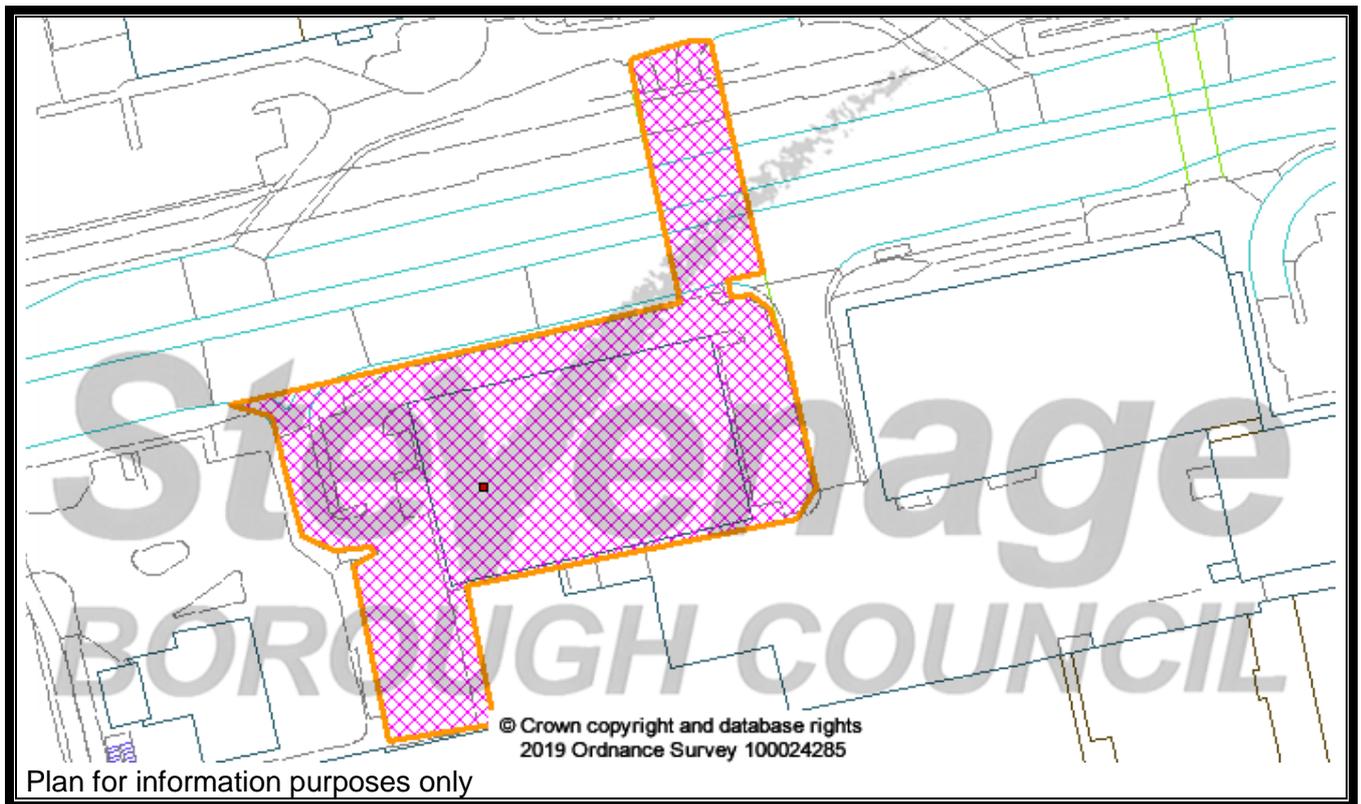


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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>15 March 2022</b>	
<b>Author:</b>	<b>Rebecca Elliott</b>	01438 242836
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Rebecca Elliott</b>	01438 242836

Application No:	21/01002/FPM
Location:	Office Outlet, 11 The Forum Stevenage.
Proposal:	Demolition of existing outlet store (Use Class E) and construction of a part 9 storey, and part 13 storey building comprising 224 no. build to rent dwellings consisting of 162 no. 1 bedroom, 50 no. 2 bedroom and 12 no. 3 bedroom units; 161 sq.m of Use Class E and Use Class F floorspace; ground floor parking area, cycle storage facilities, associated plant and equipment, landscaping and ancillary works, comprising both residential and commercial / ancillary residential floorspace along with associated landscaping and public realm enhancements refuse storage, and cycle and car parking.
Drawing Nos.:	PH-20121-100D; PH-20121-200; BL9281-PRP-C00-00-DR-L-2100 REV E; BL9281-PRP-C00-00-DR-L-2101 REV E; BL9281-PRP-C00-00-DR-L-2102 REV E; BL9281-PRP-C00-00-DR-L-2103 REV D; BL9281-PRP-C00-00-DR-L-2104 REV D; BA9281-0001 REV B; BA9281-0002 REV B; BA9281-0003 REV A; BA9281-0004 REV A; BA9281-0005 REV B; BA9281-0010 REV B; BA9281-2100 REV C; BA9281-2101 REV B; BA9281-2012 REV B; BA9281-2103 REV B; BA9281-2104 REV B; BA9281-2105 REV B; BA9281-2106 REV B; BA9281-2107 REV B; BA9281-2108 REV B; BA9281-2109 REV B; BA9281-2110 REV B; BA9281-2111 REV B; BA9281-2112 REV B; BA9281-2113 REV B; BA9281-2200 REV B; BA9281-2201 REV B; BA9281-2202 REV B; BA9281-2203 REV B; BA9281-2204 REV B; BA9281-2205 REV B; BA9281-2300 REV B; BA9281-2301 REV B;
Applicant:	Stevenage Property Ltd
Date Valid:	8 September 2021
Recommendation:	GRANT PLANNING PERMISSION.



## 1. SITE DESCRIPTION

- 1.1 The site is located within the Town Centre and forms part of the northerly edge of the town, bounded to the north by Fairlands Way. To the west is the Tesco petrol filling station and associated forecourt entrance, with the store itself located to the south west and south of the site. To the south east is the former BHS site which has approval for redevelopment with an 11 storey residential development, and to the east is the service yard serving The Forum shopping area of the town.
- 1.2 The area is characterised by a variety of building heights and predominantly retail uses. A footbridge is located to the north west which links the Tesco site to Ditchmore Lane to the north of Fairlands Way and beyond this the Old Town and King George V Recreational Field to the north east. To the north east of the site is the underpass leading to the retail elements to the north of Fairlands Way, with King George V Recreation Ground beyond this. The site ownership and red line boundary includes both sides of the underpass which run under Fairlands Way.

## 2. RELEVANT PLANNING HISTORY

- 2.1 Application 01/00444/AD granted advertisement consent for a free standing double sided internally illuminated sign in 2001.
- 2.2 An application for a change of use of the existing building to a Wholesale Market (Sui Generis) which was approved 8 October 2020.
- 2.3 The current application was preceded by an EIA Screening Opinion reference 21/00660/SCR, which concurred that an EIA was not required prior to submission of the full planning application.

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

- 3.1 The application seeks planning permission for the demolition of existing outlet store (Use Class E) and construction of a part 9 storey, part 13 storey building comprising 224 no. Build to Rent dwellings consisting of 162 no. 1 bedroom, 50 no. 2 bedroom and 12 no. 3 bedroom units; 161 sq.m of Use Class E (Commercial, Business and Service) and Use Class F (Local Community and Learning) floorspace; ground floor parking area, cycle storage facilities, associated plant and equipment, landscaping and ancillary works, comprising both residential and commercial / ancillary residential floorspace along with associated landscaping and public realm enhancements refuse storage, and cycle and car parking.
- 3.2 The site would be accessed utilising the existing entrance and egress off Fairlands Way to the north west of the site. The existing vehicular access from the north of Fairlands Way and under the dual carriageway by way of the underpass will provide pedestrian and cycle access. The proposed building would consist of an eastern and a western tower of 13 storey's each, with a linking 9 storey high building facing on to Fairlands Way. To the rear of the building and at first floor level would be a private garden platform for resident's, as well as roof gardens and a biodiverse roof garden on the 9 storey blocks. Some car parking is to be provided at ground floor level within the building and externally.
- 3.3 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, the placement of four site notices and an advert in the local paper. There has been 4 objections received at the time of writing this report.
- 4.2 Objections –
- Overdevelopment of the site;
  - Out of character with this area of Stevenage;
  - Size and density of the proposed buildings would have a negative visual impact on the landscape and skyline;
  - Insufficient provision of car parking for demand that will lead to significant parking problems;
  - Proximity to buses and the railway station does not mean people will not want or need a car;
  - How will the 38 spaces be allocated?;
  - Viability Statement says they will not be able to deliver any affordable housing;
  - No pedestrian link north of the site from the underpass which links to the Aldi access road;
  - The footways within the public highway are at a higher level than the underpass. It does not appear possible to connect a footway to the underpass in accordance with Building Regs Part M. If there is no feasible route, then access to bus provision is also compromised;
  - There is no pedestrian access to the site without going through third party land;
  - Traffic impact on the Fairlands Way/Lytton Way roundabout which is already over capacity in the peak periods, and the proposals would exacerbate this situation;
  - The proposals remove vehicular access from the eastbound carriageway and under the underpass, meaning all traffic uses a single access point;
  - An independent Road Safety Audit should be undertaken;
  - No objection to the demolition of the old Staples building which is of no architectural merit, but to replace it with a 15 storey high building will serve to contribute to turning Stevenage centre into a high rise estate;
  - Developers are only interested in maximising their profits;

- Homes for young people to enable them to work in the area need to be affordable;
- With such a plethora of flats Stevenage will be turned into a commuter town;
- Parking is disproportionate.

4.3 These are not verbatim of the representations received and full copies can be viewed online. Any further representations received will be reported at the committee meeting.

## **5. CONSULTATIONS**

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

5.1.1 Notice is given under article 18 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the imposition of conditions.

5.1.2 Financial contributions of £12,000 have been requested to cover the monitoring fee associated with the Residential Travel Plan and the Commercial Travel Plan respectively.

### **5.2 Lead Local Flood Authority**

5.2.1 The Lead Local Flood Authority maintain their objection to the scheme for the following reasons –

- Pumping of surface water not aligned with HCC Local Standards;
- High discharge rate without robust justification for the need;
- Lack of detailed surface water network calculations accompanied by numbered drainage layout drawing for audit and technical assessment.

5.2.2 Section 8.3 of the FRA is not acceptable justification as to why a further reduced discharge rate cannot be achieved. Thames Water do not dictate allowable discharge but only provide guidance. The LLFA determine acceptable discharge rates and Local Standards clearly set out the requirement. The arguments provided for Brownfield rates are not robust, when considered against Local requirements, to enable the LLFA to accept the reasoning's provided. The discharge rate should be further reduced for a site of this size to conform to HCC Local Standards. The LLFA feel there is room for design to enable a further reduction in the discharge rate.

