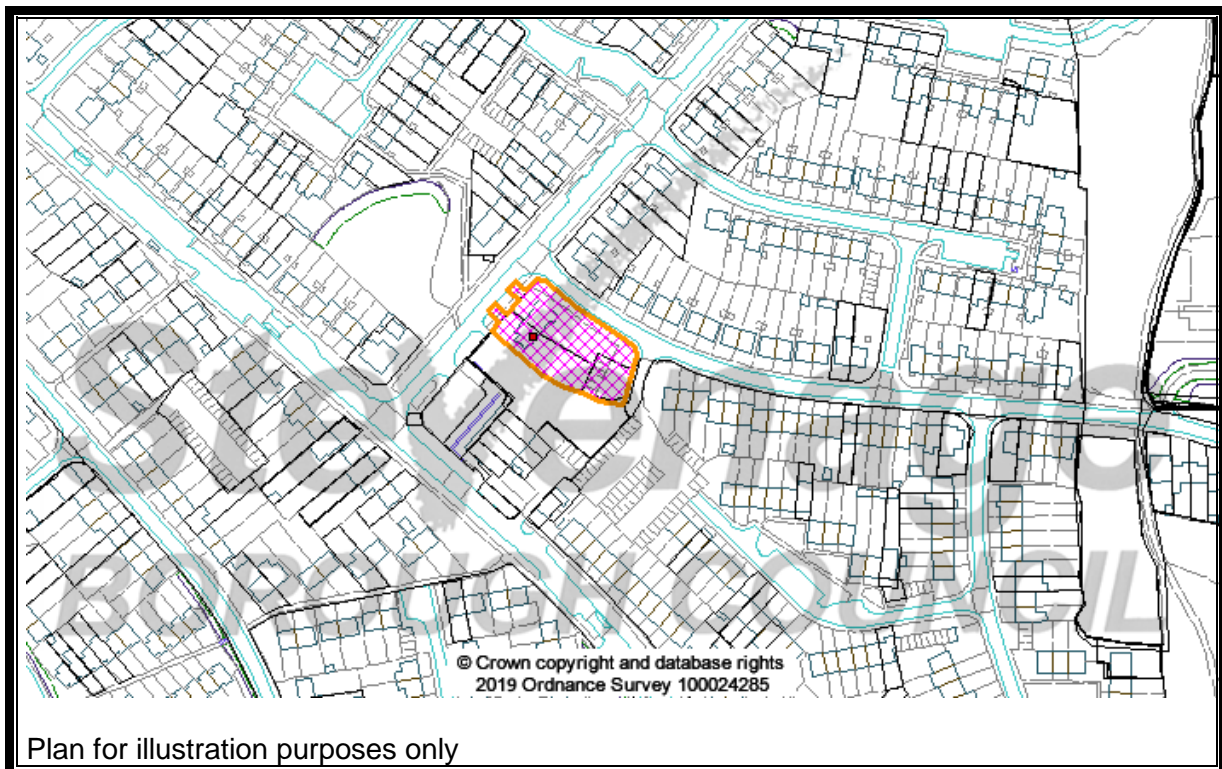


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|-------------------------|---|---------------------|
| <b>Meeting:</b>         | <b>Planning and Development Committee</b> | <b>Agenda Item:</b> |
| <b>Date:</b>            | <b>4 October 2022</b>                     |                     |
| <b>Author:</b>          | <b>Linda Sparrow</b>                      | 01438 242837        |
| <b>Lead Officer:</b>    | <b>Zayd Al-Jawad</b>                      | 01438 242257        |
| <b>Contact Officer:</b> | <b>Linda Sparrow</b>                      | 01438 242837        |

|                 |  |
|-----------------|--|
| Application No: | 22/00437/FPM   |
| Location:       | 10A and 10B Burwell Road, Stevenage, Herts, SG2 9RF  |
| Proposal:       | Demolition of existing 2no. semi-detached houses and erection of 20 no. flats comprising 12 no. 1 bed and 8 no. 2 bed, associated parking and ancillary works. |
| Drawing Nos.:   | 13761-S199-A; 13761-P200-F; 13761-P203-A; 13761-P202-C; 13761-P201-G;  |
| Applicant:      | Hertford Planning Service  |
| Date Valid:     | 9 May 2022   |
| Recommendation: | GRANT PLANNING PERMISSION.   |



## 1. SITE DESCRIPTION

- 1.1 The application site is located on the south-eastern side of Burwell Road, to the north of the Burwell Road neighbourhood Centre. The site occupies a corner plot location at the junction of Burwell Road and Chertsey Rise. To the south of the site, beyond the shopping precinct is the main highway of Shephall Way. To the west of the site beyond the highway of Burwell Road is a large area of public open space which is fully grassed with mature tree

landscaping to its perimeter. Between the site and the shopping precinct is a three storey flatted development granted planning permission in 2017.

- 1.2 The surrounding area is characterised by predominantly two-storey dwellinghouses which are constructed in buff coloured brick with dual pitched tiled roofs. The adjacent flat block is constructed of buff coloured brick with a dual pitched tiled roofs. This development also contains a number of Juliet balconies and parking is provided in a dedicated parking area to the rear of the building, accessed from Chertsey Rise via the same access as a large garage compound.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 2/0109/67 - Erection of a pair of police houses with neighbourhood police office and block of six garages at 8-10 Burwell Road. Permission granted 18.08.1967.
- 2.2 00/00306/OP - Outline planning application for residential development, land to rear of 10A-10B Burwell Road. Permission refused 04.06.2001 for the following reason:-
  1. Due to the loss of off street parking provision that it would create, the proposed development would exacerbate on street parking congestion in the locality to the detriment of the residential amenities of the area and prejudicial to highway safety, contrary to policy T7 of the Stevenage District Plan 1990 Review and policies H7 and T18 of the Second Deposit Draft of the Stevenage District Plan Second Review 1991-2011.

*The following applications relate to the flatted development adjacent the site on the former March Hare public house site:*

- 2.3 17/00586/FPM - Erection of 6no two bedroom and 9no one bedroom flats with associated parking. Permission Granted 22.02.2018
- 2.4 18/00162/COND - Discharge of Conditions 3 (materials); 4 (landscaping); 9 (tree protection) and 11 (boundary treatments) attached to planning permission reference number 17/00586/FPM. Conditions Discharged 27.04.2018
- 2.5 19/00294/FPM - Variation of Condition 1 of planning permission number 17/00586/FPM to amend approved drawings. Permission granted 24.10.2019

## **3. THE APPLICATION**

- 3.1 This application seeks planning permission to demolish the existing pair of semi-detached dwellings and the six garages to the rear and erect a part two storey, part three storey building accommodating 20no. flats, comprising 12no. one bedroom and 8no. two bedroom units. There would be the provision of associated cycle parking, waste and recycling bin storage, plant room, soft and hard landscaping and associated parking.
- 3.2 The two accesses on Burwell Road for the existing dwellings would be closed and access to the development would be via Chertsey Rise at the rear of the site.
- 3.3 Whilst the application is being put forward by a private developer, it is being done so on behalf of the Council's Housing Development team. In this regard, should planning permission be granted, the proposed dwellings would be obtained by SBC and affordable housing would be provided in line with relevant policies to be discussed later in this report.
- 3.4 This application comes before the Council's Planning and Development Committee as the application is a Major residential development.

