

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

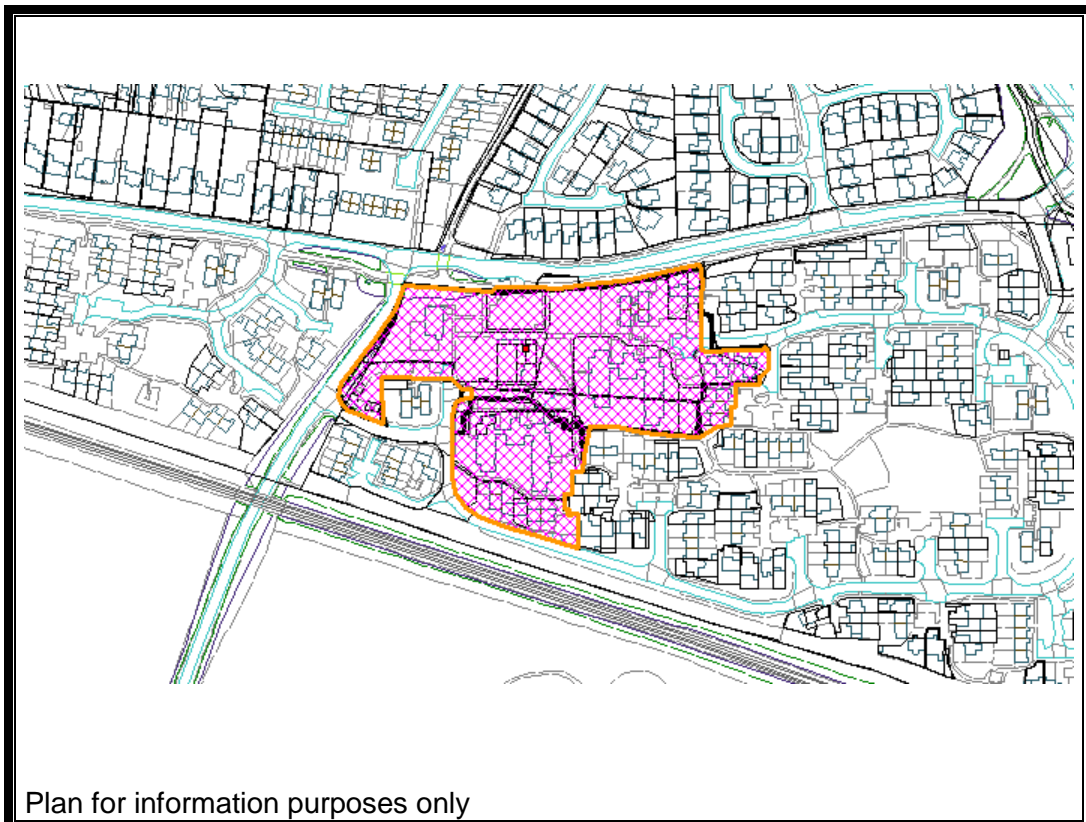
Date: 15 February 2023

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Application No:	22/01075/FPM
Location:	The Bragbury Centre, Kenilworth Close, Stevenage
Proposal:	Variation of Condition 1 (Approved Plans) attached to planning permission 18/00398/FPM to subdivide the approved retail units.
Drawing Nos.:	19063.wd2.01 E; 19063.A1.wd2.01 B; 19063.A1.wd2.02 B; 19063.A1.wd2.03 B; 19063.A1.wd2.04 B; 19063.A1.wd2.05 B; 19063.A1.wd2.06 A; 19063.A1.wd2.101 A; 19063.A1.wd2.102 B; 19063.A2.wd2.01 A; 19063.A2.wd2.02 A; 19063.A2.wd2.03 A; 19063.A2.wd2.102 A; 19063.A2.wd2.103 A; 19063.A4.wd2.02; 19063.A4.wd2.03 A; 19063.A4.wd2.04 A; 19063.A4.wd2.05 A; 19063.A4.wd2.101 A; 19063.A4.wd2.102 A; 19063.A4.wd2.103 A; 19063.A4.wd2.104 A; 19063.A5.wd2.01; 19063.A5.wd2.101.
Applicant:	Stevenage Borough Council.
Date Valid:	4 th January 2023
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is currently designated as a small parade of shops in the adopted Local Plan (2019). The site is bordered by Hertford Road which is located to the north, Watton Road to the east, Stirling Close to the west and Kenilworth Close to the south. The site, which has an area of 1.6 hectares (ha), prior to demolition, was previously occupied by the Kenilworth Close neighbourhood centre, Bragbury Centre and sheltered accommodation block Asquith Court. Construction of the independent living block and apartment block which front onto Hertford Road are at an advanced stage along whereby the dwellinghouses and apartment block located towards the rear of the site have been completed.
- 1.2 Turning to the surrounding area, to the south of the application site lies Walpole Court which is a sheltered housing development. The building itself is constructed from a mixture buff multi-stock brick with parts of the first-floor level clad in timber. The roof of the sheltered accommodation is clad in bold roll concrete inter-locking tiles with timber soffits with black uPVC gutters and downpipes. The fenestration detailing of the Walpole Court comprises uPVC windows and doors which are symmetrically aligned and evenly spaced. The Walpole Court site also comprises six bungalows which form a staggered terrace with hipped roofs. These properties are constructed from red and buff brick with a band of grey bricks. The roofs of the bungalows are clad in concrete inter-locking tiles