5.2.3 The LLFA request the provision of detailed drainage calculations for all events up to and including the 1 in 100 year + 40% climate change event, identifying the critical duration. Easement agreement required for outfall, and no evidence has been provided that this has been considered or will be granted. Evidence from Thames Water for approval to connect into Thames Water Surface Water Network is needed.

5.2.4 Depth and cover levels of attenuation required to be indicated on plan. All invert levels to be indicated on plan. It is not currently possible to undertake a technical assessment of the proposed strategy with the level of detail provided. Detailed cross-sectional drawings of all surface water drainage features are to be provided. Attenuation requirements appear to be based on Kent LLFA requirements as opposed to HCC Local Standards.

5.2.5 The FRA states the gravity outfall from Storm Cell B but then pumped outfall from the parking area, Storm Cell A. There is no information on the plan or justification in the FRA as to why a gravity solution cannot be achieved, due to lack of detail on Drawing PH-20121-100C – Indicative Surface Water Drainage Layout. Post development mitigated surface water flow paths in the event of exceedance or failure of the system should be annotated on plan. Sacrificial areas for temporary surface water ponding should be identified noting extent and depth.

5.2.6 As such, the information provided to date does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. We therefore object to the grant of planning permission and recommend refusal.

### **5.3 Thames Water**

5.3.1 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. With regard to foul water sewerage network infrastructure capacity, we would not have any objection to the planning application, based on the information provided.

### **5.4 Affinity Water**

5.4.1 We currently object to the application and require the submission of an intrusive ground investigation in order for us to reconsider our position. This is due to the sites historical use and the potential for ground contamination to be present. This will need to assess ground conditions of the site in relation to the chalk aquifer and our nearby public water abstraction as receptors of potential pollution. Our concerns include the mobilisation of existing ground pollution through foundation construction (i.e. Piling), and surface water infiltration methods. An intrusive investigation should inform the best methods to reduce these risks.

5.4.2 Objections can be overcome through the imposition of conditions relating to contamination, contamination during construction, and infiltration.

5.4.3 Water efficiency – being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

### **5.5 Environmental Health**

5.5.1 A significant number of concerns arise and whilst responses are made to most they are simply defending procedures that are recognised as incorrect, erroneous and in certain respects misleading. In this review I have highlighted the main issues which require a fresh and full analysis including:

- a) Inappropriate application of an erroneous hybrid method of assessment, contrary to guidance and the science relating to impact from noise with specific character;
- b) The assessment of low frequency noise as a separate form of impact in terms of resulting internal levels assessed against NNR45 and with windows and doors open;
- c) Wholly insufficient consideration of the NPPF 2021 Paragraph 187 and the avoidance of constraint on commercial enterprises in the wider context of how that applies to permitted rights and uses and non-planning constraints;
- d) There is incorrect and insufficient assessment of commercial noise through the application of BS4142:2014, including the lower background sound levels that will result post development;
- e) Reliability of the noise modelling presented which is questioned and rejected as not sufficiently accurate.

5.5.2 There remains a requirement for a far more detailed analysis applying the guidance as intended to enable a better assessment of the noise risks and mitigation needed to address it. These are not capable of being left to a reserved matters stage as any condition cannot undermine the enterprise approved and it is considered major conflicts remain that likely require aspects of design to be revisited.

## **5.6 Hertfordshire County Council Growth and Infrastructure**

- 5.6.1 Primary Education – towards the new 2FE primary school in Stevenage Town Centre £500,593 (build and land costs) index linked to BCIS 1Q2020. It is reasonable that the land costs for the primary school are proportioned to those developments which are being mitigated by it, 0.11FE originates from this development, this is 5.5% of the new 2FE primary school. As 5.5% of the primary education need is arising from this development it is reasonable to increase the primary education contribution to include 5.5% of the land costs.
- 5.6.2 It should be noted that in a number of recent instances HCC have received land from developers, towards school provision, at nil value as without the facilities provided by the school expansion the development would not have been viable. The SG1 application has valued the land for educational use at approximately £35,000 per acre (so approximately £86,450 per hectare, £25,000 x 2.47).
- 5.6.3 The school site in question is 0.6159 hectares, therefore, the value of the land is £53,245 (£86,450 x 0.6159). Therefore, with 0.11FE of the 2FE school arising from this development, 5.5% of the land costs are apportioned to this development which is £2,928.
- 5.6.4 This development is situated within Stevenage's CIL Zone 1 and as such must pay the appropriate CIL charge. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your Infrastructure Funding Statement through the appropriate channels.
- 5.6.5 Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI 1Q2021), with fees also required for work monitoring the land transfer of school sites in legal agreements. For further information on monitoring fees please see section 5.5 of the [Guide to Developer Infrastructure Contributions](#).

## **5.7 Hertfordshire County Council Fire and Rescue**

- 5.7.1 Any approval will require a condition for the provision and installation of fire hydrant(s) at no cost to the County, or Fire and Rescue Service. This is to ensure that there are sufficient water supplies, with the pressure and flow rate required for a 15 storey building available for use in the event of an emergency.

## **5.8 Hertfordshire County Council Minerals and Waste**

- 5.8.1 In determining the planning application the Borough Council is urged to have due regard to the policies of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. Many of the policy requirements can be met through the imposition of planning conditions.

## **5.9 National Grid Plant**

- 5.9.1 We have no objection to this proposal from a planning perspective; however an informative should be imposed on any decision notice to prevent damage to our assets or interference with our rights.

## **5.10 Sport England**

- 5.10.1 The proposed development does not fall within either our statutory remit, or non-statutory remit, therefore Sport England does not wish to provide a detailed response in this case.

## **5.11 Health and Safety Executive**

5.11.1 A Fire Strategy Statement has been submitted as part of the application but the HSE has requested a Fire Statement, different to a Fire Strategy Statement, to accord with new regulations for high rise buildings. A Fire Statement has been provided and received by the HSE. Any update from HSE will be provided at the meeting.

## **5.12 Natural England**

5.12.1 Natural England has no comments to make on this application.

## **5.13 UK Power Network**

5.13.1 The proposed development is in close proximity to one of our substation and we have the following observations to make: if the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act.

5.13.2 Our engineering guidelines state that the distance between a dwelling or two or more storey's with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor, seven metres if the transformer has a GRP surround or one metre if the transformer is enclosed in a brick building. It is a recognized fact that transformers emit a low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows.

5.13.3 A problem can also occur when footings of buildings are too close to substation enclosures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. In practice there is little that can be done to alleviate these problems after the event. We therefore offer advice as follows –

1. The distance between buildings and substations should be greater than seven metres or as far as is practically possible.
2. Care should be taken to ensure that footings of new buildings are kept separated from substation structures.
3. Buildings should be designed so that rooms of high occupancy, i.e. bedrooms and living rooms, do not overlook or have windows opening out over the substation.

## **5.14 Hertfordshire and Middlesex Wildlife Trust**

5.14.1 Integrated swift boxes should form part of the biodiversity enhancements for this site. This development should deliver a minimum of 40 habitat or manthorpe type swift boxes within the brickwork of the building to ensure a continued nesting resource for these declining birds, who are entirely dependent on human habitation for reproduction.

## **5.15 Crime Prevention Officer**

5.15.1 No comments received at the time of drafting this report.

## **5.16 NHS East of England Ambulance Service**

5.16.1 In its capacity as a healthcare and emergency service EEAST has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from this development and other proposed developments in the local area.

Table 1 Capital Cost calculation of additional health services arising from the development proposal

Additional Population Growth (226 dwellings) <sup>1</sup>	Rate <sup>2</sup>	Ambulance Cost <sup>3</sup>	Total
520	0.14	£675	£52,630

## 5.17 Stevenage Borough Council Planning Policy

5.17.1 The proposed development would fit within the context of the town centre regeneration plans, has proposed a combination of strategies to reduce its operational emissions, will provide a minimal amount of car parking appropriate to its sustainable location within the town centre, and plans to provide the communal indoor and outdoor space typical of a BTR development. The proposed development would support town centre regeneration aims address gaps in housing provision (lack of smaller homes and BTR homes) within Stevenage and create a population of residents likely to patronise town centre businesses. The recent amendments made to the application following consultation with SBC officers, such as the reduction in height, provision of units at Discount Market Rent and solar shading, will ensure sufficient environmental and social sustainability required for approval.

## 5.18 Stevenage Borough Council Highways

5.18.1 No comments received at time of drafting this report.

## 5.19 Stevenage Borough Council Town Centre Management

5.19.1 No comments received at time of drafting this report.

## 5.20 Stevenage Borough Council CCTV Team

5.20.1 No comments received at time of drafting this report.

## 5.21 Stevenage Borough Council Strategic Housing

5.21.1 No comments received at time of drafting this report.

## 5.22 Stevenage Borough Council Regeneration

5.22.1 It is difficult to understand how the development integrates with the wider town centre, with poor pedestrian access to the town centre/station.

## 5.23 NHS East and North Herts CCG

5.23.1 The patients arising from this development will directly impact the Stevenage Town Centre GP practices known as the King George Group & the Stanmore Medical group. Neither group will have the capacity to absorb the additional requirement for general medical services (GMS) should the 226 dwelling application be successful, and the dwellings built. Whilst this application is considered in isolation the CCG has to consider and plan for all growth arising from developments in the area. This development alone will give rise to a shortfall in GMS capacity. East and North Herts Clinical Commissioning Group propose to focus the S106 monies in relation to this application on the expansion, reconfigurations and refurbishment to current clinical standards of practice premises under the King George Group and the Stanmore Medical Group.

- 5.23.2 It is important that the Primary Care estate is ready in advance of the increase in patients arising from developments such as this. The CCG requests trigger points of the 50<sup>th</sup>, 100<sup>th</sup>, 150<sup>th</sup> & 200<sup>th</sup> dwellings. S106 funding is ultimately the only source of funding that can support realisation of this premises project. The CCG also requests the right to retrospective funding be reflected in the S106 agreement.
- 5.23.3 As well as the importance of a 106 contribution for GMS, it is also vital to consider the impact of developments and additional residents on community, mental and acute healthcare. In relation to this particular scheme there is no request for developer contributions for acute healthcare.