## 4. PUBLIC REPRESENTATIONS

4.1 Following notification of the application via letter, the erection of four site notices in Shephall Way, Burwell Road and Chertsey Rise and a press notice in the local newspaper, a number of public representations have been received. A summary of the objections raised are as follows:-

Darwin Road – 37;  
Chertsey Rise – 97; 219; 221; 225; 276; 288; 290;  
Burwell Road – 1; 8; 18; 20;  
Burwell Court, Burwell Road – 11;  
Lammas Path – 9;  
Whitesmead Road – 2;  
Collenswood Road – 173;  
1 Toggs Cottage, Clothall;  
4 anonymous responses with no address supplied

- Too many flats in town already;
- Too much traffic already leads to highway safety issues;
- Number of flats would add to pollution and congestion;
- Build-up of traffic in populated area;
- Road traffic already at dangerous level;
- Busses cannot stop at bus stop without causing traffic build up;
- Lack of speed calming measures on Burwell Road and Chertsey Rise means; pedestrians are not safe crossing the road;
- Loss of garages;
- Noise and disruption from construction;
- Concern about proposed occupants and noise/anti-social behaviour they will cause;
- Flats will be given to wrong people;
- Not enough parking provision;
- Being built for greed and profit;
- Flats will spoil the view of the area;
- Appreciate housing is needed but not flats in this location;
- Children need gardens not flats;
- Impact privacy of local residents;
- Should be houses, not flats as the Town has enough flats already;
- Will affect natural light to local residents;
- Bins will never be emptied and fly tipping will start;
- Residents already suffered 18 months of disturbance from previous flats built;
- The Council doesn't care about Green Belt or trees so build this on Fairlands Valley or somewhere else;
- If permission is granted against all the objections then it highlights the corruption that is tolerated and encouraged by SBC.

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

## 5. CONSULTATIONS

### 5.1 Hertfordshire County Council as Highways Authority

5.1.1 *Initial comments received 1 June 2022:*

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons: Based on the current submission (Ref -13761-P200-E), it appears to me that the proposed development encroaches the public highway lands along Chertsey Rise. Also, the current submission fails to offer appropriate measures to promote sustainable travels in and around the vicinity. Therefore, the Highway Authority recommends refusal due to insufficient information and inadequate sustainable travel facilities.

#### 5.1.2 *Further comments received 30 August 2022:*

The Highway Authority is content with proposed access arrangement and consider that closing off these two existing access points will reduce conflicts between vehicles and pedestrian's movements. The Highway Authority recognises that the proposed development would not intensify the current uses of the access point significantly due to few additional trips. The closing off the existing access points will be secured by condition 1 via s278 agreement.

The Drawing (Ref-13761-P200-F) shows the layout, dimensions of 18 car parking space that will be provided for this development. Based on the current Stevenage local parking standards, the applicant is required to provide total 23 parking space for this level of development. Giving consideration the site's location within parking Zone-3 which requires 75% -100% of the current parking standards, the highway authority consider that the proposed parking level is acceptable in the highway context. In terms of the cycle parking, the drawing does not show the detail design of it. The provision of well-located, safe, and secure cycle parking is a key factor in encouraging people to cycle as an alternative to using a private car. The high-quality cycle parking is also necessary to support Policy 1, 5, 6, 7 and 8 of Hertfordshire's 4th Local Transport Plan.

Para 4.14 of the TS confirms that day to day deliver services will be taken place within the development site via rear access point. Also, the drawing (Ref- 13761-P200-F) shows the turning areas for deliver and service vans which seems little bit tight. However, the Highway Authority consider that standard size submarket vans can enter and exit the site in forward gears by taking few additional manoeuvres

Refuse bins will be collected from Chertsey Rise. The collection point is measured about 10m from Chertsey Rise which meets the MFS's standards. The Highway Authority acknowledge that Chertsey Rise has an existing practice of roadside refuse collection. But it is also a bus route and has on street parking provision. Therefore, it is obvious that the refuse collection vehicle would have to wait bit longer than usual time to collect all bins from one point. The main concern for the highway authority is that this may interrupt the free flow of traffic onto Chertsey Rise.

Para 4.6 shows proposed trip calculations conducted by TRCIS, the Highway Authority check the calculation by using similar site and accepts that the additional 6 two-way trips (estimated trips 8 minus existing trips 2) unlikely will have significant impacts on the wider highway network.

The application site is located within sustainable travel area and closely located to key services such as local shops, dentist, GP, and primary school with walking distance. It also benefits from good public transport network, cycleways/footways including bus services to the town centre.

In the light of sustainable travel policy (LTP4 & NPPF), The Highway Authority recognise that there are some highway improvement works need to be undertaken to address immediate impacts associated with the development. Therefore, based on the latest HCC's Planning Obligation Toolkit (first strand), the Highway Authority sought and agreed with

developer (via meeting on 25 May 2022) offsite works to be delivered under section 278 agreement. For clarity, the Highway boundary plan has checked and found that green verges beyond the public footway and existing bus stop do not form a part of public highways. Therefore, to deliver the bus shelter, the developer has agreed to dedicate sufficient lands under s38 to accommodate the bus shelter.

SBC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in the HCC's North Central Growth & Transport Plan, Stevenage LCWIP and Speed Management Strategy could be sought via CIL if appropriate.

The applicant is advised to submit a robust construction traffic management plan before commencement of the development. The completed and signed CTMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed.

Therefore, HCC have no objection to the proposal and notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission, subject to conditions.

## **5.2 Hertfordshire County Council Growth and Infrastructure Unit**

5.2.1 Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels. We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

## **5.3 Council's Environmental Health Section**

5.3.1 No objections subject to conditions for contamination & construction hours. Additional windows should be added to the 2 bed rooms.  
*Updated plans received to add new windows to the 2 bed units and further comments received to advise that all changes are acceptable.*

## **5.4 Thames Water**

5.4.1 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. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.

## **5.5 The Environment Agency**

5.5.1 No requirement to consult as not in a flood zone or source protection zone.

## **5.6 Wood Group UK Ltd (Drainage Consultants)**

5.6.1 No comments received.

## **5.7 Herts and Middlesex Wildlife Trust**

5.7.1 The metric shows a shortfall of 0.0652 units. To create this as scrub on an amenity grassland would equate to a payment of £10,834 to the LPA. The LPA should be sure that it can accommodate this on their land holding and it will need to be supported by a bespoke biodiversity offset management plan. There should also be a condition for a Landscape & Ecological Management Plan.

## **5.8 Council's Parks and Amenities Section**

5.8.1 In light of the comments from Herts and Middlesex Wildlife Trust, I would suggest that we provide 100sqm of new scrub habitat within Fairlands Valley Park.

## **5.9 NHS East and North Hertfordshire CCG**

5.9.1 Just to confirm that there is no request for S106 or CIL for Health (Primary Care GP, Acute, Mental Health or Community Health) in respect of this application.

