

Public Document Pack



PLANNING AND DEVELOPMENT COMMITTEE

Date: Wednesday, 4 November 2020

Time: 6.30pm,

Location: Virtual (via Zoom)

Contact: Lisa Jerome 01438 242203

committees@stevenage.gov.uk

Members: Councillors: S Speller (Chair), M McKay (Vice-Chair), D Bainbridge, S Barr, L Chester, M Downing, ME Gardner, J Hanafin, L Kelly, G Lawrence, J Lloyd, G Snell and T Wren

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 7 OCTOBER 2020

To approve as a correct record the Minutes of the previous meeting held on 7 October 2020.

Pages 5 – 12

3. FORMER BHS STORE, 7 THE FORUM, STEVENAGE

To consider the partial demolition and redevelopment of existing former BHS store to create 11 storey building comprising of 1no ground floor commercial unit, 129no. 1 bed, 120no. 2 bed and 1no. studio apartments with associated infrastructure including amenity space, car parking, bicycle storage, refuse storage and plant rooms.

Pages 13 – 48

4. FORMER CHELLS PLAY AREA, ELIOT ROAD, STEVENAGE

To consider the construction of 13no. semi-detached and terraced dwellings along with associated parking, landscaping and earthworks.

Pages 49 – 66

5. THE IET, MICHAEL FARADAY HOUSE, SIX HILLS WAY, STEVENAGE

To consider the variation of conditions 1 (Approved Plans), 6 (Drainage Strategy) and 12 (Cycle Storage) attached to planning permission reference 18/00328/FPM.

Pages 67 – 76

6. THE ABBINGTON HOTEL, 23 HITCHIN ROAD AND 28 ESSEX ROAD, STEVENAGE

To consider the change of use of the Abbington Hotel from Hotel (Use Class C1) to 23 Hitchin Road for use as a Rehabilitation Centre (Use Class C2) and 28 Essex Road for use as residential accommodation comprised of 2 x 1 bed flats (Use Class C3).

Pages 77 – 94

7. SYMONDS GREEN NEIGHBOURHOOD CENTRE, FILEY CLOSE, STEVENAGE

To consider the variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM.

Pages 95 – 110

8. DEVELOPER CONTRIBUTIONS - SUPPLEMENTARY PLANNING DOCUMENT

To consider the consultation draft of the Developer Contributions Supplementary Planning Document.

Pages 111 – 134

9. THE IMPACT OF DEVELOPMENT ON BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

To consider the Supplementary Planning Document on the Impact of Development on Biodiversity.

Pages 135 – 198

10. INFORMATION REPORT - DELEGATED DECISIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 199 – 216

11. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on decisions taken by the Assistant Director Planning and Regulatory in accordance with his delegated authority.

Pages 217 – 222

12. URGENT PART I BUSINESS

To consider any Part I Business accepted by the Chair as urgent.

13. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

1. Under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in paragraphs 1-7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

14. URGENT PART II BUSINESS

To consider any Part II Business accepted by the Chair as urgent.

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Wednesday, 7 October 2020

Time: 6.30pm

Place: Virtual (via Zoom)

Present: Councillors: Simon Speller (Chair) (Chair), Maureen McKay (Vice-Chair) (Vice Chair), Doug Bainbridge, Sandra Barr, Laurie Chester, Michael Downing, Michelle Gardner, Jody Hanafin, Lizzy Kelly, Graham Lawrence, John Lloyd, Graham Snell and Tom Wren

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

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

There were no apologies for absence and no declarations of interest.

2 **MINUTES - 11 AUGUST 2020**

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 11 August 2020 be approved as a correct record and signed by the Chair.

3 **20/00405/FPM - UNIT 11 THE FORUM**

The Committee considered an application for the Change of Use from 'Retail' (Use Class A1) to Wholesale Market (Sui Generis).

The application was before the Committee for determination as it was a Major application.

The Senior Planning Officer gave an introduction to the Committee. She advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms, impact on neighbouring amenities, parking provision and highway implications.

It was noted that although the site was not part of the Town Centre primary frontage, it was designated as falling within the Town Centre. The application property had also been vacant for 16 months despite marketing which had also been a material consideration in the appraisal of the application. The application would bring a large vacant unit back into use, encourage footfall to the site and the Town Centre and would create 15 new jobs.