- 1.3 To the south-west/west of the application site is the residential development of Cragside and a residential block of flats on Blenheim Way. The development at Cragside comprises two residential terraces which front onto a centralised parking courtyard. The terraces themselves, which are uniform in design, are constructed from a mixture of red and buff brick with a grey brick band with their respective roofs clad in concrete inter-locking tiles. There is also a standalone pair of semi-detached properties which are of the same design as the terraced properties. To the north of Cragside off Blenheim Way (to the north-west of the site) lies a three-storey residential block of flats with a double mono-pitched roof. The block itself is constructed from a stock red brick with the roof clad in concrete inter-locking tiles. On the flank elevations at second floor level the elevations are finished in timber cladding. To the west of the community centre beyond Watton Road is the residential development of Balmoral Close. This consists of a mixture if three storey blocks of flats and terraced houses.
- 1.4 To the east of the application is residential development in Blenheim Way and Stirling Close. The developments in both the aforementioned roads generally comprise uniform, two-storey terraced properties set within regimented building lines and regular shaped plots. These properties have been constructed from a stock buff brick with their roofs finished in bold roll inter-locking concrete tiles. To the north of the application site beyond Hertford Road is Petworth Close. This estate generally comprises of two-storey detached properties which are uniform in design constructed from buff facing brick with gable-end roofs clad in concrete tiles set within spacious plots.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 18/00398/FPM sought permission to demolish the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed-use development with 169 no. dwellings (including independent living) and 4no. retail units across various blocks. This application was granted planning permission in October 2019.
- 2.2 Prior approval application 19/00505/PADEMO sought prior approval for the demolition and clearance of various buildings
- 1) 1 to 32 Asquith Court, Stirling Close, Stevenage, SG2 8UJ
 - 2) 70 & 72, Stirling Close, Stevenage, SG2 8UJ
 - 3) 74 to 96, Stirling Close, Stevenage, SG2 8UJ
 - 4) Community Centre, Kenilworth Close, Stevenage SG2 8TB

5) 3, 3a, 5 and 5a Kenilworth Close SG2 8TB (Retail units).

Prior Approval was not Required and approved in September 2019.

