The applicant had consulted Highways England and the local highways authority Hertfordshire County Council (HCC) regarding highway network and highway safety concerns. Statutory consultees had not raised technical objections on the proposed development. Mr Brown confirmed that there would be a provision of 230 off-street parking spaces on driveways and courtyards serving the apartment blocks and 75 garage spaces meeting the Council's Standards. He also highlighted the scheme would be of high quality and s106 contributions of £1.1m would be secured including £500,000 for buses as well as the provision of affordable housing.

The Chair thanked Mr Brown and invited the Principal Planning Officer to continue with his presentation. The Committee were advised that since the site is not designated for residential development under the adopted Local Plan, it would be classified as a windfall site. Policy HO5 of the Local Plan outlines criteria that must be met for the development of windfall sites to be considered acceptable. The latest housing supply figures indicate that the Council is able to meet its requirements to provide a five year land supply as defined in the adopted Local Plan. The "windfall site" would help to meet the Council's overall housing need over the Local Plan period as Policy SP7 of the adopted Local Plan identifies that out of the 7,600 new homes which are to be delivered over the Local Plan period, 1,950 of these homes would be windfall.

The Principal Planning Officer stated that the application is allocated in the adopted Local Plan as forming part of the West of Stevenage Safeguarded Corridor under Policy IT2. Whilst the proposal would involve a substantial development of residential properties on the site, the design ensures compliance with Policy IT2 through the provision of a main spine road which could link to a wider development of the area.

In relation to housing provision, the application is compliant with Policy HO7 relating to the provision of affordable housing. In addition to the additional housing provision, the developer will be required to make financial contributions in accordance with HCC toolkit and contributions to SBC for commuted payments. However, they do not agree to the financial contribution sought by the NHS on Acute, mental health and community costs. This is because, as comprehensively detailed in the committee report, this request is not deemed to be reasonable in accordance with CIL Regs and Paragraph 56 of the NPPF which reflect CIL Reg 122. With regards to education, as you will note from a letter from Hertfordshire County Council dated 13th December, they have confirmed that they are willing to accept the financial contributions being offered by the applicant. With regards to nursery/early years education, as set out in the report and in the County's letter, there are no suitable nursery projects in this area of Stevenage to serve the development. Therefore, the

request for financial contributions towards nurseries would not be seen as reasonable in accordance with the CIL regs.

The Committee was advised that due to the high standard of architectural design, pedestrianised environment, clearly defined street layout, high quality of green infrastructure and recreation provision, the proposed development would not substantially harm the longer views from Todds Green. In relation to archaeology, the Principal Planning Officer advised members that following investigations undertaken across, no significant assets of archaeological interest were identified. As such, Herts County Archaeology considered the development would not have a detrimental impact on any archaeology in this instance. In terms of amenity, it was not considered the development would impact on the amenity of residents subject to conditions. In terms of amenity of future residents, this was advised by the officer that there would be an acceptable living environment in accordance with the Council's policies.

Following an assessment of the proposed development, it was concluded that there would be sufficient off-street parking to serve the development and sufficient/ secure cycle parking provisions across the development site. In relation to highway implications, the Principal Planning Officer advised the Committee that the proposed development including all modelling of the highway network have been thoroughly assessed and through suitable mitigation measures, which would be secured either by condition, or as part of any S106 agreement, would not prejudice the safety and operation of the highway network as confirmed by Herts County Council Highways.

In relation to development and flood risk, the site is in area of low probability of flooding and in terms of the developments drainage strategy, this is considered to be acceptable by Herts County Council as Lead Local Flood Authority.

Officers advised that concerns regarding air pollution, landscaping, protection of bird species, ecology, and noise levels would be addressed via conditions. Officers also advised that the loss of the agricultural land was also acceptable in policy terms. The Principal Planning Officer also advised the committee the site was not in the Green Belt, it did not require a Design Review or require the undertaking of a masterplan. In addition, the development would still allow sufficient access to the wider countryside with the provision of new of open spaces, there is no requirement to consider the Wymondley Neighbourhood Plan. Furthermore, matters regarding sustainable construction and climate change, and waste and recycling can be dealt with by condition. Finally, the officer advised there were no issues of crime and issues in terms of health can also be dealt with by conditions.

The proposal was therefore considered to be acceptable and it was recommended that planning permission be granted.

Members expressed concerns regarding financial contributions for primary and secondary education. Moss Bury Primary School was a long way from the development. This could lead to an increase in the use of private vehicles and subsequently high levels of air pollution. The expansion of Moss Bury Primary School could result in unsustainable class sizes.

Officers confirmed that HCC did not recommend a financial contribution for Woolenwick School. With regard to primary and secondary school provision, SBC will liaise with the County Council and provide an update to the Committee.