In relation to the impact upon Neighbouring Amenity, there were no residential dwellings in close proximity to the site at present, this combined with the fact that the

proposed use of the premises as a wholesale market with a focus on customer deliveries, rather than collections meant the use was unlikely to raise any amenity issues with the current neighbouring retail occupiers or any future residential properties within the vicinity of the site.

In terms of parking, officers advised that the existing customer car park provided 65 designated spaces which were sufficient for the unit given that the business model was more focussed towards deliveries than customer collection. In response to a question regarding employees, a number of spaces would be available for them to park and there was also an opportunity for employees to cycle to work as secure cycle parking would be provided.

Officers reported comments from Herts County Council as Highway Authority in relation to vehicle access, highway safety and highway impact. The County Council advised that there would be no new or altered vehicle access proposed to the existing vehicle accesses to or from the public highway to the property; the vehicle to vehicle inter-visibility was acceptable and that the traffic generated by the new development would not have a significant impact on the town centre or adjacent public highway.

Members expressed concern regarding the pedestrian access into the building which could cause an issue with safety as there was no clear signage or lighting in the area. Officers advised that there were no changes to the current pedestrian access into the building proposed but as the business model focussed on delivery rather than collection and there would be limited pedestrians entering the building, this was not felt to be a major issue.

In response to concerns expressed by Members regarding the waste and recycling arrangements, officers agreed to add an additional condition to ensure the waste and recycling arrangements were adequate.

That planning permission be **GRANTED** subject to the following conditions:-

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

Site Location Plan; P01; P02; P03
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The building works required to implement this permission shall be carried out only between the following times:

0730 to 1800 Mondays to Fridays
0830 to 1300 Saturdays
And not at all on Sundays and Bank Holidays.

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

4. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 06:00; and 17:00; Mondays to Saturdays and 10:00; to 16:00; on Sundays, Public or Bank Holidays.
5. Stock replenishment deliveries shall not take place other than between the hours of 07:00; hours and 17:00; hours Mondays to Saturdays nor at any time on Sundays, Public or Bank Holidays.
6. Prior to the first occupation of the development hereby permitted, details of secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The secure cycle parking facility shall thereafter be implemented in accordance with the approved details.
7. Prior to first occupation of the development hereby permitted, the details of the siting, type and specification (minimum fast charging) of the EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.
8. Prior to the first use of the development hereby permitted a general waste and recycling waste management strategy shall be submitted to and approved in writing by the local planning authority. The general waste and recycling waste management strategy shall thereafter be carried out in accordance with the approved details.

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.

4 **19/00647/FPM - FORMER BHS STORE, 7 THE FORUM**

The Committee considered an application for the partial demolition and redevelopment of existing former BHS store to create 11 storey building comprising of 1no ground floor commercial unit, 129no. 1 bed, 120no. 2 bed and 1no. studio apartments with associated infrastructure including amenity space, car parking, bicycle storage, refuse storage and plant rooms.

The application was before the Committee for determination as it was classed as a major development.

The Principal Planning Officer gave an introduction to the Committee. She advised that the main issues for consideration were the acceptability in land use policy terms, affordable housing and S106, design and layout, impact on the character and visual amenity of the area, impact on neighbour amenity, impact on amenity of occupiers, highways implications, parking provision, and other matters including waste, drainage and climate change.

In relation to land use, the land was considered to be previously developed and an underused site. Furthermore, the proposal did not see the loss of public amenity space, and was in a good sustainable location being in close proximity to the bus station, proposed new bus interchange, train station and cycle network.

The Committee was informed that although for major developments involving the provision for housing, planning decisions should expect at least 10% of the homes to be made available for affordable home ownership, this application did not propose to provide any affordable housing. This was supported by the submission of a Viability Report. The Viability Report stated that the scheme would be 'borderline unviable' as a fully private development. Officers advised that the payment of the CIL requirement had been considered as part of the viability and as a result the LPA negotiated that the £2.6 million surplus be used to cover the Town Centre Primary School requirement, Travel Plan monitoring cost, and then a financial contribution for affordable housing (AH) to the remaining value of the surplus monies. This would equate to approximately 34 units of affordable housing.

In relation to the design and layout of the scheme, Members were advised that a condition would be imposed seeking full details / samples of the proposed materials to ensure they were compatible with the requirements of Building Regulations, in particular in respect of fire resistance.