- 2.3 Discharge of condition application 20/00575/COND sought to discharge condition 11 (Bird Boxes) and 12 (Bat Boxes) attached to planning permission reference number 18/00398/FPM. The conditions were discharged in October 2020.
- 2.4 Discharge of condition application 20/00576/COND sought to discharge of condition 14 (construction management) and 16 (waste management) attached to planning permission reference number 18/00398/FPM. This condition was discharged in December 2020.
- 2.5 Discharge of condition application 20/00577/COND sought to discharge of condition 25 (Site Investigation) and 27 (Detailed remediation scheme) attached to planning permission reference number 18/00398/FPM. The conditions were discharged in October 2020.
- 2.6 Discharge of condition application 20/00707/COND sought to discharge of conditions 21 (Surface Water Drainage) and 22 (Detailed drainage scheme) attached to planning permission 18/00398/FPM. The conditions were discharged in February 2021.
- 2.7 Planning application 20/00736/FPM sought the removal of conditions 12 (Bat boxes), 22 (Drainage Scheme), 23 (Management and Maintenance), 25 (Site Investigation) and variation of conditions 1 (Approved Plans), 3 (Materials), 11 (Bird Boxes), 14 (Construction Management Plan), 16 (Site Waste Management Plan), 21 (Surface Water Drainage) and 27 (Remediation Scheme) attached to planning permission 18/00398/FPM. This application was granted permission in November 2021.
- 2.8 Planning application 20/00739/FP sought permission for the erection of a temporary fish and chip shop unit with associated services area. This application was withdrawn in March 2021.
- 2.9 Discharge of condition application 21/00047/COND sought the discharge of condition 18 (acoustics) attached to planning permission 20/00736/FPM / discharge of condition 19 (acoustics) attached to planning permission 18/00398/FPM. The conditions were discharged in July 2022.
- 2.10 Planning application 21/00621/FP sought planning permission for the proposed temporary fish and chip shop retail unit adjacent to Kenilworth Close with associated services area and temporary extension to existing pavement to allow pedestrian access. This application was granted permission in July 2021.
- 2.11 Discharge of condition application 21/01004/COND sought the discharge of Conditions 5 (Oil collection and storage) and 7 (Litter Bins) attached to planning permission reference 21/00621/FP. The conditions were discharged in October 2021.
- 2.12 Discharge of condition application 21/01272/COND sought the discharge of condition 3 (Soft and Hard Landscaping) attached to planning permission reference number 20/00736/FPM. The condition was discharged in July 2022.
- 2.13 Discharge of condition application 21/01273/COND sought the discharge of condition 6 (external lighting) attached to planning permission reference number 20/00736/FPM. The condition was discharged in July 2022.
- 2.14 Discharge of condition application 21/01275/COND sought the discharge of condition 29 (Boundary Treatment) attached to planning permission reference number 20/00736/FPM. The condition was discharged in April 2022.
- 2.15 Non-material amendment application 22/00979/NMA to amend description of development as follows: Demolition of the existing Bragbury End community centre, Asquith Court and various

residential dwellings and the construction of a mixed-use development with 169 no. dwellings (Including independent living) and provision of retail units across various blocks. The non-material amendment was agreed in November 2022.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary condition 1 (approved plans) attached to planning permission 18/00398/FPM to subdivide the approved retail units. The proposal comprises no other changes in terms of floorspace or external alterations to the built fabric of the residential block in which the retail units will form part of. For reference, this condition states the following:

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

16059.01.A4.WD2.01A;16059.01.A4.WD2.02;16059.01.A4.WD2.03A; 16059.01.A4.WD2.04A; 16059.01.A4.WD2.05A;16059.01.A4.WD2.101;16059.01.A4.WD2.102A;16059.01.A4.WD2.103A;16059.01.A4.WD2.104A;16059.01.A5.WD2.01A;16059.01.A5.WD2.101A;16059.01.SU1.01;16059.01.SU1.02;16059.01.SU1.03;16059.01.WD2.01B;16059.01.WD2.101A;16059.01.A1.WD2.01B;16059.01.A1.WD2.101A;16059.01.A1.WD2.102A;16059.01.A2.WD2.01A;16059.01.A2.WD2.02A;16059.01.A2.WD2.03A;16059.01.A2.WD2.04A;16059.01.A2.WD2.05A;16059.01.A2.WD2.06A;16059.01.A2.WD2.101A;16059.01.A2.WD2.102A;16059.01.A2.WD2.103A;16059.01.wd2.05A; 16059.wd2.02A; 16059.01.wd2.03A; 16059.01.wd2.04A; 16059.01.A1.wd2.06A;

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

- 3.2 The proposed amendment does not seek to alter the external appearance of the development as approved nor increase the overall floorspace of the retail units which are the subject of this application. The reason why the subdivision of the retail units requires planning permission relates to a recent Court of Appeal case. This is set out in greater detail below.
- 3.3 The Court of Appeal ruled in the case of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 that it is unlawful to use Section 73 of the Town and Country Planning Act 1990 to amend or contradict the description of the development permitted by a planning permission. The facts of the case were very simple, permission was granted to install two wind turbines with a maximum height of 100m which included a condition for them to be installed as per the approved plans. The description of development also included details of the maximum height of the turbines.
- 3.4 The applicant sought through a Section 73 of the Town and Country Planning Act 1990 (As amended) application (Variation or removal of conditions attached to a planning permission) to increase the height of the turbines to 125m and to substitute the approved plans. On appeal, the Welsh Ministers approved the plan following which a challenge was lodged to the High Court. This challenge was rejected and was concluded that it was possible to use Section 73 to vary a condition even if it conflicted with the description of development.
- 3.5 The Court of Appeal came to a different conclusion after due consideration of the legislative history and the previous treatments of Section 73 in the courts. The Court of Appeal determined that Section 73 is only concerned with amending the conditions of a planning permission. The description of development may not be altered either explicitly or via a condition in a Section 73 application. Therefore, *Finney* makes clear that the scope of Section 73 is constrained by the description of development.
- 3.6 Moving on from the Court of Appeal Decision, under Section 96A of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may make a change to any planning permission, or permission in principle (granted following an application to the authority) relating to land in their area if they are satisfied that the change is not material. The act goes on to state that in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission (or permission in principle) as originally granted.