In response to questions, Members were informed that:

- With regards to pedestrians and cyclists, the developer will be looking to create a toucan (signal controlled) crossing in proximity to the site access on Fishers Green with a widened footway. This would then connect to an internal footpath which would run along the spine road. The site has, therefore, through these measures, been demonstrated to be sustainable
- With regards to the relationship between the National Planning Policy Framework (NPPF) and Local Plan, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it would be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development
- The Council did not currently have a zero carbon policy for new housing developments. However, the new properties will have a high energy efficiency rating. The Council had plans to introduce a Zero Carbon Policy
- The Council's Environment Health section had not received sufficient evidence to demonstrate that conditions to reduce air pollution had been met. However, the applicant had demonstrated effective measures to reduce emissions during the construction phase. The applicant had submitted a Travel Plan aimed at encouraging sustainable transport. Modelling carried out by the applicant predicts potential increase in air pollution to be below legal limits
- The Bunyan Baptist Church was no longer an option for nursery education. The County Council had not identified a suitable project site in Stevenage for nursery education. It would be unreasonable to seek financial contributions towards nursery education in this instance since this would not meet CIL regulations.
- A condition has been imposed on the application to protect highway safety and amenity of other users of the public highway and rights of way. Prior to the first occupation of the development, the gradient of the main access road shall not be steeper than 1 in 50 for the first 12m thereafter the main access and internal access roads shall not be not steeper than 1 in 20
- In order to improve the sites sustainability and connectivity to the town, the existing bus services would be diverted and extended into the development site. Hertfordshire County Council, as Highways Authority, and the bus companies would be consulted regarding the extension of bus running times

It was **RESOLVED** that planning permission be GRANTED subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the

following approved plans:

SO01D; SO02 A; SO03; SK01 G; SK02; SK03 D; SK04 D; SK05 D; SK06 D; SK06.1; SK06.2; SK07 A; SK07.1; SK08; SK20 B; SK21 B; SK22 A; SK23 A; SK24 B; SK25 B; SK26 C; SK27 C; SK28 C; SK29 A; SK30 B; SK31 B; SK32 B; SK33 B; SK34 B; SK35 C; SK36 C; SK37 C; SK38 B; SK39 C; SK40 C; SK41 A; SK42 A; SK43 A; SK44 C; SK45 C; SK46 C; SK47 C; SK48 C; SK49 B; SK50 B; SK51 C; SK52 C; SK53 A; SK54 A; SK55 A; SK56 A; SK57 A; SK58 A; SK59 A; SK60 A; SK61; SK62; SK63; SK64 A; SK65 A; SK66 A; SK67; SK68; SK69 A; SK70; SK71 B; SK72 C; SK73 C; SK74 C; SK75 C; SK76 C; SK77; SK78; SK79; SK80; SK81; SK82; SK83; SK84; SK85; SK86; SK87; SK88; SK100; SK101; SK102; SK103; SK104; SK105; SK200A; SK201A; SK202A; SK203B; SK204B; SK205.1A; SK205.2A; SK206B; SK207B; SK208B; SK209A; SK210A; SK211B; SK212B; SK213.1A; SK213.2A; SK214A; SK215B; SK216B; LC 00331 01 G.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No development, above slab level, shall commence until a schedule and sample of the materials to be used in the construction of the external surfaces of the development hereby permitted has 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.
4. No development, above slab level, shall take place until details of all boundary treatment which includes walls, fences or other means of enclosure, including any retaining walls, have been submitted to and approved in writing by the Council as the Local Planning Authority. The boundary treatment, including any retaining wall, shall be constructed in accordance with the approved details. Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained.
5. No demolition 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 0830 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.
6. No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless a pre-works survey of the vegetation to be removed and surrounding vegetation, is undertaken immediately prior to removal by a suitably qualified ecologist, and approval confirmed by the local planning authority.
7. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the BWB Noise Impact Assessment report

(Ref: MCP2136) dated February 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

8. No properties shall be occupied until confirmation has been provided that either all wastewater network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been submitted to and approved in writing by the local planning authority in consultation with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
9. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by BWB reference TGS-BWB-ZZ-XX-RP-YE-0001_FRA dated February 2019; Sustainable Drainage Statement carried out by BWB reference TGS-BWB-ZZ-XX-RP-CD-0001_SDS dated February 2019 and Technical Note carried out by BWB reference TGS-BWB-ZZ-XX-YE-0002_TN Revision P02 S2 dated 28 June 2019 and the following mitigation measures:-
 1. Limiting the surface water run-off generated by the 1 in 100 year + 40% allowance for climate change event critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Provide attenuation to ensure no increase in surface water run-off for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
 3. Implement drainage strategy as indicated on the drainage strategy drawing reference TGS-BWB-XX-ZZ-DR-CD-0004 and TGS-BWB-ZZ-XX-CD-DR-0006 and to include above ground SuDS features.
 4. Implemented drainage strategy to include daylighting of northern culvert with online detention basin with low flow channel for existing watercourses with detention basin as indicated on drawing TGS-BWB-XX-ZZ-DR-CD-0004.
 5. Implement drainage strategy to incorporate the central watercourse with detention basin indicated on drawing TGS-BWB-ZZ-XX-CD-DR-0006.
10. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by BWB reference TGS-BWB-ZZ-XX-RP-YE-0001_FRA dated February 2019; Sustainable Drainage Statement carried out by BWB reference TGS-BWB-ZZ-XX-RP-CD-0001_SDS dated February 2019 and Technical Note carried out by BWB reference TGS-BWB-ZZ-XX-YE-0002_TN Revision P02 S2 dated 28 June

2019. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
2. Details regarding any areas of informal flooding (events those exceeding 1 in 30 years rainfall event), this should be shown on a plan with estimated extents and depths.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + 40% allowance climate change rainfall event.
4. Details relating to the works to be carried out on the ordinary watercourses.

The scheme shall be fully implemented and subsequently maintained, 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.

11. Upon completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management should be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
 1. Final confirmation of management and maintenance requirements
 2. Provision of complete set of as built drawings for both site drainage and overland flow route management
 3. Details of any inspection and sign-off requirements for completed elements of the drainage systems.
12. Prior to the commencement of development, above slab level, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall deliver the ecological units to achieve no net loss or where possible net gain to biodiversity and include the following:-
 - a) Description and evaluation of features to be managed from a landscape and ecological perspective;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options achieving landscape and ecological aims and objectives;

- e) Prescriptions for landscape and ecological management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period) clearly marked on plans;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measure. 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(ies) responsible for its delivery;
- l) Details of species specific measures as identified in the ecological report, definitively stated and marked on plans.