In terms of the impact on the character and appearance of the area, Officers advised that the provision of high rise development in this area was acceptable in principle. The design and scale was considered acceptable in comparison to the current and neighbouring concrete buildings, and new developments on Queensway and at Park

Place' its addition in to the landscape would not harm the character and appearance of the area.

It was noted that the Local Highways Authority had undertaken extensive negotiations with the applicant and their consultants to reach an acceptable proposal in terms of access arrangements, deliveries, turning points and parking provision, including cycles. No changes were proposed to the vehicular access from Fairlands Way, which was provided via a ramp and shared with nearby uses. There was also a private service yard/road that would be used to service the building.

The proposal included 15no. car parking spaces, 6no. motorcycle parking spaces, 2no. delivery vehicle bays and 274 cycle spaces, and 6 larger non-standard cycle spaces. On balance therefore, officers considered the proposed parking provision was acceptable in this case. A condition relating to Electric Vehicle charging points would be included. Objections had been raised about the lack of parking and the impact on neighbouring roads, however, given the sustainable location of the site and access to non-car modes of transport being more readily available and that the application had been supported by a Travel Plan which has been assessed and agreed with Herts County Council Highways it was considered to be acceptable.

Members raised a number of concerns including:

- disappointment with the lack of response from NHS England and the East and North Herts NHS CCG to the application;
- the uncertainty regarding the contribution towards affordable housing from the development;
- concern regarding the application in relation to compliance with fire regulations, in particular appliances being able to reach the balconies which were recessed;
- whether there was potential for a contribution towards local sporting facilities such as an improvement to King George V Playing fields and pavilion;
- the disappointing design of the building.

Following further consideration of the application, it was **RESOLVED** that determination of the application be deferred for the following reasons:

1. Further discussions with the applicant regarding the aesthetics of the proposed development which is a key site in the Town Centre;
2. Further consideration regarding the use of the CIL for sport and leisure provision in the area;
3. Clearer proposals about affordable and social housing;
4. Clear ideas about the provision of community health services;
5. Concerns regarding the ability for fire engines to reach the upper floors of the buildings with the recessed Juliette balconies.

5 LOCAL DEVELOPMENT SCHEME

The Committee was presented with the revised Local Development Scheme (LDS) which had been agreed by the Executive at its meeting on 16 September 2020.

The Committee was advised that the Council had a statutory duty to maintain an up to date LDS, which outlined the production of Development Plan Documents.

In response to a suggestion from Members, officers agreed to consider the layout of the timetable prior to its publication.

It was **RESOLVED** that the revised Local Development Scheme (LDS) be noted.

6 **FINAL PARKING PROVISION SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Committee was presented with the draft Parking Provision and Sustainable Transport Supplementary Planning Document (SPD) which had been approved at the Executive on 16 September 2020. The Executive had instructed that the Planning and Development Committee should be consulted prior to publication of the final SPD document.

The following issues were raised during the debate:

- The Assistant Director (Planning and Regulation) explained that the reason for a reduced car parking requirement in the four accessibility zones was on sustainability grounds, due to the proximity of these zones to facilities and amenities, such as the Stevenage Railway Station;
- In relation to electric vehicle spaces, it would be down to the management company for each individual development to police and monitor the use of these spaces;
- Officers advised they were working closely with the County Council on the delivery of a number of transport projects;
- Officers confirmed that the figures for the number of spaces for new developments was based on census data for new residential developments and a combination of county wide data in the Local Transport Plan for non-residential developments.

It was **RESOLVED** that the Parking Provision and Sustainable Transport Supplementary Planning Document (SPD) be noted

7 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

9 **URGENT PART I BUSINESS**

The Chair reminded Members that there would be a briefing on the current Government consultation - 'Planning for the future' reforms of the planning system to streamline and modernise the planning process where there would be the

opportunity for questions and answers on Monday 19th October at 7:30pm.

Members also requested officers to investigate the poor sound quality of the speakers and microphone used at the meeting which had caused difficulties for some members to hear the presentation by officers.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

11 **URGENT PART II BUSINESS**

None.