3.7 As established by case law, the principle of Section 96A can also cover the description of development, providing the change is deemed to be non-material. As such, under application 22/00979/NMA, the applicant sought to amend the description of development under planning permission 18/00398/FPM, specifically in relation to the retail units which are the subject of this application. The current description of development, as set out under planning permission 18/00398/FPM, as subsequently under the S73 application 20/00376/FPM (which does not amend the description of development) states the following:

“Demolition of the existing Bragbury End community centre, Asquith Court and various residential dwellings and the construction of a mixed-use development with 169 no. dwellings (Including independent living) and 4no. retail units across various blocks”.

3.8 The non-material amendment application (S.96A application) sought to remove the wording "**4 no.**" from the description of and replaced it with "**provision of**". The justification for this amendment is to allow the future subdivision of the retail units to create additional or smaller units to reflect market requirements. The current wording of the 2018 permission restricted the applicant's ability to do so as it restricts the number of retail units to 4.

3.9 The non-material amendment application was approved as it was determined that the overall amendment did not materially affect the parameters established under the original planning permission.

3.10 This current application before the Council has been submitted to amend the approved plans under application 18/00398/FPM i.e., to subdivide the approved retail floorspace to create more than 4 no. retail units. This application is deemed to be lawful because the S96A permission (22/00979/NMA) effectively amends the description of development of the 2018 permission to allow greater flexibility.

3.11 This application comes before the Planning and Development Committee as Stevenage Borough Council is the applicant. In addition, the application is a Major and seeks to amend the scheme which was previously approved by the Council's Planning and Development Committee.

4. PUBLIC REPRESENTATIONS

4.1 The proposal has been publicised by way of letters to nearby properties and a site notice was displayed on a nearby lamp post. In addition, the application was also advertised in the local press. Following a discussion and agreement with the applicant, the description of development was also amended based on initial comments from residents following which residents were re-consulted accordingly.

4.2 Comments have been received from 93 Stirling Close and 32 Petworth Close whom state the following:

- The application was difficult to find on the Council's website.
- The change appears to simply allow 5 retail units of 4.
- Why did the letter not explain the change in better detail so it is easier for residents to understand?
- It is requested that a protection order be placed on the trees adjacent to Hertford Road as they provide privacy screen to 32 Petworth Close.

4.3 Please note that the aforementioned representations have been summarised and are not verbatim. A full copy of public representations against this application can be found on the Council's website.

5. CONSULTATIONS

5.1 No relevant consultees.

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. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

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

6.4 Stevenage Borough Local Plan 2011 – 2031 (adopted May 2019)

- SP1 Presumption in favour of sustainable development
- SP2 Sustainable development in Stevenage
- SP4 A vital town centre
- TC11 New convenience and retail provision
- TC13 Retail Impact Assessment
- IT5 Parking and Access.
- IT8 Public Parking Provision
- HC2 Local shops

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy Charging Schedule

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

7 APPRAISAL

7.1.1 The main issues for consideration in the determination of this application are the acceptability of the subdivision of the retail units.

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 Principle of development

7.2.1 The principle for the redevelopment of the site has been established under extant planning permission 18/00398/FPM. The approved development comprises the provision 4 no. retail units within block A1 which were required to compensate for the units which were lost following demolition of the existing shopping parade.

7.2.2 This application which is currently before the Council as Local Planning Authority seeks permission to subdivide the approved retail units into 5 no. units as detailed in drawing number 19063.A1.wd2.01 Revision B (See Figure 1).