## **5.10 Herts Police Crime Design Advisor**

5.10.1 No comments received.

## **5.11 HCC Waste and Minerals**

5.11.1 No comments received

## **5.12 Herts Fire and Rescue Water Officer**

5.12.1 No comments received

## **5.13 SBC Waste and Recycling**

5.13.1 No comments received

## **5.14 Affinity Water**

5.14.1 No comments received

## **5.15 SBC Arboricultural and Conservation Manager**

5.15.1 No comments received.

# **6. RELEVANT PLANNING POLICIES**

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

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

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

## 6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.
- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities) in January 2021, identifies that Stevenage only delivered 64% of its housing requirement. This is significantly below the 75% target and renders the adopted Local Plan housing policies as out of date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.
- 6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:  
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>
- 6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **6.3 Planning Practice Guidance**

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

### **6.4 Adopted Local Plan (2019)**

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

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable development in Stevenage;  
Policy SP5: Infrastructure;  
Policy SP6: Sustainable transport;  
Policy SP7: High quality homes;  
Policy SP8: Good design;  
Policy SP11: Climate change, flooding and pollution;  
Policy SP12: Green infrastructure and the natural environment;  
Policy IT4: Transport assessments and travel plans;  
Policy IT5: Parking and access;  
Policy IT6: Sustainable transport;  
Policy IT7: New and improved links for pedestrians and cyclists;  
Policy HO1: Housing allocations;  
Policy HO5: Windfall sites;  
Policy HO7: Affordable housing targets;  
Policy HO8: Affordable housing tenure, mix and design;  
Policy HO9: House types and sizes;  
Policy HO10: Sheltered and supported housing;  
Policy HO11: Accessible and adaptable housing;  
Policy GD1: High quality design;  
Policy FP1: Climate change;  
Policy FP2: Flood risk in Flood Zone 1;  
Policy FP5: Contaminated land;  
Policy FP7: Pollution;  
Policy FP8: Pollution sensitive uses;  
Policy NH5: Trees and woodland.

### **6.5 Supplementary Planning Documents**

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

### **6.6 Community Infrastructure Levy**

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

## **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, affordable housing and planning obligations, visual impact of the development, impact upon neighbouring amenities, impact upon future amenities of



residents, parking provision, highway implications, development and flood risk, impact on the environment, trees, landscaping and Biodiversity.

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

## **7.2 Land Use Policy Considerations**

### Compliance with the Council's Housing Policies

- 7.2.1 The NPPF (2021) states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption on favour of sustainable development". Paragraph 62 of the NPPF (2021) requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 69 of the Framework sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.2 Paragraph 119 of the NPPF (2021) stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.3 The site is not allocated in the Local Plan and would therefore, be classed as windfall. Policy HO5 of the adopted Local Plan (2019) deals with windfall housing sites and states that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.4 Policy SP7 identifies that there is a need to provide 7,600 new homes within Stevenage and allocates 1,950 new homes to be provided on windfall sites. Taking this into consideration, the proposed development would support the Council's aim of delivering a number of homes which fall outside the designated sites.
- 7.2.5 Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and, it does not overburden existing infrastructure.
- 7.2.6 For the purpose of clarity, the definition of previously-developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is "land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition of previously developed land excludes private residential gardens and public open space. The proposed dwellings are located on the footprint of the existing pair of semi's and their associated gardens and the footprint of the six garages at the rear and their associated hardstands.
- 7.2.7 Consequently, it is considered that the proposal only partially constitutes development of previously developed, brownfield land. Therefore, as the proposal is not strictly in accordance with Policy HO5, an assessment must be made as to whether or not the benefits of the development outweigh the benefits. This will be assessed in detail across

the relevant sections of this Committee report which will form part of the overall planning balance assessment.

- 7.2.8 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities. The site is adjacent to the small shopping precinct of Burwell Road and The Hyde Neighbourhood Centre is approx. 650m (10 minute walk) to the south. The Town Centre is approximately 3km (5 minute drive/30 minute walk). There are a number of primary and secondary schools within 1km (5 minute drive/15 minute walk). There is a bus route along Shephall Way, Burwell Road and Chertsey Rise. As such, the application site is considered to have a good level of access to local facilities and alternative forms of travel to the private car and, therefore, deemed to be within a reasonably sustainable location.
- 7.2.9 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.10 Turning to 5 year land supply and housing delivery, Paragraph 68 of the NPPF (2021) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15.
- 7.2.11 Paragraph 74 of the NPPF (2021) stipulates policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
  - b) 10% where the Local Planning Authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
  - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.12 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by Government planning policy and guidance. The results of the HDT dictate whether a Local Planning Authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer in to its housing supply calculations in accordance with paragraph 74 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development in addition to incorporating the 20% buffer.
- 7.2.13 The latest HDT results, published by the MHCLG in January 2022, identifies that Stevenage delivered 79% of its housing requirement which exceeds the minimum requirement of 75% which means there is no longer a requirement to apply the presumption in favour of sustainable development. The figure does fail to meet the upper limit of 85% which means the Council must incorporate a 20% buffer in its housing supply calculations. The Council is also preparing an Action Plan in accordance with the requirements of the NPPF.

- 7.2.14 The Council's Planning Policy Team have advised that the Council can now demonstrate 5.91 years of supply (which includes the 20% buffer) for the period 1 April 2021 to 31 March 2026. Given this position, this proposal is not fundamental in the Council's ability to meet its 5 Year Land Supply and the titled balance under para. 11d of the NPPF (2021) is not engaged. A copy of the latest monitoring report can be found online - <https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-update-may-2022.pdf>
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), the proposed development seeks to deliver 12no. one bed and 8no. two bed dwellings. As such, it would be in accordance with this policy because it would help to deliver a number of smaller dwellings and contribute to the delivery of a mix of housing types in the Town.
- 7.2.16 In summary, the Council is currently able to demonstrate a five year supply of deliverable housing sites. Consequently, this is considered to be a key material consideration in the assessment of this application. Nonetheless, the proposed development would contribute to the aim of boosting housing supply as required under Paragraph 60 of the NPPF without compromising the delivery of housing on allocated sites or placing an undue burden on local infrastructure. Further, the proposal would provide 20 new dwellings which would be taken over by SBC and utilised to house Council tenants, thereby assisting with the delivery of social housing. There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. Given the quantum of development, it is considered that these benefits would be substantial and therefore attracts significant weight in favour of the proposal.
- 7.2.17 On balance, having regard to all the policy considerations laid out above, and that the proposal would be providing affordable housing, the proposed development is considered to be acceptable in principle.

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

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 5 affordable units.
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:
- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
  - b) Meets the requirements of Policy HO9 (House types and sizes);
  - c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
  - d) Will remain at an affordable price for future eligible households.
- 7.3.3 In addition to the above, paragraph 65 of the NPPF (2021) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.

- 7.3.4 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.
- 7.3.5 First Homes are a specific kind of discounted market sale units which:
- must be discounted by a minimum of 30% against the market value
  - are sold to a person or persons meeting the First Homes eligibility criteria (see below);
  - on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
  - after the discount has been applied, the first sale must be at a price no higher than £250,000.
- 7.3.6 First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.
- 7.3.7 In regards to affordable housing delivery, the Council's evidence base has demonstrated that since the start of the Local Plan period, delivery of affordable housing has been limited to 282 units, an average of 31 units per annum. Consequently, this evidence does demonstrate that there has been a significant under provision of affordable housing delivery within the Borough. This is also reflected in the appeal decision letter for Land West of Lytton Way appeal whereby the inspector states (para. 87) and quote
- "I have been referred to other schemes which have been granted planning permission or it has been resolved that planning permission should be granted. In these schemes, for one reason or another, affordable housing provision has been lower than the expected policy figure of 20%. Indeed 52 homes would equate to over 17% of the affordable housing that has been delivered thus far in the Local Plan period. In these circumstances of poor delivery of affordable homes and with sizeable unmet need for such housing, I give the provision of affordable housing significant weight".*
- 7.3.8 The proposed development is seeking to deliver 20no. dwellings, which, taking into account the existing pair of semi's, is a net gain of 18 dwellings. Accordingly, the overall provision of affordable housing would be 5 units, broken down as follows:
- 70% affordable rent – 4 units
  - 25% First Homes – 1 unit
  - 5% to be determined by the Council's Housing Development Team – zero units
- 7.3.9 Taking into consideration the above, the benefit of the affordable housing is unarguable based on the undersupply of affordable housing identified over the Local Plan period. As a consequence, if planning permission were to be granted, the level of affordable housing the development would provide is deemed to be a significant benefit.
- 7.3.10 Turning to the recently adopted Developer Contributions SPD (2021), this SPD introduces a new requirement that developers of major development when signing an agreement with the Council, will need to:
- Attempt to fill 5% to 10% of construction jobs on-site associated with the development with Stevenage Residents;

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

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

- £4,000 per number of targeted jobs not filled by Stevenage residents;
- £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students; and
- £250 per apprenticeship position as an administrative fee towards the brokerage system to fill apprenticeship positions.
- If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, and the resultant lack of suitable opportunity to provide apprenticeships, they should pay a lesser fee of £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.