The plan shall also set out (where the results from monitoring show that the 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 and landscape objectives of the originally approved details.

The landscaping and habitats management scheme shall be implemented in accordance with the approved details.

13. The bat and bird box strategy as detailed in the approved plans and ecological report shall be fully installed prior to first occupation of dwelling units 16; 18; 21 to 23; 25 to 32 to 41; 46; 48 to 50; 53; 55; 56; 69; 72; 73; 83; 85; 91; 95; 114 to 116; 118 and 124 hereby permitted. The bat and bird boxes shall be retained thereafter.
14. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting 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 unless permission is granted on an application made to the Local Planning Authority.
15. Prior to the commencement of development (including site clearance) a Construction Management Plan/Method Statement for the construction phases shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works of construction of the development shall only be carried out in accordance with the approved statement and Hertfordshire County Council's specifications. The Demolition/Construction Management Plan/Method Statement shall address the following matters:-
 - (i) Details of construction phasing programme (including any pre-construction enabling works);
 - (ii) Hours of operations including times of deliveries and removal of waste which should avoid school pick up/drop off times;
 - (iii) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300

on Saturdays only.

- (iv) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (v) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (vi) Details of the provisions for temporary car parking during construction which shall be provided prior to the commencement of construction activities;
- (vii) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (viii) Screening and hoarding;
- (ix) End of day tidying procedures;
- (x) Construction and storage compounds (including areas designated for car parking);
- (xi) Siting and details of wheel washing facilities;
- (xii) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xiii) Control measures to manage noise and dust;
- (xiv) Disposal of surplus materials;
- (xv) Post construction restoration/reinstatement of the working areas and access to the public highway.
- (xvi) Details of the access and highways works from Fishers Green to accommodate construction traffic.
- (xvii) Details of consultation and compliant management with local businesses and neighbours.
- (xviii) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- (xix) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures;
- (xx) Details of a Site Waste Management Plan (SWMP) detailing actual waste arising and how waste is managed (i.e. re-used, recycled or sent

off site for treatment or disposal) and where it is sent to. Further updated should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.

16. In the event contamination is found during site clearance and/or construction phase of the development, the applicant must undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

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.

17. 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.
18. 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.
19. Prior to the first occupation of dwelling units 1 to 9; 25 to 32; 33 to 41 and 126

to 133 hereby permitted the approved refuse and recycle stores shall be constructed in accordance with the details submitted with this application and shall be permanently retained in the form.

20. Prior to the first occupation of dwelling units 1 to 9; 25 to 32; 33 to 41 and 126 to 133; hereby permitted the approved secure cycle parking areas and public cycle parking shall be constructed in accordance with the approved details submitted with this planning application and shall be permanently retained in that form thereafter.
21. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
22. The landscaping scheme as detailed in the approved drawings shall be implemented in the first available planting season prior to the first occupation of the buildings or the completion of the development, whichever is the sooner.
23. 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.
24. No development, including site clearance, shall commence until the trees as specified in the Arboricultural Impact Assessment, prepared by BWB (dated February 2019) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Arboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment.
25. Within the areas to be fenced off in accordance with condition 24, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.
26. Prior to the first occupation of the dwellings hereby permitted, the measures to ensure the development is adaptable to climate changes as detailed in the Energy Statement (prepared by energist dated 15th February 2019) shall have been installed and implemented across the whole development in accordance with the approved details.
27. Prior to the commencement of development hereby permitted, the vehicular accesses shall be provided and thereafter retained at the position shown on the approved in principle drawing number General Arrangement drawing number 17 941 – SK01 revision G. The principal access road shall be

provided 6.75 metres wide [except for some minor traffic calming features shown on the drawing] complete with 10.0 metres radius kerbs. Thereafter, the internal access roads connected to the principal access road shall be provided at least 5.5 metres wide completed with 8.0 metres radius kerbs to the specification of Hertfordshire County Council from the date of this permission and to the Local Planning Authority's satisfaction. Arrangement shall be made for surface water drainage intercepted and disposed of separately so that it does not discharge from on onto the highway carriageway.

28. No development shall take place until full details (in the form of scaled plans and written specifications) to illustrate the following:-

- i) roads;
- ii) footways;
- iii) cycleways;
- iv) visibility splays;
- v) access arrangements;
- vi) parking provision in accordance with adopted standards;
- vii) bus stops;
- viii) turning area.

Have been submitted to and approved in writing by the Local Planning Authority. The details for i) to viii) shall thereafter be constructed in accordance with the approved details.

29. No development shall take place until a Servicing and Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery Plan shall contain the delivery and servicing requirements, waste collection points for the proposed development, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and circulation route and constructed in accordance with the approved details. Thereafter, the route shall be maintained in accordance with those approved details.

30. The provision of infrastructure both within the development site and on the wider routes that the proposed public transport service will travel to facilitate the delivery of the public transport strategy, shall comprise of, but is not limited to the following:-

- 1) high quality bus stop facilities to include raised height kerbs and shelters;
- 2) real time information signs at key stops.

Details of future locations of all bus stops within the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development works. The bus stops will need to be clearly marked out on-site during construction of the internal road to ensure visibility for future residents and the wider community.