## **5.24 Urban Design Consultant**

- 5.24.1 In my opinion, the proposed scheme is overdevelopment of the site but could be greatly improved by a modest reduction in the number of units and, with it, some remodelling to the external envelope of the building. The form has been arranged such that the impact of the massing is reduced but the taller elements (the book ends) still dominate. The scheme provides a generous south facing amenity space at podium level which is welcome and the applicants have demonstrated how the ground floor could be activated in areas to make the main pedestrian routes more attractive for users.
- 5.24.2 The architectural treatment is well considered in relation to the clues from the original designs for Stevenage town centre and how that has been applied to the building. There are concerns about the number of north and south facing single aspect flats which will not provide accommodation following best practice given climate change. The transformation of the underpass is a welcome addition to the pedestrian and cycle network of the town.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that the decision on the planning application should be in accordance with the development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- The Stevenage Borough Council Local Plan 2011-2031
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

### **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.
- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help

increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement in 2021. This is above the 75% target, but still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

- 6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council is considering its position in relation to preparing an action plan to enhance housing supply on deliverable sites.
- 6.2.4 In terms of 5 year land supply, the Council recently published the Five Year Land Supply Update (August 2021) which reveals that Stevenage had a 5.85 year supply of housing. A copy of the statement is found on:  
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>
- 6.2.5 However, since the Land West of Lytton Way (APP/K1935/W/20/3255692) appeal decision has been quashed by a High Court Consent Order, the Council will need to prepare an updated 5 year land supply report. The latest data shows that Stevenage can demonstrate a 5.37 year supply of housing which includes a 20% buffer. Updated data from strategic housing sites is still to be incorporated in the latest 5 year housing supply calculations, before an updated Five Year Land Supply Position Statement is published. Officers are working to update the Five Year Land Supply Position Statement (last published August 2021 – see paragraph 6.2.4) and intend to publish this updated statement as soon as is practicable.
- 6.2.6 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### 6.3 Planning Practice Guidance

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

### 6.4 Stevenage Borough Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Sustainable Development in Stevenage
SP4	A Vital Town Centre
SP5	Infrastructure
SP6	Sustainable Transport
SP7	High Quality Homes
SP8	Good Design
SP11	Climate Change, Flooding and Pollution
TC1	Town Centre
TC6	Northgate Major Opportunity Area

TC7	Marshgate Major Opportunity Area
TC8	Town Centre Shopping Area
IT3	Infrastructure
IT4	Transport Assessments and Travel Plans
IT5	Parking and Access
IT6	Sustainable Transport
IT7	New and Improved Links for Pedestrians and Cyclists
HO5	Windfall Sites
HO7	Affordable Housing Targets
HO8	Affordable Housing Tenure, Mix and Design
HO9	House Types and Sizes
HO11	Accessible and Adaptable Housing
HC8	Sporting facilities in new developments
GD1	High Quality Design
FP1	Climate Change
FP2	Flood Risk in Flood Zone 1
FP5	Contaminated Land
FP7	Pollution
FP8	Pollution Sensitive Uses
NH3	Green Corridors
NH5	Trees and Woodland
NH7	Open Space Standards

## **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. The proposal would fall within 'all other development' of the respective charging schedule table along with 'Residential'. This would mean the scheme is liable for CIL.

# **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, CIL and S106, design, layout and impact on the character and appearance of the area, impact on the amenity of neighbouring properties, amenities of future occupiers, noise, impact on the highway network, access, parking, drainage and flooding, trees, landscaping, biodiversity, air quality and contamination.

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

## **7.2 Land Use Policy Considerations**

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

Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption in favour of sustainable development".

- 7.2.2 Paragraph 62 of the NPPF 2021 requires that the planning system should deliver, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 68 of the NPPF 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.
- 7.2.3 Paragraph 119 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land. The site is previously developed and would meet this objective.
- 7.2.4 Paragraph 74 of the NPPF stipulates that strategic 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 housing requirement set out in adopted strategic policies, or 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.
- 7.2.5 The Borough Council, since the publication of the latest HDT results as discussed in Paragraph 6.2.2 above has an identified delivery of 79% of housing, which is now above the 75%, although still less than the 85% limit. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does. Therefore, it can be deduced that the Council can currently demonstrate a 5 year supply of housing and that there currently no longer the "presumption in favour" penalty due to the increase in housing supply (housing developments being delivered) within the Borough.
- 7.2.6 The site sits on the northern edge of the Town Centre as identified by Policy TC1 Town Centre. The site also sits within the Northgate Major Opportunity Area under Policy TC6 and in close proximity of the Marshgate Major Opportunity Area under Policy TC7. The requirements for each MOA are as listed below –
- Policy TC6
- a. High-density Use Class C3 residential units;
  - b. New Use Class B1(a) office premises;
  - c. New Use Class A1, A3 and A4 shop, bar, restaurant and café uses;
  - d. Replacement Use Class A1 major foodstore;
  - e. New multi-storey or basement car parking;
  - f. Replacement cycle and pedestrian footbridge between Ditchmore Land and Swingate; and
  - g. Signature public spaces.
- Policy TC7
- a. High-density Use Class C3 residential units;
  - b. New Use Class D1 and D2 leisure, cultural and civic uses;
  - c. New Use Class A1, A3 and A4 shop, bar, restaurant and café uses: and
  - d. New multi-storey or basement car parking.

- 7.2.7 The site is in a highly sustainable location being located within the Stevenage Central zone, with the train station and bus interchange in close proximity. The accessibility of the site is somewhat hampered by the fact it is land locked with private sites, including Tesco and The Forum. However, access can still be achieved to the north via the underpass and bridge connecting to Ditchmore Lane. The underpass would lead to The Forum site to the east via the second underpass under Fairlands Way, which in turn would lead to the town centre. Furthermore, access can be gained via the Tesco site and when this MOA comes forward for development a connection can be proposed at this point to increase access by foot and cycle for users of this development.
- 7.2.8 The underpass due north of the site is in the ownership of the site and forms part of the red line plan for this application. It is proposed to carry out upgrade works to the lighting and also include some artwork within the underpass to make it more attractive and useable. This coincides with one of the priorities for Policy TC7 Marshgate where the northern underpass linking to Town Centre Gardens is earmarked for public realm improvements. Works to the site underpass are therefore welcomed.
- 7.2.9 The former office outlet building is not designated retail frontage because of its more isolated position to the north of the Forum and pedestrianised area of the Town Centre. As such, a Retail Impact Assessment is not considered necessary in this case. Some level of commercial floorspace is retained and accords with Policy TC8 providing an active frontage along with the Build to Rent floor space providing communal areas for residents.
- 7.2.10 Paragraph 85 of the NPPF also states that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres and that residential development should be encouraged on the appropriate sites. Therefore this residential led scheme is acceptable in principle. In respect of the residential element, both MOAs allows for high density residential development and therefore the proposal 9 and 13 storey blocks are acceptable in principle.
- 7.2.11 Policy HO9 requires that residential schemes provide an appropriate range of market and affordable house types and sizes taking into account structural imbalances in the existing housing stock, the housing needs of the Borough, the location and accessibility of the application site and recent completions, existing permissions and sites in the five-year land supply. The Local Plan makes it clear that there is a specific need to increase the number of smaller homes and apartments that are available, although it is noted that with the recent BHS application and Town Centre SG1 outline permission these will provide predominantly one and two bedroom units also.
- 7.2.12 The proposed development would provide 162 no. one bedroom, 50 no. two bedroom and 12 no. three bedroom units. Whilst a larger number of one bedroom units are proposed, the mix is considered to be policy compliant in respect of HO9. Furthermore, the proposed units would be policy compliant in terms of Policy HO11 Accessible and adaptable housing.
- 7.2.13 The proposal would provide the whole site as Build to Rent (BTR). The NPPF Glossary identifies build-to-rent as "purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control."
- 7.2.14 The Local Plan (2019) does not refer to any need for, nor requirements of, build-to-rent schemes across the Borough as identified in the OAN assessment which forms the evidence base to the Local Plan. Notwithstanding this, the provision of build-to-rent units in the town centre is not unacceptable as a result of this. The proposed redevelopment of the site for

residential led development is considered acceptable in principle from a land use policy context.

### **7.3 CIL and S106**

#### S106

7.3.1 Chapter 5 of the NPPF clearly outlines the need for affordable housing (AH) and suggests a minimum of 10% AH on any major development site. At local level, Policy HO7 of the adopted Local Plan stipulates a target level of 25% on previously developed sites. Policy HO7 continues that “planning permission will only be granted where these targets are not at least achieved unless:

a) Developers robustly demonstrate that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or

b) Meeting the requirements would demonstrably and significantly compromise other policy objectives”.

7.3.2 Turning to affordable housing tenure, mix and design Policy HO8 of the same document states that where affordable housing is secured through Policy HO7, planning permission would be granted where those dwellings:

A. Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council’s Housing Team;

B. Meets the requirements of Policy HO9 (house types and sizes);

C. Are physically indistinguishable from other types and homes and are distributed across the site to avoid over concentration in particular; and

D. Will remain at an affordable price for future eligible households.

7.3.3 The proposal, as submitted, would provide 224 units, 162no. one bed, 50no. two bed and 12no. three bed flats. This would equate to a total of 56 (25%) units being required to be affordable for a market housing scheme. Furthermore, in accordance with Policy HO8, 70% of the 25% affordable units should be for affordable rent, which rounded up, would be 40 units.

7.3.4 However, the scheme currently seeks to deliver 100% Build-to-Rent units, as such, the adopted Local Plan (2019) does not refer to any need for, nor requirements of, build-to-rent schemes across the Borough as identified in the OAN assessment which forms the evidence base to the Local Plan. Consequently, the Council does not have a specific policy on affordable housing for such developments in the adopted Local Plan. Given this, reference is made to the NPPF (2021) and associated Planning Practice Guidance which set out that affordable housing for build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build-to-rent developments.

7.3.5 The Planning Practice Guidance advises that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. The policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents. Thus, for the purposes of viability and consideration of the proposal before the Council, the affordable housing requirement of the development is 20%. Furthermore, the guidance on viability permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark.

7.3.6 The application was accompanied by a Viability Study (prepared by Turner Morum, August 2021) which has been reviewed by Apsinall Verdi, as an independent Assessor appointed by

the Council. The assessment prepared by the applicant identified that there was a development deficit of £16,236,849 based on a benchmark land value of £3.17m. The Council's viability consultant undertook a comprehensive assessment looking firstly at a policy compliant market housing scheme scenario of 25% affordable housing. The scenario consisted of 45no. on site affordable private rent units (at 80% of market rent). This was shown to be unviable, generating a deficit of circa. £5,280,000. This is predominantly explained by the lower-passing revenues generated by the affordable units. (See Table 7-1 below. Source: Aspinall Verdi viability review).

**Table 7-1 – AVL Appraisal – Scenario 1 (Policy-Compliant)**

Description	Value
<b>Benchmark Land Value</b>	£2,025,463
<b>Surplus / Deficit</b>	<b>-£5,279,512</b>

Source: AVL, 2021.

7.3.7 In the second scenario, an assessment of the development as an entirely private development was undertaken to determine whether the proposal was viable without any affordable housing. This scenario generates a reduced deficit of circa £4,320,000m, below the benchmark land value, again remaining commercially unviable (See Table 7-2 below. Source: Aspinall Verdi viability appraisal). The Council's assessors have consequently advised that a viability review mechanism be implemented within the S106 agreement to allow the Council to benefit from any favourable uplifts in viability.

**Table 7-2 – AVL Appraisal – Scenario 2 (100% Private)**

Description	Value
<b>Benchmark Land Value</b>	£2,025,463
<b>Surplus / Deficit</b>	<b>-£4,320,242</b>

Source: AVL, 2021.

7.3.8 The sensitivity analysis carried out by Aspinall Verdi demonstrates how the viability of the scheme can change subject to adjustments to appraisal inputs – notably the sales values and construction costs. With increases in sales values of 7.5% and decreases in construction costs by the same amount, the scheme becomes viable with a surplus of circa. £1.66m.