CHAIR

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Meeting: Planning and Development Agenda Item:
Committee

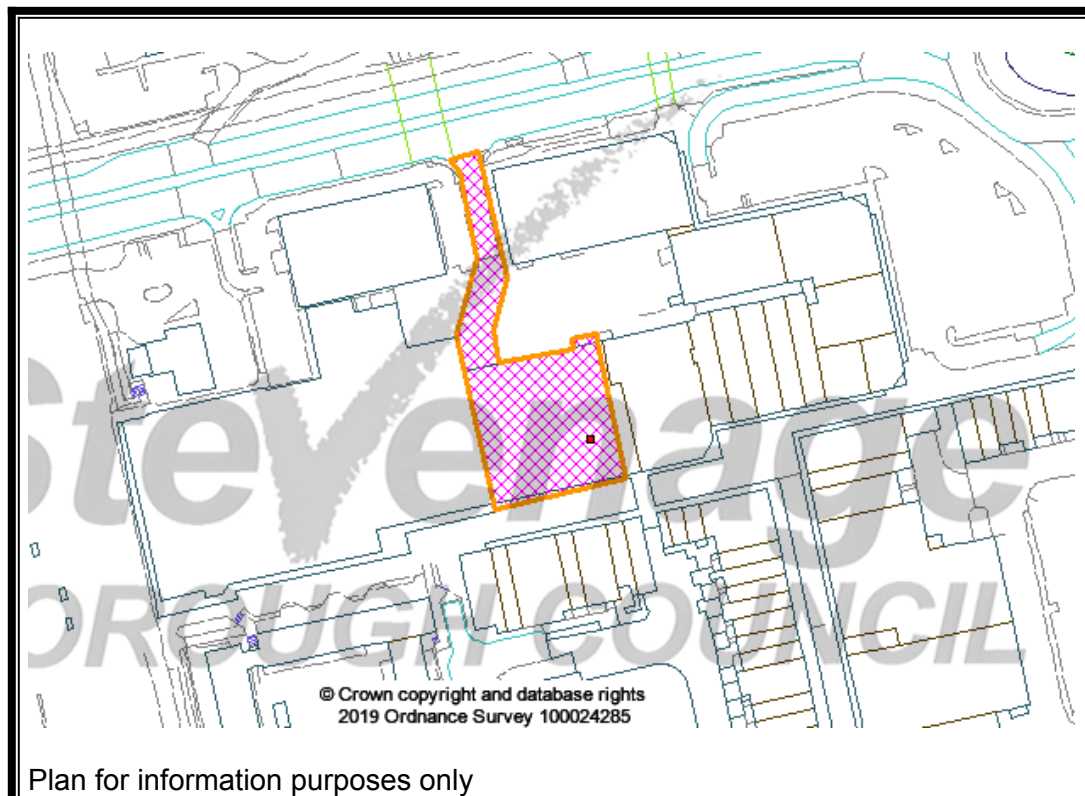
Date: 4 November 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	19/00647/FPM
Location:	Former BHS Store, 7 The Forum, Stevenage
Proposal:	Partial demolition and redevelopment of existing former BHS store to create 11 storey building comprising of 1no ground floor commercial unit, 129no. 1 bed, 120no. 2 bed and 1no. studio apartments with associated infrastructure including amenity space, car parking, bicycle storage, refuse storage and plant rooms.
Drawing Nos.:	2773 100 Rev M; 2773 500 Rev L; 2773 600 Rev N; 2773 601 Rev N; 2773 602 Rev N; 2773 603 Rev N; 2773 604 Rev N; 2773 700 Rev N; 2773 701 Rev N; 2773 702 Rev N; 2773 703 Rev N; 2773 704 Rev N; 2773 705 Rev N; 2773 800 Rev N; TFR 01; 19030.ATR.02
Applicant:	Glide Investments Ltd
Date Valid:	12 November 2019
Recommendation:	GRANT PLANNING PERMISSION



1. DEFFERAL ADDENDUM

- 1.1 Further to the Planning and Development Committee meeting of 7 October 2020, the below report follows members decision to defer the proposed re-development of the former BHS store site for the presentation of further material and information pertaining to the proposal.
- 1.2 The additional information sought includes –
- Design / aesthetics;
 - Affinity Water comments;
 - NHS consultation;
 - Affordable housing;
 - Climate change;
 - Fire regulations and safety; and
 - External Service yard access.
- 1.3 A copy of the original committee report for the 7th October 2020 Planning and Development Committee meeting has been attached as an Appendix.