31. Upon first occupation of any dwelling, the provision of two vouchers per dwelling entitling the residents to 12 months free bus travel within the area travelling to Stevenage Town Centre covered by a PlusBus season ticket will be made available. Residents will be able to apply for the vouchers via a scheme to be outlined in the Travel Plan to be approved. The vouchers are to be valid for exchange during the first six months following the occupation of the respective dwelling unit.
32. A network of footways/cycleways linking all areas of the development with the railway station, bus station and Stevenage Town Centre, which shall include a toucan crossing along Fishers Green in an appropriate location close to the new junction, shall be provided prior to occupation of any dwelling. The route shall be detailed and identified on a drawing showing appropriate hard surfacing, illustrated with a minimum width of 2.0 metres where possible or shared use provision with a cycleway with a minimum width of 3.0 metre shall be submitted to, prior to the commencement of development above slab level, and approved in writing by the Local Planning Authority. The network of footways/cycleways shall be implemented in accordance with the approved details and retained thereafter.
33. Prior to the occupation of any dwellings, full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed arrangements for the future management and maintenance of the proposed streets within the development. Following the provision of such streets in accordance with the approved details, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.
34. Prior to the commencement of the development, visibility splays measuring 2.4 metres x 53 metres to the north west and 2.4 metres x 54 metres to the south east shall be provided to each side of the main access onto Fishers Green and the visibility splays shall thereafter be maintained at all times free from any obstructions between 600mm and 2.0 metres above the level of the adjacent highway carriageway.
35. Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided each side of each access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstructions between 600mm and 2.0 metres above the level of the adjacent highway carriageway.
36. Prior to the commencement of each phase of the development, details of all materials to be used for hard surfaced areas, including roads, associated drainage details, driveways and car parking areas shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details.
37. Prior to the first occupation of the development hereby permitted, the gradient

of the main access road shall not be steeper than 1 in 50 for the first 12m thereafter the main access and internal access roads shall not be not steeper than 1 in 20.

38. 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.
39. Piling or any other foundation design using penetrative methods shall not be permitted within the development other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater. The development shall be carried out in accordance with the approved details.
40. A scheme for managing any borehole installed within the development for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes with be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the Residential Development Plot.
41. Notwithstanding the provisions of Classes 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-enacting that Order with or without modification) 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.

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.

Informative

Hertfordshire County Council as Lead Local Flood Authority

Any works taking place within and/or over the culvert or within 3m of the top of the bank of the ordinary watercourse will require prior written consent from Hertfordshire County Council regardless of any planning permission. Any works proposed to be

carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

Hertfordshire County Council as Highways Authority

AN1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38 and 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 noted below:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business->

and-developer-information/development-management/highways-development-management.aspx

AN5. Rights of Way

Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service <http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/> (Tel: 0300 123 4047, email at row@hertfordshire.gov.uk) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way that routes through the site along the proposed development.

Reason: To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way.

The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.

The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority.

All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

Reason: To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way.

Arboricultural Impact

Although the Arboricultural Impact Assessment mentions the need for an arboriculturalist if any large roots are encountered, it is suggested the whole section of the fence near the tree line should be supervised. Also, as this type of work could potentially weaken the root system and therefore, the trees stability, it is also suggested a Highways England inspector would want to be aware of this matter. This also applies to the aerial part of the tree as considerable amount of their crowns would have to be cut back to accommodate the installation of the high fence.

Cadent Gas

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

Requirements

BEFORE carrying out any work you must:

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 – 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

Excavating Safely - Avoiding injury when working near gas pipes:

<https://www.nationalgrid.com/sites/default/files/documents/24410-Excavating%20Safely%20Leaflet%20Gas.pdf>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<https://www.nationalgrid.com/sites/default/files/documents/24413-Excavating%20Safely%20Credit%20Card%20Gas.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<https://www.nationalgrid.com/sites/default/files/documents/24414ExcavatingSafelyCreditCardElectricity.pdf>

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19/00620/FP - 8A AND 8B MAGELLAN CLOSE, STEVENAGE

The Committee considered an application seeking the variation of condition 1 and removal of condition 11 attached to planning permission 16/00791/FP.

The application had been referred to the Planning and Development Committee as the application was called-in by Councillor Tom Wren for the reasons set out in Paragraph 3.4 of the officer report. The Principal Planning Officer (JC) gave an introduction to the Committee. He advised Members that the main issues for

consideration in the determination of this application were the impact on the character and appearance of the area, the impact on neighbour amenity and car parking provision.

The Chair invited Mrs Winters, an objector, to address the Committee. Mrs Winters's objections related to loss of privacy, parking and the overbearing nature of the dwellings. She also raised concerns about the Council's lack of enforcement action and engagement in dealing with on-going issues with the site.

The Chair thanked Mrs Winters and invited Mr R Brownson, the applicant, to address the Committee. Mr Brownson indicated that he was of the opinion that he had satisfied the conditions of previous planning applications. He stated that the roof lights were required for an office and storage space in the loft and not for an additional bedroom. Mr Brownson believed that there was at least one property in the neighbourhood that had a similar parking provision to his application and the Council was not being consistent in its approach.

The Chair thanked Mr R Brownson and invited the Principal Planning Officer to continue with his presentation.

The Committee was informed that the surrounding area is residential in character with Magellan Close comprising a mixture of cluster homes, semi-detached and detached dwellings and bungalows. With regard to the issue of loss of privacy, the Principal Planning Officer acknowledged the slight shortfall in separation distances. However, any loss of privacy would be very limited and it would be difficult to substantiate a reason for refusal in terms of loss of privacy to neighbouring properties in this instance. Concerns raised regarding emergency vehicle access were considered under a previous planning application. Under planning application 14/00004/REG3, Hertfordshire Fire and Rescue confirmed that the area is not known to be an emergency access and that sufficient access could be gained by the existing highway network off each estate.