7.3.9 In addition to affordable housing, Hertfordshire County Council have made requests for monies outside of the CIL regulations relating to Primary Education and Travel Plan monitoring. Whilst education is typically funded through CIL, as part of the wider Town Centre regeneration in Stevenage a new primary school is being provided and all town centre developments are being targeted to provide some funding towards this essential provision, as outlined in the Council's Developer Contributions SPD (2020). Therefore, this development should provide a contribution of £500,593 towards the primary school provision based on build and land costs.

7.3.10 Furthermore, the local highways authority has requested £12,000 to pay for the monitoring of two Travel Plans required as part of the redevelopment of the site. Lastly, in terms of financial contributions the NHS East Ambulance Services and NHS East and North Herts Clinical Commissioning Group have requested monies towards GP provision (£268,482), mental health care (£86,960) and existing healthcare and ambulance service provision (£52,630).

- 7.3.11 The viability appraisal carried out on behalf of the Council fully considered the requirements of CIL at approx. £724,325 and S106 financial obligations to the cost of £617,391 (those received and provided as part of the appraisal instruction). For note, this figure does not include the requests made by the NHS Clinical Commissioning Group which was provided too late as part of the viability appraisal. The full list of requirements is shown below.

<b>Hertfordshire County Council</b>	
Primary Education – Towards the new primary school proposed in Stevenage Town Centre	Financial contribution of £500,593.00
Travel Plan and Monitoring Fee Per Travel Plan	£12,000.00
S106 Monitoring Fee	£340.00 per trigger point
<b>Stevenage Borough Council</b>	
S106 Monitoring Fee	£750.00
<b>NHS England and East &amp; North Herts CCG</b>	
GMS GP Provision	£268,482.00
Mental Health Provision	£86,960.00
Existing Services and Ambulance Provision	£52,630.00
<b>Total</b>	<b>£921,755.00</b>
<b>NOTE:- All financial obligations would be index linked.</b>	

- 7.3.12 Further to the outcomes of the viability appraisal the applicant has proposed a provision of 10% affordable housing on site, along with a commitment to pay the contributions as assessed in the viability assessment, a total of £617,391 S106 contributions and the CIL payment required (see later section in report 7.3.16). The financial contributions would be used to pay the requested items in the following order based on officer recommendation –
1. Primary education;
  2. Travel plan monitoring; and then
  3. NHS funding with a priority to GP provision.
- 7.3.13 Focusing on “Build to Rent”, the definition in the Framework glossary states that build to rent developers will normally offer longer tenancy agreements of 3 years or more to all new tenants who want one. These are generally known as ‘family friendly tenancies’ as they provide longer term security and stability for those who wish to settle down within a community.
- 7.3.14 In order to secure a Build to Rent scheme which is in accordance with this definition, it is recommended a clause is added to the S.106 agreement to ensure scheme operators offer tenancies of 3 or more years to all tenants in the development. However, tenants will be able to opt for shorter tenancies such as 6 months, 1 year or 2 years if they wish, as the obligation to offer 3 year tenancies will lie with the scheme operator. There would also be a restrictive covenant imposed to the build to rent scheme as well which would be secured in the legal agreement
- 7.3.15 In relation to development viability and the under provision in affordable housing, the applicant agreed to the use of a viability review mechanism, as recommended by the Council’s viability assessor, which will be included in the S.106 agreement. The exercise will include re-consideration of the following inputs based on actual data and prevailing market conditions at the time:-
- Residential sales values;
  - PRS rents and yields;

- Commercial rents and yields;
- Construction costs;
- Professional fees;
- Marketing and disposal costs; and
- Development timescales.

7.3.16 The viability review will need to be reviewed by the Council’s appointed viability advisor with each input being scrutinised. Should it be concluded that viability has improved sufficiently to support affordable housing, the exact nature of affordable housing contribution will then be discussed with the Council. However, the Council would be looking to agree policy compliant levels wherever possible, including 20% provision for the scheme as a build-to-rent development. However, if for any reason the scheme was put forward as a market housing scheme the review mechanism would seek 25% provision in line with Policy HO7 where possible. These additional contributions could include either financial obligations or the provision of additional units on-site, and this would be discussed with the Council’s Housing Development Team for their agreement.

7.3.17 As per the viability consultants suggestion, the review will take into account actual build costs and value data from previous phases of the scheme, ensuring any improvements to viability throughout the life of the masterplan can be used for affordable housing. In parallel to viability, the applicant is fully committed to continue to work closely with the Council to attract funding and grants that will enable the maximum amount of affordable housing to be delivered.

7.3.18 Further to the above, both Hertfordshire County Council and Stevenage Borough Council now seek monitoring fees for S106 agreements, as set out by HCC Growth and Infrastructure teams comments and the Council’s Developer Contributions SPD (2020) respectively. These would be covered within the agreed S106 contributions as verified in the viability appraisal.

7.3.19 In March of this year the Council adopted their Developer Contributions SPD to set out the Council’s approach to the use of S106 agreements to secure developer contributions from new developments. One of the requirements of the SPD seeks developers of major sites to enter into a S106 to provide a Local Employment Strategy, attempting to employ local residents and provide apprenticeship opportunities. Where this is not possible, the SPD requires that the developer provide a financial contribution in lieu of not achieving either or both targets set out in the SPD. The applicant has agreed to enter into a S.106 agreement to secure a Local Employment Strategy for this development.

7.3.20 A further head of terms required in the S106 will be for a Management Company to be appointed for the development. The management company would then be responsible for the general running of the building, including the upkeep and maintenance of all internal and external amenity spaces, the underpass, parking areas, landscaping, car and cycle parking areas, electric vehicle charging points, zero/low carbon technologies and bin store areas and waste collection. Details of a general management plan and lighting strategy would be approved by imposition of conditions. These agreed details would then be part of the management company’s responsibilities as outlined above.

CIL

7.3.21 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)
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	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m <sup>2</sup>	£100/m <sup>2</sup>
Sheltered housing		£100/m <sup>2</sup>
Extra care housing		£40/m <sup>2</sup>
Retail development		£60/m <sup>2</sup>
All other development		£0/m <sup>2</sup>

As a major development the scheme would be liable for CIL based on the above rates for both residential and retail in this case.

- 7.3.22 Based on the Council's viability appraisal as carried out by Aspinall Verdi, the CIL requirements for this development will be approximately £724,325.00. A CIL liability notice would be issued once planning permission is granted (subject to the Planning and Development Committee approving this application).
- 7.3.23 The reason why the aforementioned is an approximate/estimate is because the CIL liability is generally calculated once planning permission is granted and whether or not any exemptions are to be applied (e.g. there is no CIL liability for affordable homes so CIL liability is reduced).
- 7.3.24 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.

## 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.

#### Proposal

- 7.4.9 The development proposes the demolition of the existing single storey warehouse used most recently for office supplies sales. The square warehouse style building occupies a large

percentage of the site with parking sited on the eastern and western edges. Access is directly off the western bound carriageway of Fairland's Way and via an underpass accessed from the Aldi access road to the north of Fairlands Way. The site has little landscaping or biodiversity assets.

- 7.4.10 The proposed building has been through pre-application discussions with officers and has been amended during this application following negotiations with reference to the buildings height. The revised proposal would see the erection of two 13 storey high towers (Reduced down from 15 storeys) on the eastern and western sides of the building, with a 9 storey high link between predominantly located toward the northern side of the site and building. To the south and rear above first floor is a large podium garden and outdoor amenity space for use by the developments residents. At ground floor a total of 161 sq.m of commercial floorspace is proposed in the north western corner of the building providing a dual aspect active frontage. The northern elevation at ground floor would be glazed and active, providing communal space as part of the Build to Rent provision. Further communal provision is also shown on the first floor and provides access to the garden podium, as well as a large stairwell accessed from the lower level pedestrian access to the north of the building, and the underpass leading from Fairlands Way.
- 7.4.11 The remaining ground floor areas are shown as bin store provision, cycle storage, plant and car parking. Further car parking is provided in the existing western car park area, although this is re-arranged and a higher level of landscaping is proposed.
- 7.4.12 The redevelopment of this underused site is welcomed and is ideally placed to contribute to a more engaging and better defined northern edge for the town centre going forward, with the opportunity to address the road and create a more attractive public realm. Currently the area between the building occupying the site and Fairlands Way feels 'left over' where pedestrians and cyclists are a secondary consideration to the car. The existing context is generally low to medium rise with only intermittent taller buildings which are still not of the scale being proposed. However, and given the location, there is an opportunity for a more significant scale of building on this site to better define the edge of the town centre and more appropriately address the main road. This is reflected in the criteria of Policies TC6 and TC7 (see paragraph 7.2.6) which seek high density residential development.
- 7.4.13 The layout of the development, wrapping around a south facing amenity deck is positive, although the scale and massing as originally proposed with a 15 storey high tower on the western side of the building was considered excessive and overdevelopment. The reduction of this tower to 13 storey's to match the eastern tower is considered an improvement and helps to balance the overall scale and massing of the building.
- 7.4.14 The form and massing has developed since the initial pre-application discussions to create a scheme which more effectively addresses the road, and defines a south facing open space at podium level. The linking block between the two tower book ends is 9 storeys in height which presents a robust and muscular northern edge to the development. In itself, this north facing edge is clearly visible from the Stevenage Cricket and Hockey Club grounds and when approaching the town centre from the north.
- 7.4.15 The location of the site creates an opportunity for a more significant architectural response, at 15 storeys in height onto the taller tower initially, this height was deemed excessive and as a whole would result in an intensity of development which would compromise the quality which is achievable on the site. A reduction in the height and massing of the western book end from 15 storeys to 13 storeys has reduced the impact of this development on the surroundings and on the podium space. The eastern book end drops to 9 storeys at its southern end, reducing the impact of development on the space and allowing more sunlight penetration in the early morning.