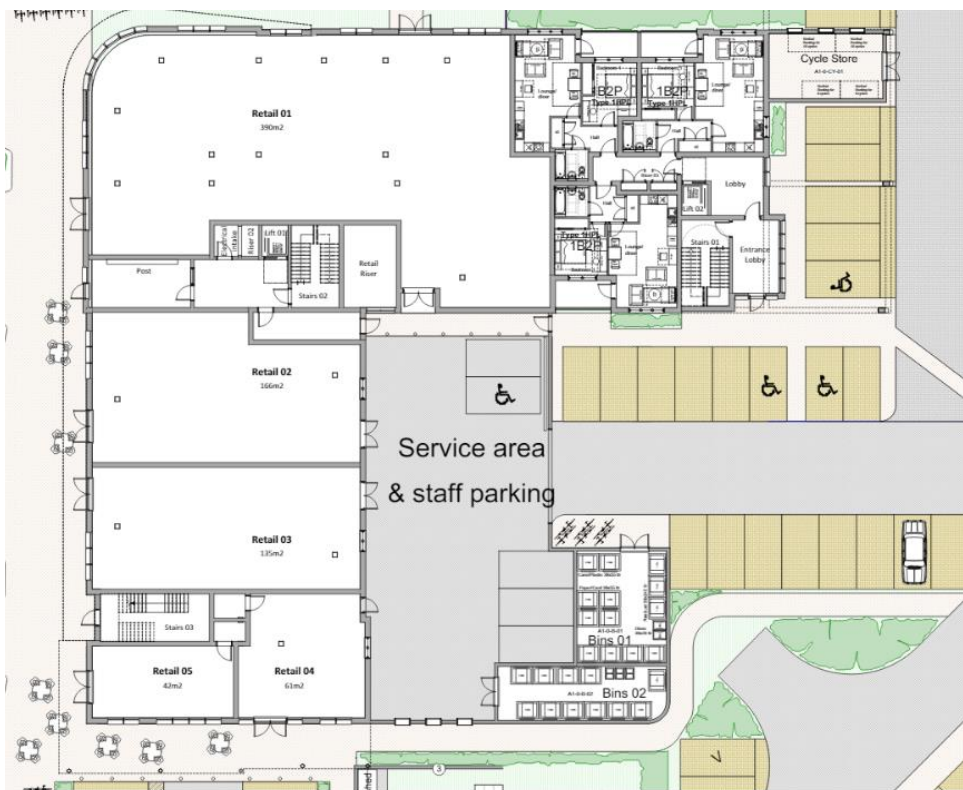


Figure 1: Snapshot of drawing number 19063.A1.wd2.01 Revision B showing the creation of 5 no. retail units.

7.2.3 The proposal comprises no increase in the overall retail floorspace which is being provided. Consequently, the requirements under Policy TC13 to undertake a Retail Impact Assessment are not engaged. Consequently, the proposed subdivision of the retail floorspace from 4 no. units to 5 no. units accords with the Council's respective retail policies. Moreover, this proposal supports the wider re-development of Kenilworth Close with a more vibrant neighbourhood centre and will support the needs of the local community.

7.3 Impact on Amenity

- 7.3.1 The proposed development, given it comprises an internal subdivision of the approved retail units, would have no impact on the amenities of neighbouring residential properties or the amenities of future occupiers of the development.
- 7.3.2 In terms of the potential future use of the premises and the requirement to install plant and equipment associated with a particular operation, if Members were minded to grant permission a condition would be imposed (draft condition 28) requiring a scheme for the installation of equipment to control the emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to the Council for its approval. This would ensure that any plant, equipment and ducting would not cause harm in terms of noise for future or nearby occupiers of residential properties as well as potentially control any odours from cooking activities.

7.4 Parking and Highway Implications

- 7.4.1 In terms of highway implications, as the proposal does not seek to increase any retail floorspace which could generate additional vehicle trips or alter the approved highway layout of the development, the proposal would not have any impact on the highway network. In terms of parking, as no additional floorspace is being created, there is no policy requirement to provide additional parking to serve the amended scheme.

7.5 Equality, Diversity and Human Rights

- 7.5.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.5.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.5.3 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.
- 7.5.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.5.5 The proposed development, given its nature, will have no impact on persons who share protected characteristics under the Equality Act.

8 CONCLUSIONS

- 8.1 In summary, the principle of development has already been established under planning permission 18/00398/FPM and would not conflict with retail policy. The proposal would cause no harm to the character and appearance of the development or the visual amenities of the wider street scene. Furthermore, the proposal, subject to appropriate conditions, would not cause harm to the amenities of existing or future residential occupiers and would have no impact on the highway network or require additional parking provision.

- 8.2 Given the aforementioned, as there is no conflict with the policies set out in the adopted Local Plan (2019) and the NPPF (2021) nor the relevant guidance in the Parking and Design SPD's as well as Planning Practice Guidance, it is recommended that planning permission be granted.