The Principal Planning Officer indicated that the proposed development would likely result in the creation of a bedroom in the loft space which would require additional parking provision. Additional parking cannot be adequately provided on-site in accordance with the Council's adopted standards. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic. Members were informed that internal works such as staircase design would not ordinarily require planning permission but would be considered under building regulations. Officers advised that they would check the history of the internal works on the dwellings and report back to the Committee.

It was **RESOLVED** that planning permission be REFUSED for the following reason:

The proposed development could result in the creation of a bedroom in the loft space which would require additional parking provision which cannot be adequately provided on-site in accordance with the Council's adopted standards. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic and is contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 – 2031 (adopted 2019), the Council's

Car Parking Standards SPD (2012), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

Pro-active Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.

5 19/00485/FPM - LAND AT WEBB RISE, STEVENAGE

The Committee considered an application for the construction of 85no. dwellings consisting of 12no. four bedroom, 40no. three bedroom and 27no. two bedroom two storey dwellings and 6no. one bedroom flats located in a three storey building, associated accesses, landscaping and other matters.

The Principal Planning Officer (RE) provided an update to the report and conditions. The Principal Planning Officer advised that the application was before the Committee for determination as it was classed as a Major residential development. The main issues for consideration were the acceptability in land use policy terms, affordable housing and S106, design and layout, impact on the character and visual amenity of the area, impact on neighbour amenity, impact on amenity of occupiers, highways implications, parking provision, and other matters including waste, drainage and climate change.

Members expressed concerns relating to potential road safety issues at Larwood School, enrolment pressures at Moss Bury School, verge parking and the removal of the hedgerow. The Committee also sought clarification on the rationale for allocation of s106 funds to Nobel School and not the nearby Marriotts School.

In response to questions, officers stated that:

- HCC would be consulted regarding the use of yellow lines outside Larwood School
- 50 % of the trees (33 trees) will be removed and replaced by 110 trees throughout the proposed development
- Planning permission was subject to a number of conditions that were aimed at ensuring that the development was adaptable to climate change and it enhanced biodiversity
- The proposed development would be compliant in terms of the Council's social housing provision policies
- Following revisions to the NPPF definition of "affordable housing" in 2018, there were now four categories of affordable housing
- The s106 allocation for the library was earmarked for the library that will be housed in the new Stevenage Civic Hub
- The s106 Travel Plan Contribution would be used by the County to monitor the developer's Travel Plan

- The s106 allocation for the expansion of Nobel School and Moss Bury School was based on HCC recommendations
- With regard to plans to provide driveways to serve the seven properties facing Webb Rise, officers took the view that removing a large section of the grass verge to provide a parking bay as advised by Green Space officers would be have a greater detrimental impact on visual amenity than the proposed driveways
- The removal of some of the hedgerow along the Webb Rise frontage was noted as being unfortunate but was considered a better design solution in respect of the driveways and thus in terms of parking and design layout of the proposed development
- The original Ordnance Survey trig pillar in the area of the proposed development was no longer in place. The developer had offered to erect a compact disc on the spot to acknowledge the historical significance
- Clare's Little Bears was a private pre-school set in the heart of the Old Town, Stevenage. The nursery had an affiliation with the County. HCC would follow up on the s106 allocation if Clare's Little Bears encountered financial problems

It was **RESOLVED** that planning permission be GRANTED subject to the applicant having first entered into and completed a Section 106 legal agreement to secure/provide financial contributions towards:

- The provision of 25% affordable housing;
- Outdoor Sport Provision;
- Children's Play Space;
- Nursery and Child Care;
- Primary and Secondary Education;
- Library services;
- Youth services;
- Travel Plan Monitoring;
- Secure the provision of a maintenance company for the development;
- Provision of fire hydrants; and
- Associated Section 278 Highway Works

the detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, and subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: WBR_RT18103_00_XX_DR_A_00802;
WBR_RT18103_AC_00_DR_A_00320(1);
WBR_RT18103_AC_01_DR_A_00321(1);
WBR_RT18103_AC_02_DR_A_00322(1);
WBR_RT18103_AC_XX_DR_A_00620;
WBR_RT18103_AC_XX_DR_A_00621;
WBR_RT18103_HA_XX_DR_A_00301(1);
WBR_RT18103_HA_XX_DR_A_00302(1);
WBR_RT18103_HA_XX_DR_A_00601(1);
WBR_RT18103_HC_XX_DR_A_00303(1);
WBR_RT18103_HC_XX_DR_A_00303(2);
WBR_RT18103_HC_XX_DR_A_00304(1);
WBR_RT18103_HD_XX_DR_A_00305(1);
WBR_RT18103_HD_XX_DR_A_00604(1);