7.3.12 HCC Growth and Infrastructure unit and the NHS have advised they have no requirement for any financial contributions.

7.3.13 It was identified that the site does not provide a Biodiversity Net Gain and that there is a shortfall of 0.0652 units. In this regard the applicant has agreed to provide a financial contribution of £10,834.00. In line with the Biodiversity SPD (2021) this contribution will go towards three separate funds as outlined below and will contribute to projects identified in the Council's Biodiversity Action Plan:

- Biodiversity Accounting Fund
- Contingency Fund
- Management and Monitoring Fund

The Council's Parks and Amenities department have confirmed that the contribution will be used towards the provision of 100sqm of scrub habitat at Fairlands Valley Park.

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

7.3.15 The applicant has agreed to pay all monies sought through the signing of a S106 legal agreement.

## **7.4 Visual impact of the development**

7.4.1 In terms of design, paragraph 126 of the NPPF (2021) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and, appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 134 of the NPPF (2021) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

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

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

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

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

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

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

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

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

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

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

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

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

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

7.4.10 The proposed development is located within the confines of a residential estate, predominantly formed of two storey terraced dwellings which are uniform in design and materials. Adjacent to the site is a three storey flatted development constructed with similar materials to the surrounding terraced dwellings. Burwell Road slopes upwards from Shephall Way towards Chertsey Rise.

7.4.11 The proposed development would comprise of one L-shaped building with frontages on Burwell Road and Chertsey Rise. The building would be three storeys in height along Burwell Road, lowering to two storeys along Chertsey Rise. The building would have dual pitched gable fronted roofs and would be of a similar height to the existing flatted development, although taking account of the topography of the area, the proposed building would appear visually taller at its northern end. When viewed from north to south on Chertsey Rise, the two storey element would be seen against the backdrop of the three storey flatted development next door.

7.4.12 The building would be constructed with similar materials to the surrounding dwellings although it is considered appropriate to impose a condition that requires samples of the materials to be seen prior to construction to ensure that the final appearance of the building would be acceptable in the street scene.

7.4.13 To the rear of the building would be the car parking area which will also contain a cycle storage unit, bin store and plant room. This area would be constructed on the site of the existing gardens, garage block and associated hardstands. Level access footpaths would be provided to the external areas of the building.

7.4.14 The cycle store would be located within the car parking area to the rear of the building although no final details of its size or appearance has been provided with the application submission. In this regard, it is considered appropriate that should planning permission be granted, then a condition is imposed to request this information to ensure it has an acceptable appearance and can accommodate the required number of bicycles. Notwithstanding this, its siting within the rear yard area of the site would mean it would have

very limited views from the public domain and it is not considered that it would have a detrimental impact on the visual amenities of the area.

- 7.4.15 The bin store and plant room are sited on the north-eastern side of the site and will be visible from Chertsey Rise. Submitted plan 13761-P200-F shows these compounds to be constructed with timber hit and miss fencing with black hinges and locks. They would both measure approximately 2.5m high. The plant area would be approximately 2.4m wide and 4.7m long whilst the bin store would be approximately 2.4m wide and 7.3m long. Their construction with natural appearance timber is considered acceptable and as such they are not considered to harm the visual amenities of the street scene.
- 7.4.16 The scale of the proposed development is considered to be acceptable. Whilst it does adopt a three storey approach, it would be predominantly seen in context with the three storey flatted development adjacent to the site. Further, given the steep slope upwards from Shephall Way along Burwell Road, the two storey dwellings to the north of the site would only be 0.8m lower than the highest part of the development. As such, the proposed development would not appear over dominant in the Burwell Road street views.
- 7.4.17 As the development adopts a shallow roof pitch and with the difference in ground levels, the scale of the building in relation to the neighbouring residential properties is considered to be acceptable. Whilst the building would evidently be of a different scale to the existing retail units in the Burwell Road neighbourhood centre, this is considered to be acceptable as they would have different functions, the proposal being residential whilst the retail units are obviously commercial and the existing three storey flatted development would lie between the two sites.
- 7.4.18 Secondly, it is recognised that the predominant residential character of the area is of semi-detached and terraced dwellings of two storeys with traditional pitched roofs. Local residents have raised concerns that the development would 'spoil the look' of the area and be out of keeping. However, this site is considered to be able to accommodate a different, distinctive form of development given its position adjacent to the existing three storey flatted development and the defined small neighbourhood centre and at a prominent junction between Shephall Way and Burwell Road. Although providing a different form of development in the shape of a flatted development, the proposal would be of similar appearance to the adjacent flatted development to provide a cohesive visual appearance along Burwell Road and when viewed from the east in Chertsey Rise. Further, it does reference the roof form of the neighbouring residential properties by providing dual-pitched roofs in the form of a double ridge and valley arrangement on both the front and rear blocks. It should also be noted that there is no 'right to a view' and so it is not considered that the development would have a detrimental impact on any views from neighbouring properties.
- 7.4.19 Finally, whilst the proposal is of a different, contemporary design than the surrounding two storey dwellings, this design itself is not considered to be harmful and would be similar to the adjacent flatted development. As the building proposed would obviously differ from the traditional two storey residential development in the area, it is critical that the building is well designed in its own right and uses high quality materials. To achieve this, the mass of the building has been divided into distinct sections – the Burwell Road frontage has 3 smaller sections whilst the Chertsey Rise frontage has 2no. three storey elements and a two storey element which utilise the difference in levels across the site. Additionally, the facades of the building have been designed to complement the adjacent existing block. The gable ends have been designed to be of a more domestic scale with a conservative brick finish.



7.4.20 Key to achieving an appropriate design is the use of high quality materials. With a condition attached to the grant of any planning permission requiring samples of materials, the design of the building is considered to be acceptable and in accordance with the policies on design in the adopted Local Plan (2019), the Design Guide SPD (2009), the NPPF (2021) and PPG.

## 7.5 Impact upon Neighbouring Amenity

7.5.1 In relation to the impact of the proposed development on existing residential amenity, the most affected properties would be Nos. 1 and 12 Burwell Road to the north-west/north, Nos. 288 and 290 Chertsey Rise to the north, No.225 Chertsey Rise to the east and the occupiers of the flatted development to the south.