- 7.4.16 The scheme has considered the legacy of the architectural approach to buildings within the town centre and has applied these findings to the proposed development. The proposed plans and Design and Access Statement illustrate how a different treatment to the elevations of the various elements of the scheme can help break down the bulk and massing of the proposals, including the framing and banding of elevations with brick and the use of balconies on particular certain elevations to provide interest.
- 7.4.17 The building would largely be completed in a lighter red brick, with accent darker red and grey brickwork within the set back separations between the fenestration and different floors. The use of darker grey coloured fenestration also has a positive almost industrial look to it, appearing more contemporary also, with the use of lighter coloured metal balconies on various elevations to provide some private external amenity space. The roofs of the 9 storey elements are presented as roof gardens, which in addition to the first floor podium, provides a good level of external communal amenity space, accessible only by the residents of the building.
- 7.4.18 The Podium space provides a south facing area for residents to dwell and, through the provision of a small play area, a space for on-site play opportunities within the development. The space is a generous width (39 metres). The landscape treatment provides a range of spaces for residents to enjoy including transitional spaces between the apartments surrounding it and the main space. Access to the podium is via a grand flight of steps which links the podium to the public realm to the north and is gated.
- 7.4.19 The articulation of the building is a key feature of its good design and the northern elevation is considered to create an important vista along this stretch of Fairlands Way, providing a clear entrance in to the town centre where higher density living is appropriate. The design of the building is complimented by the addition of balconies on several elevations, as well as Brise Soleil sun screens adding variety and interest to the architectural composition of the development. The design has undergone negotiation and the changes made are considered to result in a high quality development on this underused urban site.
- 7.4.20 Furthermore, the proposed development seeks to enhance the existing pedestrian environment to the north of the site, by facilitating the existing underpass as pedestrian use and by creating a more pleasant thoroughfare. The ground floor level of the site is at a lower level than the highway. The proposed design would incorporate landscaping beds to include green walls in front of the highway retaining wall, along with trees, shrubs and biodiverse features such as bee and insect homes. Street furniture, areas of seating and street art would all enhance the character and appearance of the area.
- 7.4.21 The design of the ground floor frontage of the building has evolved to add positively to this new pedestrian environment being created at street level. The use of full height glazing across the frontage width, and wrapping around the eastern and western elevations creates a more 'used' feel to the area, being inviting rather than another blank façade to walk past. The hard and soft landscaping will be important in this area to ensure the correct type of ambiance is achieved.

## **7.5 Impact on the Amenity of Neighbouring Properties**

- 7.5.1 Looking then at the impact of the proposal on the amenity of neighbouring properties, there are no residential properties in this area of the town centre currently, although weight must be given to the scheme approved at the former BHS site to the south east. Aside from this, there are no sensitive uses that would need to be considered as part of this proposal.
- 7.5.2 The BHS redevelopment approved the erection of an 11 storey building with flats facing northwards across the service yard and Fairlands Way beyond. The proposed development site is located north west of the BHS site and is separated by approximately 37 metres distance. This is measured from the nearest southern elevation of the eastern book end

tower which at 9 storeys steps further away to approximately 45m. This accords with the Council's separation distances for properties over 3 storeys in height and it is not considered the development of both these sites would result in a loss of privacy or outlook for either development.

## 7.6 Amenity of Future Occupiers

### Internal Space Standards

7.6.1 The adopted Local Plan outlines prescribed space standards for new dwellings, as set out in the Department for Communities and Local Government (now the Department of Levelling Up, Housing and Communities) document 'Technical housing standards - nationally described space standards' 2015. For one, two and three bedroom units these are shown below.

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 / 37	N/a	N/a	1.0
	2p	50	58	N/a	1.5
2b	3p	61	70	N/a	2.0
	4p	70	79	N/a	
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

7.6.2 The minimum internal sizes of the proposed units have been annotated on the proposed floor plans. Each two bedroom unit would meet the required 70 square metres, and the one bedroom units being a mixture of 37/39 and 50 square metres. This is considered acceptable.

7.6.3 Room size standards for bedrooms are also considered in the technical standards, determining how many persons the unit can accommodate and also in terms of acceptable living environments. These standards state that a double bedroom should be 11.5 square metres minimum with a minimum width of 2.75m and that where a second (or more) bedroom(s) is proposed it should have a minimum of 7.5 square metres and width of 2.15m. A second double should be at least 2.55m wide with the same 11.5 square metres minimum floor space. The bedroom sizes of the proposed units meet the minimum standards.

### External Amenity Space

7.6.4 The Stevenage Design Guide recommends that where possible external amenity space should be provided. The proposal includes a podium area at first floor level, along with several roof top areas and external balconies/terraces to some units. The layout as proposed would include two smaller roof top areas for communal use, one to the north of the western tower and one to the west of the eastern tower. The roof top area of the 9 storey link would include a biodiverse garden area. At the southern end of the eastern tower, the platform area would provide private terrace areas for two units.

7.6.5 The Design Guide requires at least 10 square metres of external amenity space per flat unit. The total amenity space available for future residents has been equated as 2466 square metres, although this does include a provision of 576 square metres of internal amenity space within the communal areas which are common of BTR schemes. Therefore a total of 1890 square metres of external amenity space is being provided. This is 350 square metres short of the 2240 square metres required (224 units x 10 sq. m per unit). On balance, given the quality of the open space being provided, and the town centre location with public amenity space nearby at King Georges Recreation Ground, the under provision of 350 square metres is considered acceptable in this case.

Separation Distance, Privacy and Outlook

7.6.6 The Council’s adopted Design Guide and Appendix C of the adopted Local Plan set out the acceptable separation distances between new residential developments, in terms of privacy and outlook.

No of storeys	Type of separation	Minimum 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 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

Separation distances for dwellings

7.6.7 The above standards do fit more comfortably when referring to dwellinghouses but must still be considered when assessing flatted developments. It is noted that flat block developments are likely to be set in more restricted and closer range proximities than a typical dwellinghouse development. It would be the internal facing flats that would need to ensure adequate privacy and prevention of overlooking. The eastern elevation of the western block directing views towards the western elevation of the eastern book end has a separation distance of approximately 39m. This exceeds the requirement as noted above and is therefore acceptable.

7.6.8 The relationship of those units facing southwards off the middle link block would at the corners be in close proximity of neighbouring units. However, at an acute right angle, the internal layouts have taken account of this and have good separation from habitable room windows, in particular those with balconies. On balance, the high density nature of this town centre scheme is such that the layout of the flats is not considered to propose unacceptable relationships between units such that the scheme would warrant a refusal.

Internal Layouts

- 7.6.9 The scheme has evolved such that the northern elevation includes projections and set-backs in the façade to create double aspect units, with western and eastern elevations created on the northern units. Furthermore, all corner units would be dual-aspect also. There would be some element of units that are single aspect, although the number of northern single aspect units is minimal. Further alterations to reduce this number or provide more dual aspect units would unduly affect the overall layout of each floor. The scheme has been amended to include the use of Brise Soleil on the southern facing elevations to help with the thermals of the southern facing units.
- 7.6.10 The number of apartments per floor accessed from a single core was raised as an issue by the Council's Urban Design consultant. The London Housing Design Quality and Standards SPD (pre consultation draft) recommends no more than eight per floor, with exceptions mitigated with wide corridors (beyond 1500mm) and the introduction of natural ventilation/daylight (C3, From Street to Front Door, C3.1.2). The scheme has introduced natural daylight and opportunity for natural ventilation into the corridors. The first floor (west core) has 12 apartments and a communal area, although that does have stair access, and the second floor has 14 apartments, almost double the recommended London amount. This is a practical consideration for residents waiting to access their accommodation or leave the building, especially for those that cannot comfortably use the stairs.
- 7.6.11 Notwithstanding this, because of the dogleg in the floor layout and the positioning of the stairwell and lift, there are two corresponding corridors created off this area, each with up to 6 or 8 flats which corresponds more with the London standard. Furthermore, the corridors, whilst below 1500mm in width are at least 1250mm and are noted in the Design and Access Statement as being decorated in light colours with natural and artificial lighting to create a bright ambiance. As the Council does not have a set policy on this requirement the proposals are considered acceptable on balance in this regard.
- 7.6.12 The Design and Access Statement explains that a key driver of the development design was the provision of internal communal space for all residents. A significant part of build-to-rent schemes is creating a community and providing an alternative space to residents' homes. This includes spaces on the ground and first floor to a total of 603 square metres. At ground floor there is a large communal lounge providing a co-working and socialising flexible space. The first floor is accessible via a feature staircase but can also be accessed via a communal corridor for level access needs. The first floor area is triple aspect providing views across to King George V Recreation Ground as well as outlook and access onto the communal podium garden.
- 7.6.13 The internal communal areas are intended to provide additional flexible space for residents outside of their apartments. Following the pandemic it has been increasingly clear that flexibility to live/work relationships is required and that daily interaction with others has a big impact on peoples mental health, in particular for those living alone or in small numbers.

#### Daylight and Sunlight

- 7.6.14 The application has been accompanied by Daylight and Sunlight Reports for both within the development and in respect of neighbouring properties to establish the impact of the building layout and siting on the level of light enjoyed by the proposed units and neighbouring properties. The reports have been produced by Right of Light Consulting (Chartered Surveyors) on behalf of the applicant.
- 7.6.15 The reports have been carried out in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a good practice guide, 2<sup>nd</sup> Edition' (2011). This BRE guide explains how particular measurements and tests can be carried out on window openings to ascertain whether sufficient light will enter the proposed units and how the development will impact on existing neighbouring windows.

- 7.6.16 In respect of the report for within the development, officers are satisfied that the tests have been carried out in accordance with the BRE guide. The report concludes that the development design achieves a very high level of compliance with the recommendations of the BRE guide. A small number of rooms within the development would not meet the recommendations, and this is not an unusual result on a high density urban location. It is considered that the proposed design of the development would provide adequate levels of natural light.
- 7.6.17 The report for neighbouring properties, non-domestic buildings do not form part of the BRE tests, not requiring daylight or sunlight from an amenity perspective. Therefore, the report focuses on the approved development at 7 The Forum, the former BHS site. The results demonstrate that the proposed development would have a low impact on the light receivable at this neighbouring site. Of the northerly facing windows on the approved elevations, four windows would result in non-compliance with the BRE recommendations, with two of these windows serving bedrooms which the BRE standards state as being less important in terms of light than for example living rooms, dining room and kitchens. On balance, the proposal is therefore considered acceptable in terms of daylight and sunlight impact on neighbouring buildings.

### Sport Provision

- 7.6.18 Policy HC8 states that planning permission will be granted for residential developments where on-site sports provision and / or a commuted sum is provided. Given the high density nature of the development and its town centre location it is noted that on-site sports provision is difficult. The site is benefited by its proximity to the King George V Recreation Ground, Stevenage Hockey and Bowls Club and the Stevenage Swimming Pool and Leisure Centres.
- 7.6.19 Additionally, the application has been assessed by Sport England and they have advised that the parameters of the proposal do not meet their current requirements for provision and they therefore have no comments to make on the application. Consequently, they have not raised a need for financial contributions to be made for sports provision. It is therefore considered, on balance, that it is acceptable in this case that sports provision either on site or through a commuted sum is not required.

## **7.7 Noise**

- 7.7.1 Policies FP7 and FP8 of the Local Plan stipulate that 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. Comments provided by our Environmental Health Officer are below:
- 7.7.2 The northern boundary is provided by the A1155 Fairlands Way which has existing commercial uses on the opposite side of the road (Aldi and Pets at Home). The western boundary directly overlooks the Tesco petrol station. The petrol station is open 24 hours a day meaning noise from this location can occur at any time of day Monday to Sunday, including bank holidays.
- 7.7.3 To the immediate south is the Tesco Extra Store. It is understood the store is open 24 hours a day with only reduced hours on a Sunday (10am – 4am). A combination of noise sources is expected from the Tesco store. This includes people noise, vehicles using the petrol filling station, a variety of plant located on the roof of the store and the delivery yard to the immediate south of the site.
- 7.7.4 The eastern boundary is located adjacent the service/delivery yard area serving Tesco, Sports Direct, TK Maxx and several other business associated with The Forum Shopping Centre. Current restrictions on hours of use for deliveries are unknown.

