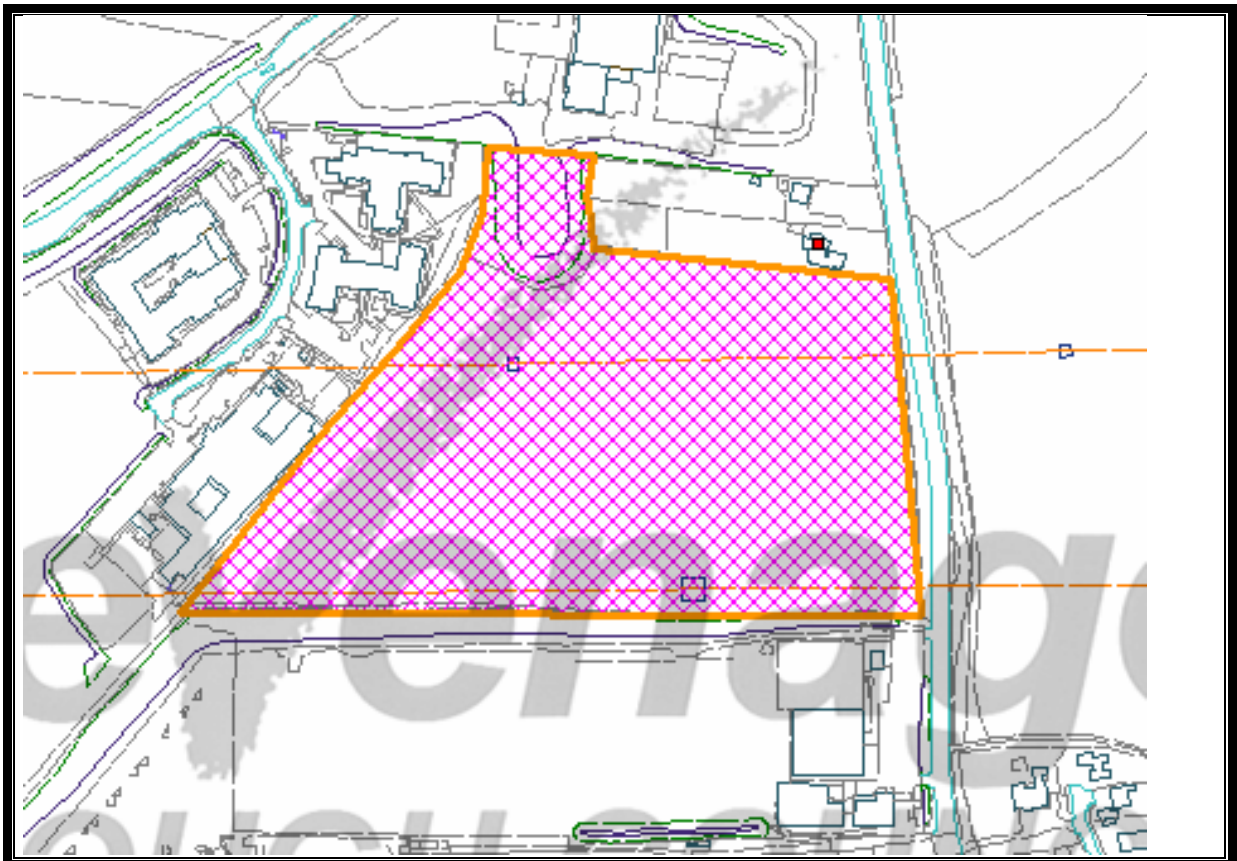


Meeting:	Planning and Development Committee	Agenda Item:
Date:	3 October 2023	
Author:	Ailsa Davis	07702 874529
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	07702 874529

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



1. SITE DESCRIPTION

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

2. RELEVANT PLANNING HISTORY

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

3. THE CURRENT APPLICATION

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

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

Amendments to Condition 1 (Approved Plans)

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

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

Amendments to Condition 3 (Construction Management Plan)

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

Amendments to Condition 5 (Drainage)

- 3.6 The current wording of the condition reads:

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

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

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

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

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

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

Amendments to Condition 6 (Drainage Management and Maintenance)