2. DESIGN / AESTHETICS

- 2.1 The design has been amended largely in respect of the lack of colour being proposed. Design is a subjective matter and the applicant's believe the proposed scheme is of a high quality of design. When last presented the elevations included pale grey composite panels in each of the two storey recessed bays which are a main feature of the elevations. To introduce more colour these have been replaced with bronze panels to match the upper floor balconies.
- 2.2 The latest design now also includes the widened windows which were negotiated during the application process, within the visuals presented. More fundamental changes are not possible without significantly altering the whole building design which would ultimately have knock-on effects for viability in particular. The proposed changes are considered acceptable to make the building more interesting architecturally.

3. AFFINITY WATER COMMENTS

- 3.1 Affinity Water has been contacted following the October meeting to seek clarification on their objection and the conditions proposed by Officers. Email communication from Affinity Water has confirmed that the conditions imposed by officers are to their satisfaction and are satisfied their objection has been covered.

4. NHS CONSULTATION

- 4.1 The NHS has since provided a response following further contact by Officers in respect of requested financial contributions from the development. A sum of £719,712 has been requested to cover Mental Health costs (Stevenage Hub project), Community Healthcare costs (Stevenage Hub project) and Acute costs (Lister Hospital to increase capacity).
- 4.2 The full sum requested can be paid as part of the £2.61 million surplus identified as part of the Viability Assessment. However, the full payment of these monies will reduce the level of affordable housing provision proposed.

5. AFFORDABLE HOUSING

- 5.1 The Council's policies allow for an in-lieu contribution towards off-site affordable housing (AH) provision. This has been supported by the Council's Housing team. As such the level of AH calculated as a financial sum is reduced given the other financial contributions being sought from the scheme. As noted in paragraph 4.2 the full payment of the newly requested NHS

funds will further reduce the level of AH provision that can be provided off-site by this development.

5.2 A total sum of £2.61 million was identified through the Viability Assessment process as previously informed. This does not include the required Community Infrastructure Levy (CIL) monies which can be paid in full separately. The £2.61m surplus is to cover the Primary School contributions, Travel Plan monitoring, NHS contribution and AH provision contribution.

5.3 Based on the above, the sums presented are as follows –

Surplus -	£2,610,383 -
Primary School -	£417,683
Travel Plan -	£6,000
NHS -	£719,712
Total	£1,466,988

5.4 The remaining £1,466,988 would go towards the off-site provision of AH to be provided by the Council in accordance with the Housing team. Based on the Viability Assessment this equates to approximately a 9.2% provision or around 23 units.

6. CLIMATE CHANGE

6.1 Further details relating to measures to mitigate climate change have been provided in the committee update document from the agent. These measures include:-

- the decision to re-use the existing foundations and ground floor of the existing structure;
- SAP calculations demonstrating suitable DER / TER scores to ensure a low carbon footprint / energy use;
- 100% lighting will be low energy, generally LED, with external lighting having suitable daylight sensors or timers;
- specification of white goods, taps, toilets, baths and other water-using equipment that are water efficient;
- Blue roof water system which is a sustainable drainage method;
- The U-values of all elements of the construction will meet or better the minimum requirements of the Building Regulations Part L.

7. FIRE REGULATIONS AND SAFETY

7.1 Correspondence has been exchanged with Hertfordshire Building Control to make aware the concerns raised by members. The Building Control officer has confirmed that the proposal appears to meet those requirements of Building Regulations in respect of fire safety and that these matters will be picked up outside of the planning process.

7.2 HCC Fire Services have also confirmed that they have no concerns over the proposed plans and confirmation has been given that The Forum is a fire route for a fire tender to access frontages of buildings along this pedestrian access route. This would be accomplished by moving the planters.

7.3 It is also reiterated that the proposal would be fitted with a water sprinkler system and this would be secured through the S106 agreement.

8. EXTERNAL SERVICE YARD ACCESS

8.1 The agent has confirmed that the proposed parking spaces associated with the new apartments will be specifically allocated to individuals and actively managed so that no cars other than those permitted to park will enter the site, managing and eliminating the possibility of overspill or any other undesirable behaviour.

- 8.2 The service yard to the rear of the site and available for all units of the Forum, including Tesco will remain in private ownership, outside of the application red line ownership. This area is privately managed by the owner which includes restrictions and management preventing any unauthorised parking or use. The local highways authority has confirmed that there is space within the service yard for waste vehicles and emergency service vehicles.

9. CONCLUSIONS

- 9.1 The additional information sought and provided is considered to now provide sufficient detail to cover the areas raised by members when the application was deferred.