WBR_RT18103_HE_XX_DR_A_00306(1);
 WBR_RT18103_HE_XX_DR_A_00307(1);
 WBR_RT18103_HE_XX_DR_A_00605(1);
 WBR_RT18103_HE_XX_DR_A_00606(1);
 WBR_RT18103_HG_00_DR_A_00309(1);
 WBR_RT18103_HG_01_DR_A_00310(1);
 WBR_RT18103_HG_XX_DR_A_00607(1);
 WBR_RT18103_HK_00_DR_A_00311(1);
 WBR_RT18103_HK_01_DR_A_00312(1);
 WBR_RT18103_HK_XX_DR_A_00610(1);
 WBR_RT18103_HL_XX_DR_A_00308(1);
 WBR_RT18103_HL_XX_DR_A_00313;
 WBR_RT18103_HL_XX_DR_A_00611(1);
 WBR_RT18103_00_XX_DR_A_00234 PL04;
 WBR_RT18103_00_XX_DR_A_00231 PL04;
 WBR_RT18103_00_XX_DR_A_00232 PL03;
 WBR_RT18103_00_XX_DR_A_00233 PL03; WBR-RT18103-00-ZZ-DR-A-00200 PL04; WBR-RT18103-00-ZZ-DR-A-00201 PL04; WBR-RT18103-00-ZZ-DR-A-00202 PL04; WBR-RT18103-00-ZZ-DR-A-00210 PL05; WBR-RT18103-00-ZZ-DR-A-00211 PL05; WBR-RT18103-00-ZZ-DR-A-00212 PL04; WBR-RT18103-00-ZZ-DR-A-00213 PL04; WBR-RT18103-00-ZZ-DR-A-00214 PL06; WBR-RT18103-00-ZZ-DR-A-00220 PL04; WBR-RT18103-00-ZZ-DR-A-00221 PL04; WBR-RT18103-00-ZZ-DR-A-00222 PL04; WBR-RT18103-00-ZZ-DR-A-00223 PL04; WBR-RT18103-00-ZZ-DR-A-00225 PL04; WBR-RT18103-00-ZZ-DR-A-00230 PL04; WBR-RT18103-00-ZZ-DR-A-00226 PL02; A1-L002 Rev C; A1-L003 Rev C; A1-L004 Rev D; A1-L005 Rev C; A1-L006 Rev C; A1-L007 Rev C; A1-L008 Rev D;
 WBR_RT18103_N_XX_DR_A_00227 PL01;
 WBR_RT18103_S_XX_DR_A_00228 PL01; 101975-S8-100 General Arrangement Rev B; 101975-S8-MA-001 Access Plan Rev C; 101975-S8-S278-100 Rev C General Arrangement; 101975-S8-TR-001 Fire Tender Rev C; 101975-S8-TR-002 Refuse Tracking Rev C; 551213dpNov19FV03_TRP; 101975-PEF-08-EW-DR-D-0001-P5.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be carried out in accordance with the details contained in the Construction Management Plan dated 27 November 2019 and submitted on 2 December 2019, unless otherwise agreed to in writing by the Local Planning Authority.
4. No development shall take place until the final design of the drainage scheme is completed and submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Pell Frischmann (ref: 101975-PF-08-EW-RP-D-0001 dated November 2019) and proposed drainage strategy drawing (ref: 101975-PEF-08-EW-DR-D-0001 P5 dated 17.07.19) the scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
 2. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving, swales etc. for the access road and reducing the requirement for any underground storage.
 3. If an alternative solution including soakaways is proposed, detailed infiltration tests to BRE Digest 365 will be required at the location and depth of proposed infiltrating features and any soakaways should be designed to ensure half drain down times.
5. Upon completion of the drainage works in accordance with any timing / phasing, 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 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.
6. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment carried out by Pell Frischmann reference 101975-PF-08-EW-RP-D-0001 dated 30 July 2019 and proposed drainage strategy drawing (ref: 101975-PEF-08-EW-DR-D-0001 P5, dated 17.07.19) and the following mitigation measures:
1. Implement drainage strategy based on attenuation and discharge into the Thames Water surface water sewer restricted to 7.4 l/s for rainfall events up to and including the 1 in 100 year + 40% climate change event as indicated on the proposed drainage strategy drawing (ref: 101975-PEF-08-EW-DR-D-0001 P5, dated 17.07.19). This will provide attenuation (approximately 422 cubic metres of 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.
 2. Implement drainage strategy including permeable paving with sub-base and geo-cellular attenuation tanks and basin.
7. The development hereby permitted shall be carried out in accordance with the Boundary Treatment details as set out in Drawing numbers WBR-RT18103-00-ZZ-DR-A-00227 PL01 and WBR-RT18103-00-ZZ-DR-A-00228 PL01, unless otherwise agreed in writing by the Local Planning Authority.
8. Within one month of the commencement of works a Site Waste Management Plan (SWMP) addendum shall be submitted to and approved in writing by the

Local Planning Authority, detailing actual waste arising's and how the waste is managed (i.e. re-used, recycled or sent off site for treatment or disposal) and where it is sent to. Further updates should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.

9. The development hereby permitted shall be carried out in accordance with the climate change and energy efficiency details contained in the Sustainability Statement – Revision 2 dated 26 November 2019 and submitted on 2 December 2019, unless otherwise agreed in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
10. The development hereby permitted shall be constructed in accordance with the materials and finishes as set out in Drawing numbers WBR-RT18103-00-ZZ-DR-A-00225 PL04 and WBR-RT18103-00-ZZ-DR-A-00226 PL04, unless otherwise agreed in writing by the Local Planning Authority.
11. The development shall be carried out in accordance with the scheme of soft and hard landscaping, including all hard surfacing, retained, felled and new trees and shrubs as detailed on Drawing numbers WBR-RT18103-00-ZZ-DR-A-00220 PL04; WBR-RT18103-00-ZZ-DR-A-00221 PL04; WBR-RT18103-00-ZZ-DR-A-00222 PL04; A1-L002 Rev C; A1-L003 Rev C; A1-L004 Rev D; A1-L005 Rev C; A1-L006 Rev C; A1-L007 Rev C and A1-L008 Rev D.
12. All planting, seeding and turfing comprised in the approved landscaping details as specified in condition of this approval shall be carried out in the first planting and seeding seasons following the first occupation of the approved dwellings or the completion of the development whichever is the sooner.
13. All hard surfacing comprised in the approved landscaping details as specified in condition of this approval shall be carried out prior to first occupation of the approved dwellings or the completion of the development, whichever is the sooner.
14. 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.
15. 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.
16. No development, including site clearance, shall commence until the trees shown to be retained on the site, as identified on Drawing WBR-RT18103-00-ZZ-DR-A-00223 PL04, have been protected by fencing in accordance with details which have first been submitted to and approved in writing by the

Local Planning Authority.