3.8 The current wording of the condition reads:

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

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

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

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

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

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

Amendments to Condition 7 (Travel Plan)

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

Amendments to Condition 8 (Hydrants)

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

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

- 3.12 The following amendment to the wording is proposed:

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

Amendments to Condition 9 (Acoustic Fence)

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

- 3.14 The condition currently reads:

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

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

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

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

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

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

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

Amendments to Condition 12 (Materials)

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

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

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

- 3.18 The proposed new wording is:

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

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

Amendments to Condition 14 (External Lighting)

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

Amendments to Condition 15 (Access)

- 3.20 The current wording of the condition reads:

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

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

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

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

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

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

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

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

Amendments to Condition 16 (Service yards and Car Parking)

- 3.23 The condition currently reads as:

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

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

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

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

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

Amendments to Condition 17 (Bin Storage)

- 3.25 The condition as currently written states:

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

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

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

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

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

Amendments to Condition 18 (Electric Vehicle Charging)

- 3.27 The condition as currently written states:

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

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

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

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

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

Amendments to Condition 20 (Landscape Drawings)

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

Amendments to Condition 22 (Hard Surfacing)

- 3.30 The condition as currently written states:

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

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

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

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

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

Amendments to Conditions 27 and 28 (Unexpected Contamination)

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

4. PUBLIC REPRESENTATIONS

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

5. CONSULTATIONS

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

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

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

5.2 SBC Environmental Health

Condition 3 Construction Management Plan

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

Condition 9 Acoustic Fence

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

Condition 14 External Lighting

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

Conditions 27 and 28 Unexpected Contamination

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

5.3 North Herts District Council

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

5.4 Thames Water

- 5.4.1 Do not wish to comment.

5.5 SBC Planning Policy

5.5.1 No comment.

5.6 Crime Prevention

5.6.1 No comment.

5.7 National Grid

5.7.1 No comment.

5.8 UK Power Networks

5.8.1 No comment.

5.9 Affinity Water

5.9.1 No comment.

5.10 SBC Drainage Consultant

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

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

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

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

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

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

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

6. RELEVANT PLANNING POLICIES

6.1 Background to the development plan

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

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

6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in September 2023. This largely made minor corrections to the earlier July 2021 version and revised policy with respect to onshore windfarms. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

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

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

Policy SP1: Presumption in Favour of Sustainable Development;
 Policy SP2: Sustainable Development in Stevenage;
 Policy SP3: A Strong, Competitive Economy;
 Policy SP5: Infrastructure;
 Policy SP6: Sustainable Transport;
 Policy SP8: Good Design;
 Policy SP11: Climate Change, Flooding and Pollution;
 Policy SP12: Green Infrastructure and the natural environment
 Policy EC1: Allocated Sites for Employment Development;
 Policy IT1: Strategic Development Access Points;
 Policy IT4: Transport Assessments and Travel Plans;
 Policy IT5: Parking and Access;
 Policy IT6: Sustainable Transport;
 Policy IT7: New and Improved Links for Pedestrians and Cyclists;
 Policy GD1: High Quality Design;

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

6.5 Supplementary Planning Documents

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

6.6 Community Infrastructure Levy (CIL)

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

7. APPRAISAL

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

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

7.2 Land Use Policy Considerations

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

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

7.2.3 Policy EC1/4 states that the total floorspace should meet or exceed the target floorspace provision. The development has a Gross External Floorspace (GEA) of 19,125 sq.m and a Gross Internal Floorspace (GIA) of 18,534 sq.m. This is 1,466 sq.m below the threshold stated in the policy. Paragraph 6.4 of the Local Plan states that the site should provide a range of non-office employment uses and should be brought forward early in the plan period. It also recognises the need to have regard to the constraints on site.

7.2.4 The proposal received planning permission in March 2022 and therefore the principle of the development of the site for employment use has already been established and does not need to be reassessed under this s73 application. The proposed amendments to the original planning permission do not raise any land use policy considerations and therefore the proposal continues to be considered acceptable in this regard.

7.3 CIL and S106

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

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

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

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

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

Policy background

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

7.4.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:

- will function well and add to the overall quality of an area;

- is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
- is sympathetic to local character and history;
- establishes or maintains a strong sense of place;
- optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

7.4.4 Paragraph 132 of the NPPF states that applicants “should work closely with those affected by their proposals to evolve designs that take into account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot”.