7.5.2 In assessing the impact on neighbouring amenity, the Council's Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new development. In this regard, when assessing developments, the recommended separation distances are as follows:

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

7.5.3 It is noted that Nos.1 and 12 Burwell Road, Nos.288 and 290 Chertsey Rise and No.225 Chertsey Rise would have side to side, front to side or front to front orientations and therefore there are no minimum separation distances for these situations. Notwithstanding this, No.12 Burwell Road has dense, mature landscaping along their side boundary so would have limited views of the development from their side profile and No.225 Chertsey Rise has no windows on their side elevation. The rear facing flats in the proposed development would be approximately 43m from the boundary of No.225 Chertsey Rise's rear garden which exceeds the 35m back to back separation as shown in the table above so would be of a sufficient distance so as not to result in an undue level of overlooking of this private rear garden. The rear facing windows of the proposed development would be approximately 21m from side of the existing flatted development and there would be approximately 10m at an oblique angle between other back to side orientations. There is no specific criteria for three storey separation distances, however, it is considered that there would be sufficient separation in this instance so as to not have any unduly harmful impact on the privacy of occupiers in either building and each flat would have an acceptable level of outlook from their respective habitable rooms.

7.5.4 In regards to sunlight, daylight and overshadowing, the proposed development is due north of the adjacent flatted development so no loss of daylight would occur to this existing development. Owing to the steep topography of the area, the proposed development is largely the same height as No.12 Burwell Road and Nos. 288 and 290 Chertsey Rise to the north. Given the separation distance between the development and the neighbouring properties in Chertsey Rise, it is not considered that there would be any loss of daylight and sunlight to these neighbours.

7.5.5 Whilst the frontages of the building contain a number of Juliet balconies, it is not considered that there would be an unduly harmful impact to privacy give the separation distances between the development and the properties in Burwell Road and Chertsey Rise. There are no balconies proposed on the internal rear elevations which are closest to the existing flatted development.

7.5.6 Given the aforementioned assessment, the proposal is not considered to have a detrimental impact on the amenities of neighbouring residential properties. As such, the proposal would accord with the policies in the adopted Local Plan (2019), the Council's Design Guide SPD (2009), the NPPF (2021) and PPG. In regards to the impact of noise and light pollution on the amenities of neighbouring residents, these aspects have been considered in detail in section 7.10 of this report.

## **7.6 Impact upon future amenities of residents.**

7.6.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. In regards to private amenity space, there is a requirement to provide 50 sq.m of amenity space for schemes of up to 5 units, plus an additional, 10sq.m for every additional unit above 5.

7.6.2 Based on the number of units proposed, there would be a requirement to provide 200sqm of private amenity space. The submitted plans are unclear on areas set aside as open space but it is estimated to provide approximately 140sqm of open space at the rear/side of the site. This is below standard and there are no traditional balconies which would provide each flat with additional space. However, there is a large area of public open space opposite the site, an extensive area of public open space in Kymswell Road to the south which is a 5 minute walk and Fairlands Valley park is less than a 10 minute walk north. In this regard, whilst the development site itself has an unsatisfactory provision of private amenity space, it is considered that there is sufficient good quality local public space to provide adequate outdoor amenity provisions.

7.6.3 With regard to the requirements for new residential properties to meet Nationally Described Space Standards (NDSS) as defined by Policy GD1 of the adopted Local Plan (2019), for 1 bedroom, 2 person flats, there is a requirement to provide 50sqm of floorspace and 2 bedroom, 3 person flats there is a requirement for 61sqm. All units meet these standards and are therefore acceptable in this regard. Additionally, the NDSS require double bedrooms to be at least 11.5sqm and single bedrooms to be at least 7.5sqm. All bedrooms meet this requirement so are considered acceptable.

7.6.4 Turning to Policy HO11, this requires that for Major Developments, there will be a requirement to provide at least 50% of all new units to be accessible and adaptable dwellings. To this end, there should be at least 10 units that meet this standard. Due to the topography of the area, the building is not on level ground and therefore there are a number of areas which have stepped access. The agent made changes to the originally submitted plans to incorporate ramped access to as many areas as possible and this has resulted in 7 units being fully accessible. With no lifts proposed, the upper floors are not fully accessible. However, whilst not fully accessible for wheelchair users, the remaining units could be constructed to be adaptable and this would be dealt with by Building Regulations should planning permission be granted.

7.6.5 In terms of outlook, privacy, sunlight and daylight, due to the siting and position of the proposed units, combined with their overall height, each unit would have an acceptable level of privacy and outlook. In addition, each unit would receive sufficient sunlight and daylight in accordance with BRE guidance. Units 7 and 14 within the two storey element are the only units which would have rooms facing due south. Accordingly, through negotiations with the agent, these are noted on the submitted plans to have south facing windows fitted with

internal blinds and reflective glass to minimise heat gain. All affected rooms are also dual aspect so would still receive adequate levels of daylight with blinds closed/partially closed.

## **7.7 Parking Provision**

- 7.7.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Provision and Sustainable Transport SPD (2020) requires 1 bedroom units to have 1 space and 2 bedroom units to have 1.5 spaces. In this regard, there is a requirement for a total of 24 spaces.
- 7.7.2 However, the application site is located within residential accessibility zone 3, where the Council would seek between 75% to 100% of the maximum number of car parking spaces to serve the development. This equates to a total requirement of 18 to 24 car parking spaces. The proposed development would seek to provide 18 parking spaces. The main issues raised by local residents relate to car parking and highway safety. Chertsey Rise can become very congested at times and is a bus route. It is noted that Burwell Road is less congested.
- 7.7.3 Whilst the application seeks to provide the minimum car parking standard, the site is located within a sustainable location and travel by non-car modes of transport should be encouraged as much as possible. As discussed in previous sections of this report, there are shops, schools and recreational areas all within easy walking distance of the site and it is located on a bus route, therefore travel by car can easily be substituted by other sustainable modes of transport.
- 7.7.4 It should also be noted that under planning permission reference 17/00586/FPM which relates to the erection of the flatted development adjacent to the site, on the former March Hare public house, the car parking provision was below the adopted standards, by one space, at the time of granting planning permission. In this regard, the reduced provision for the current application, whilst policy compliant, is consistent with this neighbouring scheme.
- 7.7.5 Herts County Council as Highways Authority have assessed the application and raised no concerns over the level of car parking provision or highway safety given the ease of access to alternative sustainable modes of transport.
- 7.7.6 Turning to disabled parking, in line with the Council's adopted Standards, 5% of the total number of spaces should be designated for disabled persons. In this regard, there would be a requirement to provide 1 disabled parking bay. The proposal seeks to provide 1 disabled parking bay in line with the Council's standards.
- 7.7.7 In regards to cycle parking, the Council's Parking Standards SPD stipulates for this development, there is the requirement to provide 1 long-term cycle space per 1 bedroom unit, 2 spaces per 2 bedroom unit and 1 short term space per 40 units. Taking this requirement into consideration, there would be a requirement for 29 spaces. Whilst the submitted plans show a cycle storage unit, no details have been provided. This can be secured by the imposition of a condition on any decision notice issued should planning permission be granted.
- 7.7.8 Turning to electric vehicle parking, the Car Parking SPD (2020) now introduces a minimum requirement for electric vehicle parking. The requirements for new developments would need to abide by the following:-
- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard (providing the necessary underlying infrastructure);
  - The blend of access to charging points provided within new developments;
  - A minimum of 20% of new parking on a site to have access to an active EV charging point;

- A flexible approach to the requirement of charging facilities as technology changes.

7.7.9 The submitted plans show that 5 spaces will be provided with EV chargers in line with the requirements of the aforementioned SPD. A condition can be imposed on any decision issued if planning permission is granted that requires the EV chargers to be installed and retained.

7.7.10 Given the aforementioned assessment, and through the use of appropriately worded conditions, parking (including cycle parking, disabled parking and EV parking) would be in accordance with the Council's adopted Parking Standards. Therefore, the proposal would be in accordance with policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2021) and PPG.