9 RECOMMENDATIONS

- 9.1 Planning permission be GRANTED subject to the following:-

- 9.2 The imposition of suitable 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 19063.wd2.01 E; 19063.A1.wd2.01 B; 19063.A1.wd2.02 B; 19063.A1.wd2.03 B; 19063.A1.wd2.04 B; 19063.A1.wd2.05 B; 19063.A1.wd2.06 A; 19063.A1.wd2.101 A; 19063.A1.wd2.102 B; 19063.A2.wd2.01 A; 19063.A2.wd2.02 A; 19063.A2.wd2.03 A; 19063.A2.wd2.102 A; 19063.A2.wd2.103 A; 19063.A4.wd2.02; 19063.A4.wd2.03 A; 19063.A4.wd2.04 A; 19063.A4.wd2.05 A; 19063.A4.wd2.101 A; 19063.A4.wd2.102 A; 19063.A4.wd2.103 A; 19063.A4.wd2.104 A; 19063.A5.wd2.01; 19063.A5.wd2.101.

- 2 The external surfaces of the buildings (including the dwellings) hereby permitted shall be carried out in accordance with the approved Materials Palette as specified in application reference 20/00736/FPM as received on 02 December 2020.

REASON:- To ensure the finished appearance of the development enhances the visual amenities of the area.

- 3 The approved hard and soft landscaping scheme, unless otherwise agreed in writing by the Local Planning Authority, shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner, in accordance with the following plans which accompanied discharge of condition application 22/01072/COND:

- Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 1)
- Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 2)
- Soft Landscaping with Planting Schedule (Drawing number HILL23073 – 11F Sheet 3)
- Hard Landscaping Strategy including details of materials (Drawing number HILL2303 – 12G Sheet 1);
- Hard Landscaping Strategy including details of materials (Drawing number HILL2303 – 12G Sheet 2);
- Planter Details (Drawing number HILL23073 – 1401A);
- Seating with back rest details (Drawing number HILL23073 – 1402A);
- Bench details (Drawing number HILL23073 – 1403A).

REASON:- To ensure a satisfactory appearance for the development

- 4 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.

5 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.

REASON:- To safeguard the amenities of the occupiers of neighbouring properties.

6 Prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the external lighting scheme shall be installed in accordance with the following approved documentation and plans which accompanied discharge of condition application 21/01273/COND:

- Block A4 Communal Ground Electrical Services Layout (drawing number CVG/965/E3000 Rev C1);
- Block A1 - Flat Type A3 Electrical Services Layout (drawing number CVG/979/E6002 Rev P1);
- Block A2 - Flat Type C Electrical Services Layout (drawing number CVG/979/E6016 Rev P1);
- Lighting Layout (Adoptable Lighting) (drawing number 2436-DFL-HLG-XX-DR-EO-13001 P01);
- External lighting plan (drawing number D44820/RD/C);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 1 of 4 (drawing number CVG/979/E3000 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 2 of 4 (drawing number CVG/979/E3001 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 3 of 4 (drawing number CVG/979/E3002 Rev. P1);
- Block A1 Ground Floor Electrical Lighting Layout Sheet 4 of 4 (drawing number CVG/979/E3003 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 1 of 5 (drawing number CVG/979/E3100 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 2 of 5 (drawing number CVG/979/E3101 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 3 of 5 (drawing number CVG/979/E3102 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 4 of 5 (drawing number CVG/979/E3103 Rev. P1);
- Block A2 Ground Floor Electrical Lighting Layout Sheet 5 of 5 (drawing number CVG/979/E3104 Rev. P1);
- A4 House Type 1 Electrical Services Layout (drawing number CVG/965/E6000 Rev C2);
- A4 House Type 2 Electrical Services Layout (drawing number CVG/965/E6001 Rev C3);
- A4 House Type 3 Electrical Services Layout (drawing number CVG/965/E6002 Rev C4);
- A5 House Type 1 Electrical Services Layout (drawing number CVG/965/E6003 Rev C3);
- Proposed feature lighting / soft landscape proposals (drawing number HILL23073-11D Sheet 1);
- External lighting illumination plan (drawing number 21-0234-1A);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13002-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-CA-13003-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-DR-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-RA-13001-S3-P01);
- Outdoor Lighting Report by DFL (document reference: 1984-DFL-HLG-XX-RP-13001-S3-P01);
- Luminaire Schedule by Colne Valley Group.