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

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

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

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

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

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

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built form – a coherent pattern of built form;

- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient;
- Lifespan – made to last.

7.4.9 The proposed layout now includes a run of acoustic fence in the south west corner along the western boundary with a 1m gap at the base to allow flood water out, which achieves the required 3m easement to Ash Brook and a new run of fence 1.2m high along the spine road in the south western corner to address the gap at the base from an acoustic perspective. Visually, the fence would be visible when driving northbound along North Road given the openness of the proposed site access. Landscaping is proposed within the land immediately south of this fence, including climbing plants to soften the visual impact of the fence. The visual impact of the fence in close proximity to North Road is considered to be outweighed by the overall appearance of the development in this setting, and also by the strategic need for the development to come forward on this constrained site.

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

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

7.5 Impact on the Amenity of Neighbouring Properties

Noise

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

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

Outlook

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

Construction

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

Light Nuisance

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

7.6 Impact on the Highway Network and Access

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

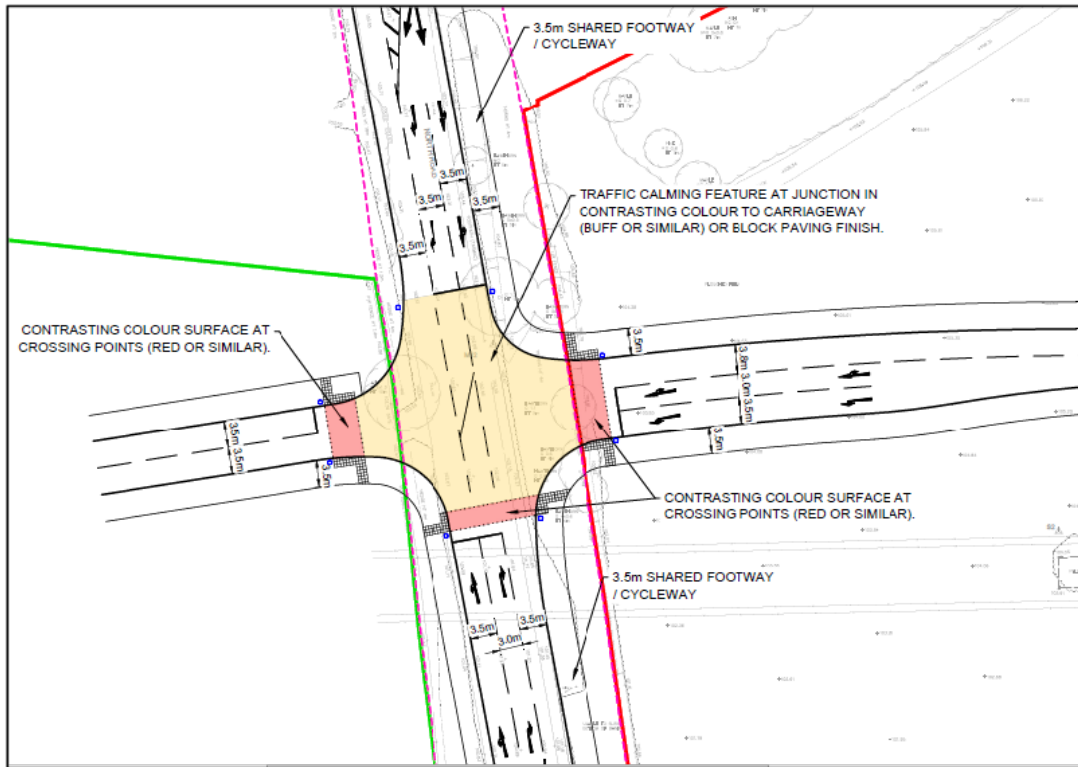


Figure 1 Miller/Bellway S278 signalised junction

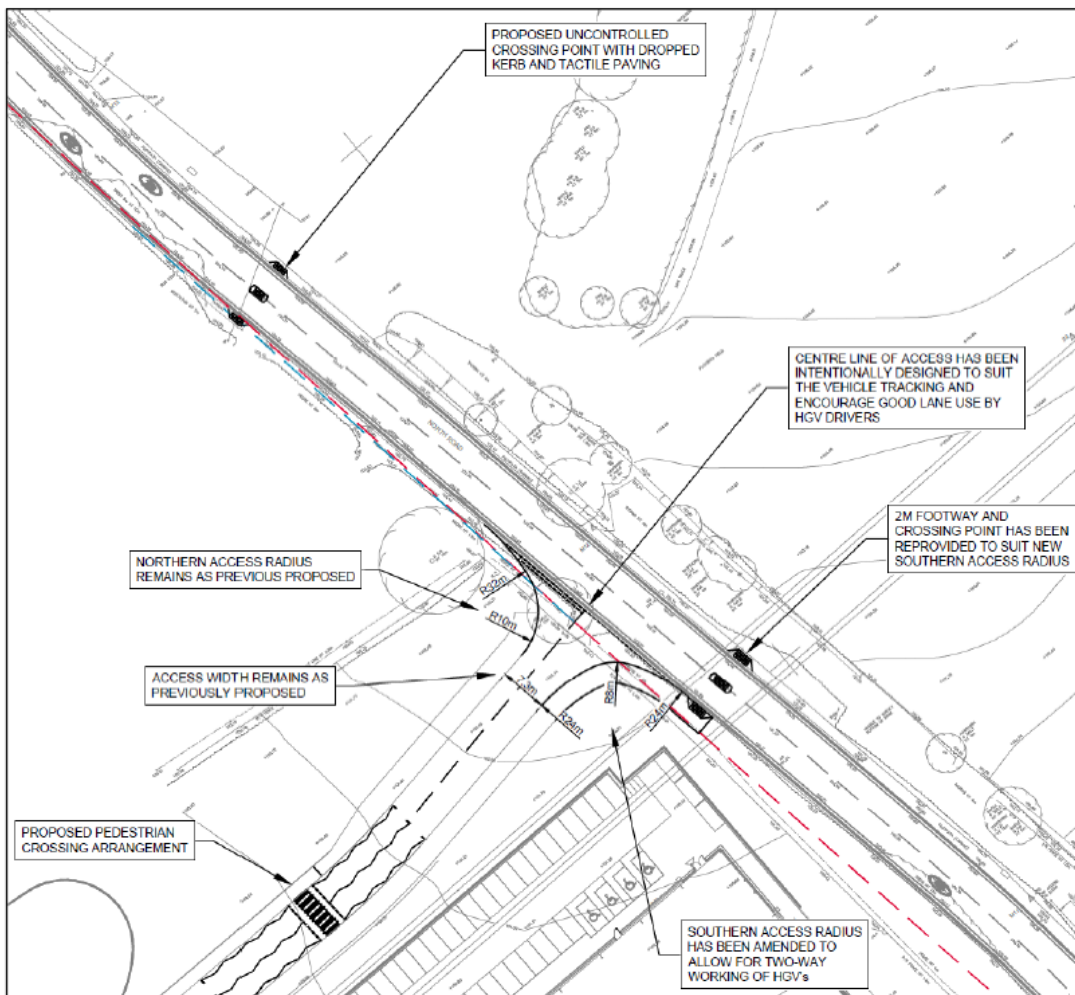


Figure 2 Proposed temporary priority junction to serve application site

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

7.7 Parking

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

7.8 Drainage

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

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

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

7.9 Landscaping and Biodiversity

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

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

7.10 Trees

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

7.11 Sustainability and Climate Change

7.11.1 The original application was supported by an Energy Strategy and found to be in accordance with Local Plan Policies FP1 and SP11, which encourage new development to include measures such as improving energy performance of buildings, reducing energy consumption through efficiency measures, and using or producing renewable or low carbon energy from a local source.

7.11.2 The proposed amendments sought under this s73 application do not impact on the sustainability measures incorporated into the development as agreed and secured under the original planning permission, therefore the amendments are considered acceptable in this regard. The relevant condition to ensure compliance with the approved Energy Strategy will be carried forward into this application, should planning permission be granted.