- 7.7.5 The limited separation distance between amenity uses at the site (communal gardens, living rooms and bedrooms at first floor level and above) means noise from existing commercial uses are likely to be present within the site. The degree of impact and presence of these sources including consideration of their specific characteristics is necessary in this case to both protect future residential users and reduce the possibility of regulatory restrictions in the event of any future complaints post development.
- 7.7.6 The site is close to several existing commercial uses. Under the 'agent of change principle', the limited separation distance and specific characteristics of noise undertaken within this locale (e.g., manoeuvres of cars and deliveries at the filling station, roller cages unloading within the service yard, delivery vehicles etc.) is likely to be clearly audible at the site depending on the façade and elevation above ground level. There is a high likelihood of noise complaints that could lead to restrictions on one or more existing business uses or businesses. This is particularly the case where the noise from multiple deliveries could be considered unreasonable at the site (post development).
- 7.7.7 The site is located around 10-15m to the south of a 4/5 lane dual carriageway (A1155). The proposed noise sensitive use is likely to be affected by road traffic noise. The scheme proposes to control external noise levels through the specification and adoption of suitable building envelope construction, i.e. high acoustic performance glazing configurations and background ventilators.
- 7.7.8 The applicant's noise consultant has based their response to initial objections and their modelling largely on the approved scheme at 7 The Forum, the former BHS site. The noise report and mitigation measures proposed here were deemed acceptable at the time of the application subject to imposition of a condition. Weight must be given to the recently approved BHS scheme and its noise assessment. The Council must show a level of consistency in assessing matters pertaining to planning, whilst ensuring that the development meets the necessary criteria to ensure an acceptable living environment for future occupiers.
- 7.7.9 Notwithstanding, the Council's noise consultant has advised that since the assessment and approval of the BHS scheme there have been appeal decisions and case law that criticise the method of assessment used in the Noise Impact Assessment submitted to support the application and as used for the BHS scheme. Furthermore, they support that the impacts of the two applications are different despite their proximity and therefore, there remains a requirement for a far more detailed analysis of noise impacts. This would include applying the guidance as intended to enable better assessment of the noise risks and mitigation needed to address it.
- 7.7.10 It is to be recognised that this is a complex site and this leads to the need for a more thorough analysis being provided, not just involving noise measurement and prediction of overall noise but in relation to individual commercial operations and their potential constraint as well as low frequency noise issues that relate to commercial sources of noise.
- 7.7.11 Given the additional requested assessment by the Council's noise consultant, it is proposed that the information be provided by the applicant as soon as possible for assessment by the Environmental Health team and their consultants. On receipt of further comments from Environmental Health it is suggested that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman of the Planning and Development Committee to enable further noise mitigation measures to be agreed prior to an approval being issued where this is possible (as a S106 agreement will also need finalising and signing before the decision is issued). However, if these measures entail material changes to the building design and fabric the item will be deferred to the next available planning committee.

## **7.8 Impact on the Highway Network and Access**

- 7.8.1 Paragraph 110 of the NPPF sets out four points by which applications should ensure compliance. These are –
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.8.2 The NPPF follows up these points in Paragraph 111 by stating that ‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
- 7.8.3 Vehicle access – the proposed development would be accessed from existing junctions located along Fairlands Way that is designated as the classified A1155 Main Distributor Road subject to a speed limit restricted to 40mph.
- 7.8.4 Proposed access arrangements – the access roads and turning areas accommodate the manoeuvring of large service vehicles such as waste collection vehicle in current use by SBC and emergency vehicles identified on Drawing SK06\_A and demonstrates how fire appliances can attend the proposed site. The existing service road shown adjacent to the flats would not need to be altered to accommodate a waste collection vehicle, bin collection stores have been provided within 10 metres working distance, identified on Figure 3.1 in Appendix A of the Transport Assessment by Yes Engineering) where access to waste collection vehicles is possible.
- 7.8.5 Highway safety – both of the existing accesses are designed in accordance with Design Manual for Roads and Bridges (DMRB) as identified on Drawing SK05 and demonstrates that 2.4m x 120 metres vehicle to vehicle inter-visibility can be achieved.
- 7.8.6 Travel Plan – there is a Draft Travel Plan submitted with the application nevertheless prior to occupation it is considered necessary to submit a detailed residential Travel Plan and a commercial Travel Plan with full details in relation to sustainable methods of travel. Both travel Plans shall be subject to a £6,000 monitoring fee as part of the S106 Agreement.
- 7.8.7 Trip generation, distribution, impact – the estimated quantity of new trips is based on TRICS. (a system of trip generation analysis) The total new two-way trips generated by the residential and commercial will be circa 39 additional trips in the am peak travelling period (8-9am) and a reduction of 21 trips in the pm peak (5-6pm). The main impact will be on the Fairlands Way. Any impact however, would not have a significant impact on surrounding junctions.
- 7.8.8 The proposal is considered therefore not to significantly increase the traffic generation or the vehicle movement to the development to have a severe effect on the safety and operation of the adjoining highways. The local highway authority has confirmed that they raise no objection subject to the imposition of conditions and to the requested S106 contributions relating to Travel Plan monitoring.

## **7.9 Parking**

- 7.9.1 The site is located within the Town Centre and is fully served by public transport. The nearest bus stop is located approximately 100m towards the north of the proposed development, with the newly approved bus interchange approximately 300m south west. Stevenage railway

station is further west and approximately 500m away with direct links to London and Cambridge. The site is therefore considered to be in a highly sustainable location.

- 7.9.2 The Parking Provision and Sustainable Transport SPD was adopted in October 2020 and now includes for car free residential development within the designated Town Centre zone. Furthermore, provision is now included for a minimum 20% active fast charging Electric Vehicle Charging Points (EVCP) with the remaining 80% of spaces being completed with passive infrastructure so additional EVCP's can be installed easily in the future.
- 7.9.3 The proposal includes the provision of 38no. car parking spaces, 28 spaces at ground floor level within the building and 10 disabled spaces located in the area of the existing western surface level car park. The site falls within the Town Centre zone for car parking where 0-25% provision is required. The acceptance of car free developments is more acceptable in the town centre given its excellent transport links and sustainable location. The provision of 38no. car parking spaces (equivalent to 17% provision) is considered acceptable, providing disabled parking in accordance with the SPD. The parking is unallocated and therefore no visitor parking is required as part of the scheme. Located in the town centre, there are several public car parks in close proximity for use by visitors. As with other town centre location developments, a term of the S106 agreement will be the restriction of residents to be able to get a parking permit for nearby roads.
- 7.9.4 The Transport Statement states that 8 of the parking spaces provided which will have active EVCP, with the remaining 32 spaces having passive EV charging infrastructure for future use. It is considered reasonable that any condition imposed to ensure the provision of EVCP should ensure that further details include the provision of the EVCPs for both the disabled and standard parking spaces.
- 7.9.5 In respect of the commercial element of the scheme, the parking standards for non-residential uses in town centre locations are to be assessed on a site by site basis. Paragraph 4.9 of the SPD sets out that a Transport Assessment should justify the level of parking proposed for non-residential uses having regards to –
1. The existing level of parking on the site;
  2. The uses proposed to be developed on the site;
  3. The status and progress of other town centre developments and their net parking change.
- 7.9.6 The Transport Statement makes arguments for the provision of no parking for the commercial use, as users of the commercial space, be it a café, restaurant, gym, etc. will likely already be in the town centre and thus would be able to park elsewhere. The application has also been supported by the submission of a Travel Plan highlighting measures to promote sustainable travel.
- 7.9.7 Looking then at the cycle parking provision, three areas of cycle parking are shown on the ground floor plan for both the commercial and residential elements of the proposal. The SPD requires 1 long term cycle parking space be provided per one bedroom unit, 2 spaces per two bedroom unit and 3 spaces per three bedroom unit. In addition 1 short term space should be provided per 40 units. Although the SPD does advise that for town centre developments the provision should go beyond the standards as stated above, given future residents will rely on sustainable transport more than non-town centre residents.
- 7.9.8 For the commercial element of the proposal, under the new Use Class E the cycle parking standards for non-food retail require (from a threshold of 100 square metres) 1 long term space per 250 square metres for the first 1000 square metres, and then 1 space per 1000 square metres thereafter. Short term spaces should be provided based on 1 space per 350 square metres GFA. Furthermore for café and restaurant uses from a threshold of 100 square metres, 1 space per 175 square metres should be provided for long term spaces and 1 space per 100 square metres for short term cycle parking spaces. The SPD caveats that

cycle parking provision at a specific development should be increased to allow for higher levels of cycling where local characteristics and employee travel plans indicate that this would be appropriate.

7.9.9 Based on the proposed unit numbers, a total of 298 long term and 6 short term residential cycle parking spaces would be required. For the commercial element, the provision should be between 2 and 3 spaces for both long and short term provision based on a floor space of 161 square metres. The proposed ground floor plan shows the three cycle stores located at the south west, north east and south east corners of the building. All three stores equates to a provision of 332 cycle parking spaces for long term provision. Sheffield stands are proposed in front of the western frontage of the building with sufficient provision for short term cycle parking.

7.9.10 The SPD also seeks areas to be made available for the provision of spaces for non-standard cycles, such as recumbents, cargo bikes, three wheelers and scooters. . Further details of this type of provision can be sought by imposition of a condition.

## **7.10 Drainage**

7.10.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having a 0.1% chance of flooding from seas or rivers which is typically less than 1 in 1000 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1. The service area to the east and south is identified in the Level 1 Stevenage Borough Strategic Flood Risk Assessment (SFRA) as having a low (1%) to medium (0.1%) risk of surface water flooding. Furthermore the site is identified by the Environment Agency as being high risk of surface water flooding.

7.10.2 A flood risk assessment has been undertaken as the use of the site is being changed to a vulnerable class, with living accommodation proposed. The scheme proposes several techniques to promote sustainable drainage on site. These include –

- Roof areas planted as biodiverse areas, providing environmental/ecological enhancement and attenuation of rainwater run-off;
- Landscape areas used as rain garden areas, to accommodate and attenuate the surface water run-off from the adjacent footpath areas and filter pollutants;
- Porous surfaces have been incorporated in to the scheme proposals including permeable hardstand areas;
- Attenuation of rainwater in tanks/pipes beneath the car park area and adjacent the underpass entrance;
- Discharge rainwater to surface water sewer/drain as agreed by Thames Water as infiltration is not possible given restrictions advised by Affinity Water.

7.10.3 The surface water run-off from the permeable parking area will discharge to an underlying stone sub-base, wrapped in an impermeable membrane, thereby preventing infiltration into the sub-strata, in accordance with the requirements of Affinity Water. The discharge from the stone sub-base, the entrance road and the building roof areas, will discharge to a below ground storage chamber from which the discharge will be controlled via an outfall restrictor chamber.