- REASON:-** In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety. In addition, to ensure the development does not have a detrimental impact on foraging bats.
- 7 No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).
- 8 No development, including site clearance, shall commence until the trees as specified on drawing numbers 9575 TPP 02 Rev A (1/3) A; 9575 TPP 02 Rev A (2/3) A; 9575 TPP 02 Rev A (3/3) A (Aboricultural Impact Assessment, prepared by Aspect Arboriculture, Report reference 9575_AIA.001 dated October 2018) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Aboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on the aforementioned drawings shall be undertaken in accordance with the details specified in the Aboricultural Impact Assessment.
REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
- 9 Within the areas to be fenced off in accordance with condition 8, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.
REASON:- To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.
- 10 Prior to the first occupation of each dwelling hereby permitted the bird (Manthorpe Swift Brick) as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.
REASON:- To increase roosting opportunities for birds and to compensate for lost opportunities for nesting birds.
- 11 Prior to the first occupation of each dwelling hereby permitted any bat (Schwegler 1FR Bat Tube) boxes associated with that dwelling detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be installed as high as possible under the roofline in accordance with the approved scheme and retained thereafter.
REASON:- To increase roosting opportunities for bats.
- 12 Prior to the first occupation of the dwellinghouses hereby permitted, the parking areas as shown on drawing number 16059.01.wd2.01 B shall be surfaced (in either a porous material or provision shall be made for surface water drainage to be contained within the site) and marked out accordingly and shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.
REASON:- To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents.
- 13 The Construction Management Plan/Method Statement as detailed in application reference 20/00736/FPM submitted 02 December 2020 shall be carried out in accordance with the approved details, or any such scheme that is submitted to and approved in writing by the Local Planning Authority, which cover the following requirements:-
- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
 - (ii) Hours or operations including times of deliveries and removal of waste;

- (iii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (v) Details of the provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding;
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site tracks and the adjacent public highway; and
- (xii) Disposal of surplus materials.

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

- 14 The development hereby permitted shall not be occupied until the proposed accesses have been constructed as identified on drawing number 16059.01.wd2.01 B the existing accesses have been closed and the existing footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

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

- 15 The Site Waste Management Plan (SWMP) which details how waste materials as a result of the proposed demolition and/or construction methods shall be disposed of, and detail the level of soil to be imported to the site as submitted with application reference 20/00736/FPM dated 02 December 2020 shall be strictly adhered too during the course of construction of the development hereby permitted, or any such scheme that is submitted to and approved in writing by the Local Planning Authority.

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

- 16 Prior to the first occupation of each dwelling hereby permitted the approved secure cycle parking areas and public cycle parking for the relevant dwelling shall be constructed in accordance with the details approved under Condition 1 and shall be permanently retained in that form thereafter.

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

- 17 Prior to the first occupation of each dwelling hereby permitted the approved refuse and recycle stores for the relevant dwelling shall be constructed in accordance with the details approved under condition 1 and shall be permanently retained in the form.

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

- 18 The design of windows and ventilators to each dwelling shall achieve an acoustic performance which shall ensure that, when windows are closed, the following noise levels are not exceeded:
- (i) An average of 35 decibels (dB) (LAeq) during the daytime (07:00 - 23:00) within bedrooms and living rooms
 - (ii) An average of 40 dB (LAeq) during the daytime (07:00 - 23:00) within dining rooms
 - (iii) An average of 30 dB (LAeq) during the night (23:00 - 07:00) within bedrooms
 - (iv) A maximum of 45 dB (LAmax,F) on more than ten occasions during any typical night (23:00 - 07:00) within bedrooms.

And prior to first occupation of the development hereby permitted, the noise mitigation measures detailed in discharge of condition application 21/00047/COND being implemented as detailed in the following documentation:

- Noise Assessment with detailed mitigation prepared by Cass Allen (Report reference: RP02-17645-R0 dated December 2020);
- Glazing specifications with associated technical notes;
- Acoustic Facade specifications;
- Balcony door specifications;
- BRE Laboratory measurement of sound insulation.

REASON:- To ensure that residents of the development do not suffer undue noise disturbance from traffic on the adjoining highway as well as noise generated from the nearby East Coast railway line.

- 19 Prior to first occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the Electric Vehicle Charging Points shall be installed in accordance with the approved drawing number 19063.WD3.L.01 rev 1 which accompanied discharge of condition application 21/01274/COND and thereafter permanently retained.
- REASON:-** In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.