7.12 Contaminated Land

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

7.13 Air Quality

7.13.1 The original planning application was supported by an Air Quality Assessment and cumulative impact assessment to assess the effects of both construction and operation of the proposed development on the application site and surrounding area. The Air Quality Assessment was assessed by the Council's Environmental Health team who were satisfied with the approach taken on air quality and considered that while the development would inevitably have an effect on surrounding air quality, this would be minimal and commensurate with its size and nature.

7.13.2 The proposed amendments sought under this s73 application would not impact on the air quality to a greater extent than originally assessed, therefore the amendments are considered acceptable in this regard.

7.14 Human Rights and Equalities

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

- 7.14.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers
- 7.14.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.14.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal actively provides disabled parking positioned in the main car parks of each unit, in addition, buildings will have level access for wheel chair users as well as internal lifts, etc.

8. CONCLUSIONS

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

9. RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 17 Prior to the first occupation of each unit hereby permitted the passive infrastructure and active Electric Vehicle Charging Points (EVCP) shall be installed and ready for use, in accordance with the approved plan Drawing Number 4594-CA-00-00-DR-A-00061_PL6 and thereafter retained for the sole use of electric car charging for the development hereby permitted.
REASON:- To ensure adequate EVCP provision is available at all times to promote sustainable modes of transport in support of the approved Travel Plan.
- 18 The development hereby approved shall be constructed in accordance with the measures to address adaptation to climate change as laid out in the Design and Access Statement to include the following:
 Passive design measures –
 a) Efficient building envelope with enhanced U-values;
 b) Enhanced air permeability to reduce heating demand;
 c) Glazed facades to provide natural daylighting and reduce reliance on artificial lighting;
 d) Balanced g-value for translucent elements to ensure optimised internal conditions.
 Active design measures –
 e) High efficiency mechanical ventilation heat recovery (MVHR) systems to serve office areas;
 f) High efficiency LED lighting;
 g) Passive infrared (PIR) presence detection and daylight dimming control for lighting;
 h) Solar Voltaic Roof Panels
 These measures shall then be permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 19 The development shall be carried out in accordance with the scheme of soft and hard landscaping, including all hard surfacing, rain garden features, retained, felled and new trees and shrubs as detailed on Drawing numbers:
 M1548-BWM-ZA-01-DR-L-100020-REV K, M1548-BWM-ZA-01-DR-L-100021-REV K,
 M1548-BWM-ZA-01-DR-L-100022-REV K, M1548-BWM-ZA-01-DR-L-100023-REV K,
 M1548-BWM-ZA-01-DR-L-100024-REV K.
REASON:- To ensure a satisfactory appearance for the development.
- 20 All planting, seeding and turfing comprised in the approved landscaping details as specified in condition 19 of this approval shall be carried out in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the completion of the approved development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
- 21 All hard surfacing for each unit comprised in the approved landscaping details as specified in condition 19 of this approval shall be carried out prior to the first occupation of each unit hereby permitted. All hard landscaping across the Site as shown in the approved landscaping details in condition 19 shall be fully complete prior to the first occupation of the final unit.
REASON:- To ensure a satisfactory appearance for the development.
- 22 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
- 23 No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.

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

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

REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

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

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

- 26 In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND) must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27 which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 27.

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

- 27 In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 28 In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the original submission (21/00529/FPM) and the condition discharge application (22/00380/COND), as required under condition 26 the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 29 Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 (as amended), and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking or re-enacting these Orders) this permission shall only permit the use of the premises as Class E(g)(iii), B2 and B8 and for no other uses or purposes whatsoever, including any uses or purposes within the same use Class.
REASON:- To enable the Local Planning Authority to fully consider the effects of any development normally permitted by these Orders to safeguard the provision of employment uses as required under Policy EC1/4 of the Local plan and to safeguard the amenities of the locality.

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

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

INFORMATIVE

1 Community Infrastructure Levy

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

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

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

- 2 Hertfordshire County Council as Highways Authority**
The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.
- 3 Hertfordshire County Council as Highways Authority**
Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 4 Hertfordshire County Council as Highways Authority**
Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 5 Hertfordshire County Council as Highways Authority**
Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 6 Hertfordshire County Council as Highways Authority**
Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

10. BACKGROUND DOCUMENTS

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

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