7.10.4 Rain driven surface water from the covered underpass will discharge to a storm cell system and subsequently discharge at a controlled rate via a pumped outfall, with the pump rate restricted to the required discharge rate. Comments received from Affinity Water have made it clear that infiltration is not possible as a means of drainage in this case due to the site being located in close proximity of the Environment Agency groundwater Source Protection Zone (SPZ).

7.10.5 Following re-consultation of amended plans and details, the LLFA's response has not been provided in advance of this report being drafted. Therefore, at present the original objection of the LLFA still stands. This objection is based on –

- Pumping of surface water not aligned with HCC Local Standards;
- High discharge rate without robust justification for the need;
- Lack of detailed surface water network calculations accompanied by numbered drainage layout drawing for audit and technical assessment.

7.10.6 Subject to the further response of the LLFA, it is proposed to give delegated authority to the Assistant Director of Planning and Regulation to ensure a positive outcome is reached with the LLFA, with the imposition of appropriate and reasonable conditions prior to the issuing of any formal approval and signing of the S106 Agreement.

## **7.11 Waste**

7.11.1 The proposed site plan shows the provision of two refuse stores within the ground floor. The larger of the two is located to the south east of the building and has direct access on to the southern rear service yard. This has good access from Core B to the north east and providing lift and stairwell access to the eastern tower. The smaller 'holding' area for storage is located to the north west of the building close to Core A and the stairwell and lift access to the western tower. The 'holding' area would reduce travel distances for residents using the westerly entrance/exit, with the bins moved as required as part of the building management.

7.11.2 The current requirements for waste and recycling per household are as follows:-

- Residual Waste – 240 litres;
- Cans and Plastics – 55 litres;
- Paper and cardboard – 55 litres;
- Glass – 20 litres.

7.11.3 The most common size of container for large residential development is the 1100 litre trade bins. An amended ground floor plan has been submitted increasing the total bin store area to ensure the capacity meets the Council's current standards, as above. The main waste storage area makes provision for 68 large bins, to provide areas for generic waste and recycling of glass, paper and cardboard, and tins and plastic. The holding area would contain 8 large bins. The total provision would equate to 83,600 litres of waste storage which is compliant with the Council's standards for 224 flats.

7.11.4 The management of the bin stores will be an important part of the development during use. It is considered appropriate and reasonable to seek a General Management Plan for the development which includes details of how the refuse and recycle stores will be controlled in accordance with the frequency of the Council's waste collection service. This is to ensure that the refuse facilities which are provided within the development are accessible and meet the Council's refuse collection requirements.

## **7.12 Trees, Landscaping and Biodiversity**

7.12.1 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

7.12.2 When considering the application site, the brownfield developed site would fall into category (iv) above and thus is not required to provide a Biodiversity report for the proposal. The existing site has little landscaping and the proposals included in the development, roof gardens, biodiverse roof, and significantly greater levels of landscaping are all welcomed and would result in a positive increase in biodiversity on site. The Hertfordshire and Middlesex Wildlife Trust have made comment on the application and have advised the inclusion of swift boxes, which can be secured by imposition of a condition.

7.12.3 The landscaping details as submitted include specific areas and varying planting schedules in accordance with the role of the landscaped areas. These include the rain water gardens, roof gardens, biodiverse roof garden, podium gardens and landscaping in public areas to the front of the building. These details appear acceptable in principle and would include good pollinator plants, as well as native tree species. Details of the landscaping can be secured through conditions.

7.12.4 Policy NH3/20 for Green Corridors designate Fairlands Way as a Structurally Important Route. Green corridors are protected as a means of linking and connecting to the town's open spaces as well as facilitating movement by pedestrians and cyclists. The Structurally Important Routes are major highways within the built up area of Stevenage that include significant areas within and alongside the highway that provide open space, landscaping and/or cycleways. The policy states that planning permission will be granted where proposals:

- a. Would not have a substantive adverse effect upon a Green Corridor;
- b. Retain and sensitively integrate any Green Corridor which must be crossed or incorporated into the site layout;
- c. Provide replacement planting, preferably using locally native species, where hedgerow removal is unavoidable; and
- d. Reasonably contribute towards the improvement of Green Corridors in the vicinity of the application site.

7.12.5 The site currently faces onto the retaining wall off Fairlands Way highway, due to the changes in ground levels from the highway and the immediate ground level of the site. Due to the built up nature of this small stretch of frontage to the south of the westbound carriageway, there is little in way of landscaping or grass verges. These elements of the designated Structurally Important Route are on the northern side of the road and away from the highway junctions leading off Fairlands Way.

7.12.6 The proposed landscaping would see a significant increase in the level of planting, both trees and shrubs along the frontage of the site facing Fairlands Way as part of its aim to make the pedestrian environment vastly better. Whilst much of this would not be readily visible from Fairlands Way because of the levels differences, the proposal would meet the criteria of point d. of the policy. The improvements made by the proposed development in terms of landscaping and contributing to the Green corridor are acceptable.

## **7.13 Sustainability and Climate Change**

- 7.13.1 The application has been supported by a Sustainability Statement and Energy Strategy Report which explains the proposed measures to be employed in the development to target low and zero carbon development. The proposal would include the use of the following technologies –
- Air to water heat pumps for residential elements to provide hot water;
  - Air to air heat pumps for non-residential elements to provide space heating and comfort cooling;
  - Photovoltaic panels at roof level to generate electricity for the site.
- 7.13.2 It is estimated that the proposed heat pump and photovoltaic systems would reduce the annual carbon dioxide emissions of the site by 64,511kgCO<sub>2</sub> which equates to a reduction of 32.7% against the target emission rate (TER) of Part L of the Building Regulations 2013. The incorporation of the energy efficiency measures and renewable energy would equate to a reduction of 39.3% against the TER 2013 for the scheme.
- 7.13.3 Furthermore, water efficiency measures have been proposed, including flow restrictors on taps, efficient appliances and dual-flush systems for the WC. The internal water consumption in the proposed dwellings would be less than 105 litres per person per day, in order to exceed the previous Code Level 4 requirements within the now withdrawn Code for Sustainable Homes scheme.
- 7.13.4 The proposed measures to alleviate carbon production and reduce the developments impact on climate change are considered to be acceptable.

## **7.14 Contaminated Land**

- 7.14.1 The whole of the site is previously developed and has been used for commercial activity within the building and the parking vehicles. There is therefore some potential for contamination from petrol and diesel, however small. Appropriate conditions can be imposed to ensure this occurs should contamination be found during the construction phase of the development with suitable remediation measures to be agreed in writing by the Council.
- 7.14.2 The site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Affinity Water's Pumping Station. This is for a public water supply, comprising a number of chalk abstraction boreholes, operated by Affinity Water Ltd. Due to the sites historical use and the potential for ground contamination to be present, Affinity Water have raised an objection. This objection can be overcome through the submission of additional information and they have advised on conditions to be imposed on any grant of approval relating to contamination and infiltration. Similar requests have been made on nearby town centre developments, and this is considered reasonable in this case to ensure the SPZ is protected.

## **7.15 Other Matters**

### Air quality and Air Pollution

- 7.15.1 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 development is not located within or in close proximity to an Air Quality Management Area (AQMA). Therefore it was not necessary for the application to be supported by an air quality assessment. It is noted that there would be activities which will affect local air quality during demolition of the existing building and

construction of the development. These include dust emissions and exhaust emissions from plant, machinery and construction traffic.

- 7.15.2 In order to mitigate the construction phase, details of control of dust emissions shall be approved as part of the Construction Management Plan (CMP) to be required by condition. The Council's Environmental Health Section has confirmed that the operational aspect of the development would not have a detrimental impact in terms of air quality.

#### External lighting

- 7.15.3 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposal should minimise, and where possible, reduce....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.

- 7.15.4 The Design and Access Statement and Sustainability Statement do touch on lighting and minimising impacts on the existing environment and also on future residents, however, no further details or a lighting strategy have been submitted in support of the application.

- 7.15.5 Planning Practice Guidance advises that 'artificial lighting needs to be considered when development may increase levels of lighting, or would be sensitive to prevailing levels of artificial lighting.... However, for maximum benefit, it is important to get the right light, in the right place and for it to be used at the right time'.

- 7.15.6 In respect of the proposed development it will be important to provide the right level of lighting for the developments users in particular within external spaces, but also within the underpass which will be a main connection to and from the site. The underpass needs to be a safe and welcoming area. This can be achieved through a good lighting strategy, but also through use of artwork within the space. The approval of a Lighting Strategy for the underpass specifically, as well as a general external lighting scheme can be secured through imposition of appropriately worded conditions.

#### Crime Prevention and Fire Safety

- 7.15.7 The applicant has engaged in pre-application advice with the Police Crime Prevention Officer to meet current Secured by Design standards. These are addressed in the Design and Access Statement and include CCTV, lighting design for the underpass, 24 hr concierge provision welcomed, glass frontages welcomed, gated access to the podium, key fob access to each core of the building, PAS (publically accessible specification) 24 windows around courtyard, 2m high barrier treatment on roof terrace edges, widen entrance of underpass for better visual permeability.

- 7.15.8 In line with the new Planning gateway one, the applicant/developer is required to submit a Fire Statement as part of the application to ensure the development has suitably considered fire safety, along with the local planning authority having due regard for this and to include the Health and Safety Executive (HSE) as a statutory consultee. HSE have been consulted and have confirmed receipt of the Fire Statement. At the time of drafting this report a response has not been received. In the possible circumstance that the HSE have not provided comment before the committee meeting, it is sought that delegated powers be given to the Assistant Director of Planning and Regulation to not issue a decision until such a time that the HSE have advised the Fire Statement is satisfactory.

## **7.16 Human Rights and Equalities**

- 7.16.1 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.
- 7.16.2 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
- 7.16.3 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.
- 7.16.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. The proposal actively provides disabled parking positioned in close proximity of the building, the building would have level access for wheel chair users as well as internal lifts, and the development would be compliant with Policy HO11 for accessible and adaptable housing.

## **8. CONCLUSIONS**

- 8.1 The redevelopment of the former Office Outlet store off The Forum and Fairlands Way is considered to be acceptable on balance. The site is sited within the Town Centre and a town centre Major opportunity Area for redevelopment as identified in the Local Plan. The provision of high density residential development in this area is therefore acceptable from a land use perspective. The scale and massing of the site has been amended, reducing the overall height from 15 storeys to 13. The development is still large in comparison to the existing building and current surrounding buildings, however, the town centre regeneration and MOA's will change the character and dynamic of this northern end of the town centre.
- 8.2 The level of and type of housing proposed is considered acceptable on balance, and through the appraisal of the Viability Assessment, affordable housing and S106 contributions are being provided to mitigate the impacts of the development. The design and articulation of the building have been negotiated through pre-application and application discussions and the proposals put forward are considered to be high quality and will create an important vista along this northern stretch of the town centre and along Fairlands Way which is a green link.
- 8.3 The level of car and cycle parking is acceptable for this sustainable location, and the development proposes a good level of internal and external amenity space. The residential units meet the minimum living standards for space and would receive an acceptable level of daylight and sunlight. The landscaping will enhance the scheme and is much greater than that on site at present, improving biodiversity also, with bee environments and integrated swift boxes.
- 8.4 The proposal is considered to accord with the Local Plan, supplementary planning documents, NPPF and Planning Practice Guidance such that on balance the development will have a positive impact on the area.