## **7.8 Highway Safety**

7.8.1 The proposed development seeks to close off the two existing access points on Burwell Road and utilise the existing access to the garage compound and neighbouring flatted development to provide a new access to the rear of the site where the existing six garages and hardstand are currently located.

7.8.2 HCC Highways have assessed the application and are satisfied that the quantum of development will not generate significant number of trips in the vicinity that would have an unacceptable impact on the highway network. Further, they consider the closing of the existing two access points and introducing a singular access point will reduce vehicular and pedestrian conflicts and improve highway safety in this regard.

7.8.3 HCC Highways held a meeting with the developer in May 2022 to discuss making improvements to the local highway network. As a result of this meeting, the developer has agreed to enter into a Section 278 Legal Agreement with HCC to secure the following:

- Closure of the existing access points on Burwell Road
- All proposed pedestrian access points to be designed in accordance with the inclusive mobility guidance
- Provide a new footpath along the new access point and connect with the existing footpath on Chertsey Rise
- Provide tactile crossing points at:-
  - Junction of Burwell Road and Chertsey Rise
  - Junction of Chertsey Rise and private access road
  - New pedestrian crossing point on to Burwell Road opposite site frontage
  - Burwell shops access point on Burwell Road
- Provide a replacement bus shelter including Kessel Kerb at the existing flagpole bus stop on Chertsey Rise

7.8.4 With regards to waste collection, the bin store has been located within close proximity to the public highway so would be easily accessible for refuse teams. The site can also be easily accessed by emergency vehicles such as fire tenders. In terms of the parking areas, these have been designed to ensure that vehicles can safely manoeuvre within the site and egress onto the highway in a forward gear and HCC Highways have confirmed they are satisfied with the arrangements.

7.8.5 In relation to traffic generation, due to the limited scale of the proposed development, it would not generate a significant increase in vehicle traffic which likely affects the overall operation of the highway network. With regards to the Construction Phase of development, HCC Highways have requested a condition to secure a Construction Management Plan prior to commencement development. As such, it is recommended that the Construction Management Plan is secured by way of condition to ensure that during the construction phase, the development is carried out in accordance with the relevant details to ensure construction activities do not prejudice highway safety.

- 7.8.6 Given the aforementioned, subject to the imposition of appropriately worded conditions to ensure the development is acceptable in highway terms, it is not considered by HCC Highways that the proposed development would prejudice the safety and operation of the highway network. Therefore, it can be concluded that the proposal would accord with the policies set out in the adopted Local Plan (2019), the County Council's Local Transport Plan 4 (2018), the NPPF (2021) and PPG.
- 7.8.7 HCC as Highways Authority has also suggested an informative is imposed relating to highway related works associated with the development being in accordance with HCC Highway requirements.

## **7.9 Development and Flood Risk**

- 7.9.1 The application site is not located within a Flood Zone or a Source Protection Zone. Notwithstanding this, the application which has been submitted to the Council is classified as a Major, therefore, in line with the Town and Country Planning (General Development Procedure) (England) Order 2015, the applicant has provided a Sustainable Urban Drainage Strategy.
- 7.9.2 The drainage strategy for this scheme comprises to infiltrate surface water runoff to the chalk bedrock with an assumed infiltration rate of 10m/s, to be confirmed at detailed design stage. The proposed drainage will ensure flooding does not occur on any part of the site for the 1 in 30 year rainfall event and any flooding up to the 1 in 100 year plus 40% climate change will be contained on site in the parking area.
- 7.9.3 Due to the topography of the site and the proximity of the existing public sewer system, the northern roof areas (approximately 184sqm) will be drained to the existing sewer in Burwell Road whilst the remainder of the site will be managed by conveying flows towards permeable paving with geo-cellular sub-base in the parking area for infiltration to the chalk bedrock. In doing so, it is anticipated that this will restrict the surface water runoff to a maximum of 8l/s using a flow control device.
- 7.9.4 In accordance with the Non-Statutory Technical Guidance for Sustainable Drainage Systems, the post-development discharge rate does not exceed the existing discharge rates. Thames Water have assessed the application and raised no concerns.
- 7.9.5 Should infiltration not be possible, the developer has submitted an alternative strategy that involves discharging to the existing Thames Water sewer in Chertsey Rise. This would occur at a rate of 10.1l/s for the 1 in 100 year event plus 40% climate change. This is equivalent to the 1 in 1 year brownfield runoff rate.
- 7.9.6 At the time of writing, the Council's Drainage Consultant has not provided any formal comments on this application. Therefore, if the comments are not received by the time the application is to be determined at Planning and Development Committee, it is recommended that delegated powers are given to the Assistant Director of Planning and Regulation and the Chairman of the Planning Committee that in the event the Council's Drainage Consultant do provide comments on the strategy with a suggested list of conditions, then these conditions would be imposed accordingly before any planning permission is issued by the Council. However, if the Council's Drainage Consultant raises a substantive objection to the application and this cannot be resolved, then it is recommended that the application is referred back to the Planning and Development Committee for its decision.

## **7.10 Impact on the environment**

- 7.10.1 The application site according to historic OS Maps of the site, sets out that prior to the site being developed out in the 1960s, the site was part of open fields. Therefore, there would be very low risk of contamination.
- 7.10.2 Following consultation with the Council's Environmental Health Section, they do not raise any concerns from a land contamination perspective subject to the imposition of conditions. The conditions imposed would require a remediation strategy is submitted for approval in the event contaminants are identified during the construction phase of development.

### Groundwater

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

### Air Quality

- 7.10.4 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, The Air Quality Annual Status Report (ASR) 2019 by Stevenage Borough Council identifies that the development site is not located within or in close proximity to an Air Quality Management Area (AQMA).
- 7.10.5 In order to mitigate the construction phase, it is recommended a condition is imposed on any permission issued. This condition would require the applicant to adhere to the Construction Management Plan which details measures on controlling levels of dust and air pollutions which are generated during the construction phase of development.
- 7.10.6 With regards to the operational aspect of the development, due to its limited scale, the proposed development would give rise to a very small rise in NO<sub>2</sub> emissions which in accordance with IAQM/EPUK guidance is identified as having a negligible impact at all receptors in the area. As such, the need for additional mitigation has not been identified as being required. As such, the Council's Environmental Health Section has not raised any concerns with respect to the operational impact the development would have on air quality.

### Noise Pollution

- 7.10.7 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses.
- 7.10.8 Dealing firstly with the impact of noise from the construction phase of the development, detailed measures will be required in the Construction Management Plan (CMP). Through the CMP the hours in which noisy activities take place are to be controlled along with the imposition of relevant mitigation measures being put in place to minimise the impact of noise from construction activities. Moreover, if a breach were to take place, the Council can enforce the condition accordingly. Consequently, the imposition of such a condition is supported by the Council's Environmental Health Section.
- 7.10.9 With regards to noise which could arise during the operational phase of development, if any complaints arose regarding tenants who would be housed within the development, these would be dealt with by the Borough Council's Housing Teams or Environmental Health.

- 7.10.10 Concerns from local residents relating to noise that arose during the construction of the neighbouring flatted development are noted, however, permission should not be refused for developments on the basis of construction noise. As mentioned in point 7.10.8 above, a construction management plan will be required which can limit the hours of construction and allow enforcement action to be taken if it is considered that breaches have occurred.
- 7.10.11 Turning to noise impacts on future occupiers of the development, the application has been accompanied by a Noise Impact Assessment (NIA). This NIA confirms that the environmental noise impacts would be within acceptable limits within the proposed dwellings. In order to mitigate any potential noise impacts, the NIA recommends that the building is constructed with suitable sound insulation (wall, glazing, ventilation and roof) to meet British Standard 8233:2014. Environmental Health have assessed the application and have raised no concerns. However, it is considered appropriate to impose a condition on any decision issued should planning permission be granted that requires the development to be constructed in accordance with the NIA.