17. Within the areas to be fenced off in accordance with condition 16, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.
18. No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
19. No tree shown retained on the approved plans 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.
20. Prior to the commencement of development, including any site clearance, a landscaping and habitat management scheme which delivers the requisite ecological units to achieve no net loss and where possible net gain to biodiversity and therefore, offset biodiversity impacts on the site, shall be submitted to and approved in writing by the local planning authority. Any proposed ecological no net loss or net gain shall include:
 1. Details of the on-site habitat creation and management requirements of the development in accordance with the approved DEFRA biodiversity metric, which has been calculated to comprise 6.54 ecological units of habitat as set out in the approved ecological report (551213dpJul19FV01_BNG);
 2. The identification of an offsite receptor or sites which generate a minimum of 4.36 ecological units;
 3. The provision of evidence of arrangements that secures the delivery of the habitat creation and management scheme;
 4. A management and monitoring plan (which shall include for the provision and maintenance of such habitat management measures for a period of not less than 25 years from commencement of development);

The landscaping and habitats management scheme shall be implemented in accordance with the approved details.

21. Prior to the commencement of development above slab level, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall deliver the ecological units to achieve no net loss or where possible net gain to biodiversity and include the following:-
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options achieving aims and objectives;

- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period) clearly marked on plans;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measure. 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(ies) responsible for its delivery;
- l) Details of species specific measures as identified in the ecological report, definitively stated and marked on plans.

The plan shall also set out (where the results from monitoring show that the 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 details.

The landscaping and habitats management scheme shall be implemented in accordance with the approved details.

- 22. 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.
- 23. As this is a previously developed site there may be a risk of the land containing contaminants. If, during development, contamination not previously identified is found to be present at the site then work shall cease and the Local Planning Authority shall be informed immediately. No further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority and subsequently undertaken and the Local Planning Authority have confirmed it has been undertaken to its satisfaction.
- 24. Prior to the first occupation of the development hereby permitted the visibility splays shall be provided in full accordance with the details indicated on Drawing number 101975-S8-100 General Arrangement Rev B. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 25. Prior to the first occupation of the development hereby permitted the vehicular accesses from Webb Rise shall be provided and thereafter retained at the position shown on Drawing number 101975-S8-100 General Arrangement Rev B 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.

26. Prior to the first occupation of the development hereby permitted vehicular access to and egress from the adjoining highway shall be limited to the accesses shown on Drawing number 101975-S8-S278-100 Rev C General Arrangement. Any other accesses or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.
27. Prior to the first occupation of the development hereby permitted the vehicular access (indicated for improvement on Drawing number 101975-S8-100 General Arrangement Rev B) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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.
28. No development shall commence on site above slab level until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which clearly demonstrate that on-site turning space is sufficient for parallel visitors' bays along units H10 and H20 to enable all vehicles to enter and exit the bays in forward gear.
29. Prior to the first occupation of the development hereby permitted the car parking spaces as detailed on Drawing number WBR-RT18103-00-ZZ-DR-A-00211 PL05 shall be surfaced and marked out or completed as applicable, in accordance with the approved plan and thereafter retained for the sole use of parking for the development hereby permitted.
30. No development shall take place until details of Electric Vehicle Charging Points to include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and thereafter permanently retained.
31. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting 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 unless permission is granted on an application made to the Local Planning Authority.
32. Notwithstanding the provisions of Classes 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-enacting that Order with or

without modification) 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.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order), no windows or other openings shall be formed at first floor level in the respective side elevation of the following plots H01 south, H02 south, H04 west, H11 west, H44 east, H49 east, H54 east, H59 west, H60 west, H63 south, H69 north and H70 north, hereby approved unless permission is granted on an application made to the Local Planning Authority.

Proactive 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.

Informative

AN1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The requirement as part of the offsite s278 works is to undertake:

- Footway widening to 2m along the site's northern boundary (Webb Rise);
- Provision of tactile paving, dropped kerbs and a new pedestrian crossing in six different locations (as identified on the plan S278 Works General Arrangement, 101975-S8-S278-100).
- Provision of a new bridleway to connect with Lonsdale Road shared path;
- Widening of the southbound footway to shared path along Lonsdale Road up to Hayward Close (to tie in with the existing cycle way) to a 3m shared path;
- Footway widening to 2m along site's western boundary leading to Larwood School.

The works shall be fully completed to the satisfaction of the Highway Authority before first occupation of the new development. Reason: So that all users of the development can safely walk to and from the site, in compliance with paragraphs 108 and 110 of the NPPF. The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. 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

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

6 19/00666/FP - 38B QUEENSWAY, STEVENAGE

The Committee considered an application seeking planning permission for the proposed subdivision of the premises into two units and a change of use of the premises from retail (Use Class A1) to a betting shop (Sui Generis).

The application was before the Committee as the Council was the applicant and the landowner. The main issues for consideration in the determination of this application were its acceptability in land use policy terms, design and visual impact on the conservation area, impact upon neighbouring amenities, parking provision and highway implications.