- 20 The development permitted by this planning permission shall be carried out in accordance with the approved submitted Surface Water drainage Strategy Rev. final v2.0, dated November 2018, prepared by JBA, and the following mitigation measures detailed within the FRA:

1. Implementing an appropriate drainage strategy based on infiltration, using appropriate SuDS measures as shown on drawing No. 2017s6007-001 Rev.P01, No.2017s6007-002 Rev. P01 and No.2017s6007-003 Rev.P01.
2. Providing attenuation to ensure no increase in surface water run off volumes for all rainfall events up to and including the 1 in 100 year + 40% to climate change.

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

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

- 21 The detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles as submitted and approved by Hertfordshire County Council as Lead Local Flood Authority under discharge of condition application 20/00707/COND which demonstrated the surface water run off generated up to and including 1 in 100 year + climate change critical storm will not exceed the runoff from the existing site following the corresponding rainfall event. The approved scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- REASON:-** To prevent the increased risk of flooding, both on and off site.

- 22 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 also include:
1. Final confirmation of management and maintenance requirements
 2. Provision of complete set of as built drawings for both site drainage
- REASON:-** To reduce the risk of flooding to the proposed development and future occupants.
- 23 Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.
- REASON:-** To prevent the increase risk of flooding, both on and off site.
- 24 The remediation measures as detailed in Phase 2 Geo-environmental Assessment (Prepared by MLM Group, document reference:- 724476-MLM-ZZ-XX-RP-J-0001, dated August 2020) and remediation strategy and verification report (Prepared by MLM Group, document reference 724476-MLM-ZZ-XX-RP-J-0002, dated September 2020) to remediate the contaminants which have been identified shall be implemented in order to render the site suitable for the development hereby permitted. The site shall be remediated in accordance with the approved measures before the properties are occupied.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 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.
- 25 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.
- REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 26 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.
- 27 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.

- 28 Prior to the first occupation of the ground floor retail units as detailed on the approved drawings, a scheme for the installation of equipment to control the emission of fumes and smell from these premises and/or for the installation of any external plant and equipment such as air conditioning units and refrigeration units shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of these units. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

REASON:- To protect the amenities of the occupiers of adjoining properties and the development.

- 29 Prior to first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, the boundary treatment shall be constructed in accordance with the approved details set out in discharge of condition application 21/01275/COND which are as follows:

Detailed Drawing Reference Numbers:

- Proposed Site Plan (drawing number:- 19063.WD3.L.01 P);
- Proposed Site Plan (West) (drawing number:- 19063.WD3.L.02 J);
- Proposed Site Plan (East) (drawing number:- 19063.WD3.L.03 O).

The boundary treatment would comprise as follows:

- 1800mm close board timber fence;
- 1800mm close board timber fence with 300mm trellis;
- 2100mm brick wall - buff to match adjacent building;
- 2100mm brick wall - blue to match adjacent building;
- Brick retaining wall with 1500mm metal polyester powder coated (PPC) railings (total 1800mm above ground);
- 1200mm PPC railings;
- Brick retaining wall with 1100mm metal PPC railings above;
- 450mm knee high rail fence;
- 1800mm close board timber fence gate.

Thereafter, the hereby approved boundary treatment(s) shall be permanently retained and maintained accordingly.

REASON:- To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

INFORMATIVE

Environmental Health

The ventilation system for each dwelling shall incorporate continuous mechanical supply and extract with heat recovery conforming to the current edition of Approved Document F to the Building Regulations and designed so as to ensure that the ventilation system itself does not produce unacceptable levels of noise within each dwelling.

Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning

02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

In the car parking areas, it is recommended that a petrol/oil interceptor be fitted to ensure that local watercourses are not polluted from potential oil polluted discharges.

Hertfordshire Constabulary Crime Prevention Design Advisor.

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

Hertfordshire County Council as Highways Authority.

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

Prior to commencement of the development the applicant shall contact Network Management North at NM.North@hertfordshire.gov.uk or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

Hertfordshire County Council as Lead Local Flood Authority

The applicant has not carried out ground contamination investigation for this site. Contamination on site can condition the suitability of the entire drainage strategy which is based in infiltration. We therefore recommend the LPA to contact the Environment Agency in respect to this.

The LPA will need to satisfy itself that the proposed SuDS features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant

Pro-active Statement

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted October 2023.
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.