### Light Pollution

- 7.10.12 In terms of light pollution, Policy FP7: Pollution of the adopted Local Plan (2019) requires all development proposals should minimise, where possible, light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a. the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
  - b. health and safety of the public; and
  - c. The compliance with statutory environmental quality standards.
- 7.10.13 Turning to the operational side of the development, the applicant has not submitted a detailed lighting strategy. However, to ensure that any external lighting does not prejudice highway safety or cause a substantive nuisance to neighbouring residential properties, a condition should be imposed to any permission issued.
- 7.10.14 In terms of lighting associated with the construction aspect of the proposed development, this is dealt with as part of a Construction Management Plan.

## **7.11 Trees and Landscaping**

- 7.11.1 Policy NH5 of the adopted Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within the development site and should include new planting where appropriate.
- 7.11.2 A detailed landscaping strategy has not been provided as part of the application. There are a number of trees around the perimeter of the site and it appears that at least one on the northern boundary of the site in Chertsey Rise will likely be removed.
- 7.11.3 The Council's Arboricultural and Conservation Manager has not provided any comments on the application. It is therefore considered appropriate to impose a condition that requires a detailed landscaping strategy to be provided should planning permission be granted.
- 7.11.4 In terms of tree protection, a condition can be imposed to require all retained trees to be protected prior to commencement of development, including site clearance as per the Arboricultural Impact Assessment plan prepared by GHA Trees Arboricultural Consultancy. These measures once in place, will ensure that any retained tree is not detrimentally effected by the proposed development. With respect to the overall construction of development, where works would affect the root protection areas of any retained tree, the

aforementioned plans and assessment provide details of the construction methodology in these areas. This will ensure that any works within the Root Protection Areas do not cause any damage to the retained tree.

- 7.11.5 Taking the above into consideration, through the use of an appropriately worded condition, the tree protection measures will need to be put in place prior to any construction works taking place. In addition, that the construction methodology is strictly adhered to. Through these measures, the development would not have a detrimental impact on any tree which is to be retained.

## **7.12 Biodiversity, Ecology and Protected species**

- 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 The site is located in an urban setting and is bordered by residential properties and pedestrian and vehicle highways. The wider environment is generally urban in nature comprising a mixture of residential buildings along with hardstanding, trees and amenity grassland. The application is accompanied by a Biodiversity Net Gain Assessment and Ecological Appraisal to assess the potential for the site and adjoining habitats to have species that receive legal protection at either UK and/or European level. The survey comprised a desk top study from Hertfordshire Biological Records Centre and from the multi-agency Geographical Information for the Countryside (MAGIC). A field survey was also undertaken along with a Bat Survey.

- 7.12.3 The Ecological Appraisal identifies that there are no impacts on any designated sites are expected as a result of construction or use of the development. In addition, no habitats of conservation interest were present on site. The majority of the site is not considered to have any potential for protected species in its current condition.

- 7.12.4 The trees around the site have potential for nesting birds, and it is therefore recommended that any further tree works or scrub removal is undertaken outside of the bird breeding season (which runs from March – August inclusive). If habitat removal during the breeding season is unavoidable, any trees or scrub to be removed should be checked by an ornithologist no more than 28 hours before works commence. Any active nests found should be left undisturbed until the chicks have fledged.



- 7.12.5 Most of the trees remaining on site have no bat roost potential. It is recommended that any external lighting is directed away from retained trees to minimise any potential impacts on foraging or commuting bats that might use the footpath north of the site.
- 7.12.6 Herts and Middlesex Wildlife Trust raised no concerns regarding the submission. The submitted ecological report recommended that bird and bat boxes were incorporated into the development and this can be secured by way of a condition should planning permission be granted.
- 7.12.7 With regards to biodiversity net gain, the applicant has undertaken a Biodiversity Net Gain calculation utilising the Defra Metric. The calculation identified that there would be shortfall of 0.0652 units. Herts and Middlesex Wildlife Trust advise that to get to 10% net gain the applicant will need to provide a financial contribution of £10,834.00 which the Council's Parks and Amenities department have advised will allow for the provision of 100sqm of scrub habitat at Fairlands Valley Park. Therefore, it is recommended that delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chairman to secure any financial obligations which may be required to off-set biodiversity shortfall which would form part of a S106 Legal Agreement.

### **7.13 Other Matters**

#### Sustainable construction and climate change

- 7.13.1 Policy FP1 of the adopted Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:
- Ways to ensure development is resilient to likely variations in temperature;
  - Reducing water consumption to no more than 110 litres per person per day, including external water use;
  - Improving energy performance of buildings;
  - Reducing energy consumption through efficiency measures;
  - Using or producing renewable or low carbon energy from a local source; and
  - Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.
- 7.13.2 No details have been provided with the application and therefore it is considered appropriate to impose a condition on any decision issued to secure the details.

#### Waste and Recycling

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

#### Community Infrastructure Levy

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

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

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

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

#### Equality, Diversity and Human Rights

7.13.7 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.

7.13.8 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.

7.13.9 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.

7.13.10 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.

7.13.11 In terms of inclusive access, the scheme has been designed to be DDA (Disability Discrimination Act) compliant. In addition, in accordance with Policy HO11: Accessible and Adaptable Housing of the adopted Local Plan (2019), as this is a major scheme at least 50% of all new dwellings will need to be category 2: accessible and adaptable dwellings.

7.13.12 The scheme also seeks to deliver the necessary disabled parking provision in accordance with the Council's adopted Parking Standards SPD (2020). The bays will meet the relevant size standards and have been located in an appropriate location in close proximity to the entrance of the main residential building.

#### **7.14 Matters Raised in Representations**

7.14.1 Matters raised relating car parking, highway safety, noise and disruption from construction and future occupiers, visual impact, daylight and sunlight and waste and recycling have all been addressed in the paragraphs above. In relation to profit, motivation to build, rights to views and who the future occupiers may be are not material planning considerations and as such cannot be taken into consideration when determining this application.

## **8. CONCLUSIONS**

8.1 In summary, it has been established that the proposed development fails to fully accord with criterion (a) of Policy HO5 as it would be partially located on land which does not meet the definition of previously developed land as stated within the NPPF (2021) nor is it considered to be a small underused urban site. This policy contravention carries significant weight against the proposal.

8.2 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.

8.3 The development would provide 20 dwellings, making a strong contribution to the aim of boosting housing supply, which in this instance, would be through partially redeveloping a sustainable brownfield site. Given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal. However, the proposal will provide additional social housing for the Council which also carries significant weight in favour of the proposal.

8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. It is considered that these benefits would be moderate and therefore only attracts moderate weight in favour of the proposal.

8.5 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.

8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and are therefore considered to be policy compliant. Additionally, HCC Highways have determined that the development would not harm highway safety. This carries moderate weight in favour of the proposal.

8.7 The development has been assessed to be unacceptable in terms of private amenity a space provision which is contrary to Chapter 6 of the adopted Design Guide (2009) and subsequently contrary to Policy GD1 of the Local Plan (2019). This carries moderate weight against the development.