The Principal Planning Officer (JC) informed Members that the application premises were defined as a Primary Retail Frontage in the Local Plan (2019) policies map. It was noted that, subject to other factors, Policy TC8 stipulates that for alternative uses, planning permission would be allowed where the benefits of the overall vitality and viability of the town centre would equal or outweigh those that would be provided by an A1 or A2 use in the equivalent location.

The premises had been actively marketed for different Use Classes over the past three years through sales particulars, websites, direct mailing, telemarketing, and marketing boards. The premises had remained vacant for more than six months. Members were advised that planning permission for a dessert parlour was granted for the premises in 2018 but this had not been implemented. A recent expression of interest for a café had not been followed through.

It was advised by the Principal Planning Officer that the development would not impact on the character and appearance of the conservation area, and would, subject to condition, not harm the amenities of neighbouring properties and the proposal accorded with the Council's Car Parking Standards.

Members expressed concerns that the proposed development could potentially increase the participation of young people in gambling activities. Officers pointed out that any external alterations to the building and any advertisements associated with the business would require consent from the Council prior to them being installed.

It was **RESOLVED** that planning permission be GRANTED subject to the following conditions:-

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

Block Plan; Site Location Plan

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission
3. The use hereby permitted shall only take place between the hours 08:00AM to 22:00PM Monday to Sunday, including Bank Holidays and not at any time outside these hours
4. The building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays

0900 to 1300 Saturdays

And not at all on Sundays and Bank Holidays

The hours specified relate to activities which are audible at the site boundary.

7 19/00639/FP - LAND AT 14 TO 20 PADDOCKS CLOSE, STEVENAGE

The Committee considered an application to change the use of a small area of grassed amenity land, approximately 178 square metres in area, located at the end of Paddocks Close.

The application was before the Committee for determination as the land owner was Stevenage Borough Council and the works were proposed on behalf of the Council

by the Engineering Services Section. The main issues for consideration in the determination of this application were the impact of the loss of this piece of amenity land on the character and appearance of the area, the impact on neighbour amenity and the acceptability of the new parking in highway safety terms.

The Principal Planning Officer informed the committee the proposed development would not have a detrimental impact on the character of the area or result in a substantive loss of open space. In addition, the officer advised the committee the development would not harm the amenities of neighbours. Furthermore, the committee was advised that the proposal would not prejudice highway safety subject to conditions recommended by Hertfordshire County Council Highways.

The Committee welcomed the provision of additional parking spaces. In response to questions, officers indicated that the local highways authority would be consulted on the issue of yellow lines in the area.

It was **RESOLVED** that application no 19/00639/FP be GRANTED planning permission, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: SPB R 169.
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 new parking spaces hereby permitted shall be as specified on the drawings and application details forming part of this application.
4. No 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 0900 and 1330 on Saturdays.
5. The development hereby permitted shall not be brought into use until the proposed parking spaces and public footway have been constructed as identified on drawing number SPB R169, the existing half battered radius kerbs have been replaced with flush kerbs to form a delineation between the public highway and private parking area and the carriageway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.
6. The new parking area shall be constructed in a hard surfacing material as identified on drawing number SPB R169 in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).
7. Prior to the commencement of the development hereby permitted, the crowns of the trees which are affected by the development hereby permitted shall be reduced by 30%.

Informative

Hertfordshire County Council as Highways Authority

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 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/transtreets/highways/>
or by telephoning 0300 1234047.

8 19/00368/S106 - 1-5 INCLUSIVE, FAIRLIGHT CLOSE, STEVENAGE

The Committee considered an application seeking the variation of the wording of the S106 agreement which was attached to planning permission reference 12/00577/FPM in respect of the wording of the affordable housing obligations.

The main issue for consideration in the determination of this application was whether the proposed variations to the S106 agreement were acceptable to the Council as the Local Planning Authority. The Development Manager informed Members that the amendments sought were deemed minor and would not fundamentally change the requirements of the original permission. The Assistant Director (Planning and Regulatory) indicated that the proposed variation would bring the agreement in line with current housing legislation. The proposed variation was now a common practice for Housing Associations.

It was **RESOLVED**:

1. That the variation to clauses 3.1.7.1 to 3.1.7.7 of the S106 agreement dated 13 August 2013 to add the word “receiver or administrative receiver” and at clause 3.1.7.3 to substitute the word “endeavour” with the words “reasonable endeavours” be approved
2. That authority be delegated to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to amend the wording of the variation to the S106 agreement

9 INFORMATION REPORT - DELEGATED DECISIONS

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

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

The Principal Planning Officer (JC) referred to a letter which related to Item 3 on the Appeals Report – Land at 68 Wildwood Lane, Stevenage attached to planning permission 19/00165/FP.

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

11 **URGENT PART I BUSINESS**

The Committee received an urgent update on the Community Infrastructure Levy (CIL). The Assistant Director informed Members that the Independent Examiner's Report on CIL was presented at the December meeting of the Executive. The Executive had resolved to recommend that Council approves the CIL Charging Schedule with effect from 1 April 2020. Members were informed that reports submitted to the Planning and Development Committee after 1 April 2020 will include a paragraph on financial information. The expenditure of CIL funds of £75,000 or more will be submitted to the Planning and Development Committee for approval. Member will receive training on the Community Infrastructure Levy.

At this juncture, the Committee commended the temporary public address system in the Council Chamber.

12 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

13 **URGENT PART II BUSINESS**

None.

CHAIR