## 9. RECOMMENDATIONS

9.1 That planning permission be GRANTED subject to the signing of a S106 Agreement in respect of the following –

- Affordable Housing;
- Primary Education;
- NHS;
- Travel Plan monitoring fees;
- Hertfordshire County Council monitoring fee;
- Stevenage Borough Council monitoring fee;
- Review mechanism for viability;
- Local employment and apprenticeships;
- Residents parking permit restrictions;
- Management Company.

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

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

PH-20121-100D; PH-20121-200; BL9281-PRP-C00-00-DR-L-2100 REV E; BL9281-PRP-C00-00-DR-L-2101 REV E; BL9281-PRP-C00-00-DR-L-2102 REV E; BL9281-PRP-C00-00-DR-L-2103 REV D; BL9281-PRP-C00-00-DR-L-2104 REV D; BA9281-0001 REV B; BA9281-0002 REV B; BA9281-0003 REV A; BA9281-0004 REV A; BA9281-0005 REV B; BA9281-0010 REV B; BA9281-2100 REV C; BA9281-2101 REV B; BA9281-2012 REV B; BA9281-2103 REV B; BA9281-2104 REV B; BA9281-2105 REV B; BA9281-2106 REV B; BA9281-2107 REV B; BA9281-2108 REV B; BA9281-2109 REV B; BA9281-2110 REV B; BA9281-2111 REV B; BA9281-2112 REV B; BA9281-2113 REV B; BA9281-2200 REV B; BA9281-2201 REV B; BA9281-2202 REV B; BA9281-2203 REV B; BA9281-2204 REV B; BA9281-2205 REV B; BA9281-2300 REV B; BA9281-2301 REV B.

**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 (including site clearance) until a detailed Construction Management Plan (CMP) 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 (SWMP) 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.

**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, to ensure suitable, safe and satisfactory planning and development, in order to reduce the level of waste generated during groundworks and construction phases of development and to recycle all waste materials where possible.

- 4 No development shall take place until full details in the form of scaled plans have been submitted to and approved in writing by the Local planning Authority to illustrate –
- i) Change of use of the Fairlands Way underpass to pedestrian and cycleway only including bollard arrangements (or similar) to prevent unauthorised motorised vehicles from entering the footway/cycleway and any necessary TRO that may be required.

**REASON:-** To ensure suitable, safe and satisfactory planning and development of the site.

- 5 No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. appropriate piling design) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

**REASON:-** To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which incurs significant costs and risks of loss of supply during periods of high demand.

- 6 No development shall take place until details of a Surface Water Drainage Scheme that does not include infiltration has been prepared, submitted to and approved in writing by the local Planning Authority.

**REASON:-** To provide confirmation that direct infiltration via soakaways will not be used due to potential presence of contaminated land and the risk for contaminants to remobilise causing groundwater pollution potentially impacting public water supply and to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

7 No development shall take place until a final design of the drainage scheme for the site based on the principles set out in Condition 6, 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 calculation and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event, including infiltration options;
- Demonstrate that there is sufficient gradient and self-cleansing velocities along the connecting pipe between the outfall/flow control structure at the attenuation tank and the connection to Thames Water's sewer, in accordance with the Sewers for Adoption guidance;
- Updated full detailed surface water drainage plan showing the proposed discharge point to Thames Water sewer, the location of any proposed SuDS features, the pipe runs, size and node numbers;
- Detailed engineering drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs, node numbers along with all corresponding detailed calculations/modelling;
- In case of informal flooding within the site this should be shown on a plan including extent and depth;
- Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.

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

8 Upon completion of the drainage works, 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:

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

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

9 No development shall take place until full details of the low and zero carbon technologies to be employed including their siting on or within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Energy Statement and Sustainability Statement and the approved details, to include the following:

- Air to water heat pumps;
- Air to air heat pumps;
- Photovoltaic solar panels;
- Water efficiency measures;
- Brise Soleil sun shades.

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, and to ensure these technologies have an acceptable appearance within the development.

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 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.

**REASON:-** To ensure the development has a high quality appearance.

11 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.

12 No development shall take place above slab level until details of any external lighting including the intensity of illumination and predicted light contours, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

**REASON:-** In order to protect the amenities and operations of neighbouring properties, to ensure any external lighting does not prejudice highway safety and in the interests of light pollution.

13 No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include UK sourced and native species for plants and trees. The development shall thereafter be completed in accordance with the approved details.

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

14 All planting, seeding and turfing comprised in the approved landscaping details as agreed under condition 12 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.

15 All hard surfacing comprised in the approved landscaping details as specified in condition 12 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.

16 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.

17 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.

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

18 No development shall take place above slab level until full details of the cycle parking racks and stands within the cycle parking stores as shown on Drawing number BA9281-2100 Rev C have been submitted to and approved in writing by the Local Planning Authority. Details

shall include provision for non-standard cycles such as cargo bikes, three wheelers, scooters and recumbents. The cycle stores shall thereafter be completed and ready for use in accordance with the approved details and thereafter retained for the sole use of cycle parking.

**REASON:-** To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport.

19 No development shall take place above slab level until details of the active Electric Vehicle Charging Points (EVCP) and their siting have been submitted to and approved in writing by the Local Planning Authority. The active EVCPs shall thereafter be installed and ready for use prior to first occupation.

**REASON:-** To ensure adequate provision of active EVCPs within in the development and for all types of drivers is available at all times to promote sustainable modes of transport.

20 No development shall take place above slab level until details of integrated swift boxes have been submitted to and approved in writing by the Local Planning Authority. The details should ensure for at least 40 Habibat or Manthorpe type swift boxes within the brickwork of the building.

**REASON:-** In the interests of biodiversity and to provide a continued nesting resource for these declining birds.

21 No development shall take place above slab level until details of gating across the stair access to the podium deck and safety railings around roof top terraces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

**REASON:-** To ensure an acceptable appearance and in the interests of safety for the residents and users of the development.

22 Prior to the first occupation/use of the dwellings and development hereby permitted the approved refuse/recycle stores shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form.

**REASON:-** To ensure that there is sufficient waste storage provision in accordance with the Council's standards is maintained for all dwellings and the development as a whole on site in perpetuity.

23 Prior to first occupation of the development a General Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, details of –

- i) A Management Company for the site;
- ii) Waste storage and collection;
- iii) Maintenance of all non-private amenity spaces including all furniture and equipment;
- iv) Maintenance of all cycle storage areas;
- v) Maintenance of all Electric Vehicle Charging Points;
- vi) Maintenance of external lighting;
- vii) Maintenance of the underpass;
- viii) Maintenance of low/zero carbon technologies;
- ix) Concierge service;
- x) Gated access to the podium.

**REASON:-** To ensure the facilities associated with the development are kept in a good order and are continually available for use, unless for maintenance purposes, for the convenience and amenity of future residents and users of the development.

24 Prior to first occupation or use of the development, details of the proposed play equipment and its layout within the podium deck amenity space 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:-** In the interests of providing a good area of play provision for future residents of the development.

25 Prior to first occupation or before completion of the development whichever is the sooner, the podium deck and roof top garden amenity spaces shall be completed and be ready for use in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure the external amenity space for residents is made available for use in the interests of the health and wellbeing of the residents.

26 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 26 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 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.

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

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

28 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 25, 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 At least 50% of the residential units provided as part of the approved development shall accord with Policy HO11 accessible and adaptable housing, meeting the requirements of Category 2: wheelchair accessible and adaptable of Approved Document M: access to and use of buildings.

**REASON:-** To ensure adequate provision of facilities for wheelchair users within the development.

- 30 The approved development shall provide 161 square metres of commercial floor space as shown on Drawing number: BA9281-2100 Rev C, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** In the interests of retaining a commercial use at the site, and based on the assessment being made with a commercial element available.
- 31 Prior to occupation or first use of the development a Lighting and Artwork Strategy for the underpass 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 adequate lighting and a safe environment within the underpass and in the interests of a high quality finished development.
- 32 No plant or equipment shall be affixed to any external face of a building or added to the roof of the building unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** In the interests of amenity
- 33 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no external telecommunications equipment or infrastructure shall be erected to any build development within the development site, other than those expressly authorised by this permission.  
**REASON:-** To retain the high quality external design promoted by this development.
- 34 No development hereby permitted shall commence (excluding demolition and site clearance) until a report identifying the residential premises within the development that require mitigation of external noise levels and detailing the mitigation required to achieve satisfactory noise levels within those premises (and to their private balcony and amenity areas, where relevant) has first been submitted to the Local Planning Authority in writing to be agreed. The development shall be carried out in accordance with the report so agreed and shall be retained as such thereafter.  
**REASON:-** To ensure that potential adverse noise impacts to residential premises within the development are mitigated and to ensure a high standard of amenity for future occupiers.
- 35 Unless otherwise agreed in writing by the Local Planning Authority, the individual and cumulative rating level of noise emitted from plant and/or fixed machinery at the development hereby approved shall be no greater than the existing background noise levels. The noise levels shall be determined at the façade of the nearest residential property. The measurements and assessments shall be made in accordance with British Standards 4142' Method for rating industrial noise affecting mixed residential and industrial areas. Before any plant is used, measurements of the noise from the plant must be taken and a report / impact assessment demonstrating that the plant (as installed) meets the design requirements, shall be submitted to and approved in writing by the Local Planning Authority.  
**REASON:-** To ensure that the development achieves a high standard of amenity for future occupiers of this development and the neighbouring buildings.
- 36 Prior to the commencement of any superstructure works, a ventilation and summer cooling scheme for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall enable appropriate noise levels to be achieved whilst ventilation is provided at the minimum whole building rate as described in The Building Regulations Approved document F. The scheme shall also ensure that the thermal comfort criteria defined in the Chartered Institute of Building Engineers (CIBSE) Environmental Guide (2015) is achieved. The residential use of the relevant properties shall not commence until the approved ventilation scheme has been installed in full accordance with the approved scheme.  
**REASON:-** To protect the amenity of future residents of the development.

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

### **2 Building Regulations**

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

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

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

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

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

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

### **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 Police Crime Prevention Design Advice**

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

### **7 Environmental Health (Pest Control)**

Construction sites may cause the disturbance of rats and other vermin. Developers have a duty to manage the treatment of rats, vermin and pests on the site. Where suitable controls are not in place Prevention of Damage by Pest Act 1949 and nuisance and public health legislation will be used.

## **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 October 2009.

3. Stevenage Borough Local Plan 2011-2031 adopted 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 July 2021 and associated Planning Policy Guidance.
7. Community Infrastructure Levy 2010 (as amended).