- 8.8 The provision of affordable housing and other developer contributions can be satisfactorily addressed through the use of a S106 Legal Agreement.
- 8.9 Given the aforementioned, whilst there is a policy conflict with Policies HO5 and GD1, the development would, on balance, accord with the majority of the policies in the adopted Local Plan (2019) as well as the Council's adopted Supplementary Planning Documents. It would accord with the policies set out in the NPPF (2021) and PPG. In addition, it has been identified in the overall planning balance, that the overall benefits of the scheme outweigh the policy conflicts identified. Therefore, it is recommended that planning permission be granted.

## 9. RECOMMENDATIONS

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

- Securing the provision of affordable housing;
- Apprenticeships and construction jobs;
- Securing the provision of a 10% net gain in Biodiversity off-site within Stevenage;
- S.106 monitoring fee.

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

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

13761-P200-F; 13761-P203-A; 13761-P202-C; 13761-P201-G; 13761-S199-A;

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

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

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

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

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

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 3, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.  
**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 6 At least 50% of the residential units are Category 2: Accessible and Adaptable dwellings.  
**REASON:-** To ensure the development will meet the increase in demand for accessible and adaptable units for elderly and disabled residents in accordance with Policy HO11 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019).
- 7 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.  
**REASON:-** Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).
- 8 The noise mitigation measures as detailed in the Noise Impact Assessment prepared by Sound Planning Ltd dated 22 April 2022 shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.
- 9 Prior to the commencement of any landscaping, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (0.5233 habitat units, 0.4050 hedgerow units) to contribute to a net gain in biodiversity and include the following.
- a) Description and evaluation of features to be managed.
  - b) Aims and objectives of management.
  - c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
  - d) Prescriptions for management actions, only definitive measures are acceptable.

- e) Preparation of a 30 year annual work schedule (capable of being rolled forward in perpetuity), clearly marked on plans.
- f) Details of the body or organisation responsible for implementation of the plan.
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
- i) Details (make, model and location) of 10 integrated bat boxes and 10 integrated swift boxes to be included in the proposal

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

**REASON:-** In order to improve and enhance biodiversity within the development site and the surrounding so as to offset its impact.

- 10 No development shall take place (including site clearance) until the tree protection measures as detailed on the Arboricultural Impact Assessment (AIA) plan prepared by GHA Trees Arboricultural Consultancy, Rev B, dated April 2022 have been implemented accordingly. The tree protection measures shall remain in place until the development has been completed. Within the tree protection areas to be fenced off in accordance with the AIA there shall be no alteration to the ground level and they shall be kept clear of vehicles, materials, surplus soil, temporary buildings, plant and machinery.

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

- 11 Prior to the commencement of the development (including demolition and site clearance), a 'Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

- a) Demolition and removal plans
- b) Provision of sufficient on-site parking prior to commencement of construction activities.
- c) Additional measure to stop construction related vehicles parking onto public highways (Burwell Road and Chertsey Rise)
- d) Construction vehicle numbers, type, routing.
- e) Traffic management requirements
- f) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times
- g) Construction and storage compounds (including areas designated for car parking, loading/ unloading and turning areas).
- h) Cleaning of site entrances, site tracks and the adjacent public highway.
- i) Post construction restoration/reinstatement of the working areas and temporary access to the
- j) public highway.
- k) Wheel cleaning arrangement

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

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

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

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

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

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

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

14 No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

15 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.

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

16 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.

**REASON:-** To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

17 Prior to first occupation of the development hereby permitted details of external lighting to the site shall be submitted to the Local Planning Authority and approved in writing. There shall be no other sources of external illumination.

**REASON:-** To minimise pollution of the environment and to safeguard the safety of the adjacent highway network.

18 Prior to the first occupation of the development hereby permitted, details of the cycle storage areas shall be submitted to the Local Planning Authority and approved in writing. The cycle storage areas shall be retained and maintained accordingly during the lifetime of the development.

**REASON:-** To ensure that adequate cycle parking is provided in accordance with the Council's adopted supplementary planning documents.

- 19 The dwellings hereby permitted shall not be occupied until the general waste and recycle stores and plant areas associated with the development hereby permitted have been implemented in accordance with the details shown on approved plan 13761-P200-F and retained and maintained accordingly for the lifetime of the development.  
**REASON:-** To ensure the storage areas have an acceptable appearance and are of sufficient size to accommodate the number of bins which are required for this development.
- 20 Prior to the first occupation of the development hereby permitted, the parking spaces shown on approved plan 13761-200-F shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.  
**REASON:-** To ensure construction of a satisfactory development and to promote sustainable development
- 21 Prior to the first occupation of the dwelling hereby permitted the access, turning and parking provision as shown on approved plan 13761-P200-F shall be constructed, hardsurfaced and made ready for use. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.  
**REASON:-** To ensure that adequate parking and servicing facilities are available within the site and to prevent surface water from passing onto the public highway which may be detrimental to highway safety.
- 22 Prior to the first occupation of the development hereby permitted, provision of bird boxes and bat bricks or boxes as specified in the Ecological Appraisal prepared by Windrush Ecology dated March 2022 shall be erected accordingly and thereafter permanently retained and maintained.  
**REASON:-** To provide suitable roosting and nesting opportunities for bats and birds as an ecological enhancement of the site.
- 23 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The approved boundary treatments shall be completed before the development is first occupied.  
**REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 24 Prior to the first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering and construction design of the following highway works under s278 as indicated on the drawing 5737/1001 listed below and these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction:
- a) The existing access points off Burwell Road servicing the 10A and 10B permanently closed off and reinstate of full high kerbs, highway verge and footways;
  - b) All pedestrian access points to highways as indicated on the proposed drawing (Ref 13761-P200-F) should be designed in accordance with the inclusive mobility guidance (Ramp, slope etc.)
  - c) Provide new footway along new access point and connect with the existing footway along Chertsey Rise as shown the drawing (Ref- 5737/1001);
  - d) Provide tactile crossing points as shown on the drawing (Ref-5737/1001);
    - The junction of Burwell Road and Chertsey Rise;
    - The junction of Chertsey Rise and private road (the proposed site access road);
    - New pedestrian's crossing point onto Burwell Road opposite the site frontage to connect opposite site footway;



- The junction of Burwell Road and Burwell Shop access point.

**REASON:-** To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110 - 112 of the NPPF (2021).

- 25 Prior to the first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering and construction design of the bus shelter, Kassel Kerb under s278 as indicated on the drawing 5737/1001 at the existing flagpole bus stops onto Chertsey Rise (directly eastern side of the site) and these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction before first occupation.

**REASON:-** In the interest of sustainable travel.

- 26 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.

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

- 27 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 28 No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

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

- 29 Infiltration testing should be in accordance with BRE Digest 365 which should be carried out at the location of any infiltration measure(s). Where infiltration is not possible, evidence that approval has been sought from the relevant water authority should be provided for any connection into a public surface water sewer.

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

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

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

**INFORMATIVE**

**1 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 **Party Wall etc. Act 1996**

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

- 4 **Hertfordshire County Council as Highways Authority**  
Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at:  
[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)
- 5 **Hertfordshire County Council as Highways Authority**  
Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047
- 6 **Hertfordshire County Council as Highways Authority**  
Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  
<http://www.hertfordshire.gov.uk/services/transtreets/highways> or by telephoning 0300 1234047.
- 7 **Hertfordshire County Council as Highways Authority**  
Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 8 **Hertfordshire County Council as Highways Authority**  
The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

**9 Police Crime Prevention Design Service**

Prior to construction the applicant will contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. The reason for this is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' - Security of Building Regulations"

**13. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The application file, forms, plans and supporting documents having the reference number 17/00586/FPM, relating to the flatted development adjacent to the site.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted October 2009, The impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
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 Planning Policy Guidance March 2014.