10 RECOMMENDATION

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

- The provision of Affordable Housing;
- Primary Education;
- NHS;
- Travel Plan Monitoring;
- Water Sprinkler System
- Parking Permit Restrictions

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

- 10.2 The proposal be subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2773 100 Rev M; 2773 500 Rev L; 2773 600 Rev N; 2773 601 Rev N; 2773 602 Rev N; 2773 603 Rev N; 2773 604 Rev N; 2773 700 Rev N; 2773 701 Rev N; 2773 702 Rev N; 2773 703 Rev N; 2773 704 Rev N; 2773 705 Rev N; 2773 800 Rev N; TFR 01; 19030.ATR.02
REASON:- For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. No development shall take place above the existing ground floor ceiling level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
4. The first floor external communal platform areas shall be completed in accordance with the landscaping details as approved on Drawing No.TFR 01 and provided for use prior to first occupation or completion of the development, whichever is the sooner.
REASON:- To ensure the development provides a high quality external amenity area for future residents.

- 5 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 the development provides a high quality external amenity area for future residents.
- 6 Prior to first occupation of the development hereby permitted, the proposed parking and turning areas as shown on Drawing No. 19030.ATR.02 Proposed Home Delivery Bays swept path analysis shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
REASON:- To ensure construction of a satisfactory development and to ensure the approved level of parking is provided.
- 7 Prior to first occupation of the development hereby permitted, the details of the siting, type and specification (minimum fast charging) of the EVCPs for every parking space, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development.
- 8 Prior to the first occupation of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking in accordance with Drawing No. 2773 600 Rev N, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.
- 9 No part of the development shall be occupied prior to the implementation of the approved Proposed Residential Led Development at Former BHS store Stevenage Travel Plan May 2020 (Revision 3). 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.
REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised.
- 10 No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:
- (i) Details of demolition and construction phasing programme;
 - (ii) Access arrangements to the site;
 - (iii) Traffic management requirements;
 - (iv) Post construction restoration / reinstatement of the working areas and temporary access to the public highway;

- (v) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road / footpath width for vehicle / pedestrian movement.
- (vi) Hours of operations including times of deliveries and removal of waste which should avoid school pick up/drop off times;
- (vii) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays only.
- (viii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (ix) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (x) Details of the provisions for temporary car parking during construction which shall be provided prior to the commencement of construction activities;
- (xi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (xii) Screening and hoarding;
- (xiii) End of day tidying procedures;
- (xiv) Construction and storage compounds (including areas designated for car parking);
- (xv) Siting and details of wheel washing facilities;
- (xvi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xvii) Control measures to manage noise and dust;
- (xviii) Disposal of surplus materials;
- (xix) Post construction restoration/reinstatement of the working areas and access to the public highway.
- (xx) Details of the access and highways works to accommodate construction traffic.
- (xxi) Details of consultation and complaint management with local businesses and neighbours.
- (xxii) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- (xxiii) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures;
- (xxiv) Details of a Site Waste Management Plan (SWMP) detailing actual waste arising and how waste is managed (i.e. re-used, recycled or sent off site for treatment or disposal) and where it is sent to. Further updated should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.

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

- 11 Prior to first occupation of the development hereby permitted, details of the means for securing motorcycles in the ground floor car park (such as rails, hoops or posts) shall be submitted to and approved in writing by the Local planning Authority.

REASON:- To ensure the provision of secure motorcycle spaces.

- 12 No part of the development hereby permitted shall be occupied until signs have been erected within the Site to advise users to not cross the service yard and advise of the alternative route around The Forum.

REASON:- To ensure safe pedestrian movement within the ground floor of the development.

- 13 No development, including site clearance or demolition works, shall take place until a scheme for protecting the proposed dwellings from noise from transport and adjacent commercial noise sources has been submitted to and approved in writing by the local planning authority. The

scheme shall follow the recommendations identified in the Syntegra Noise Impact Assessment report (Ref:19-5771 Rev.A) dated February 2020. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON:- To protect the amenity of future occupiers of the development hereby approved

- 14 Prior to any hereby permitted commercial use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development shall not exceed the typical background sound level at any sound sensitive premises. All measurements shall be made in accordance with BS4142:2014 (as amended).

REASON:- To protect the amenity of future occupiers of the development hereby approved

- 15 No development, including site clearance or demolition works, shall commence until a methodology for the screening or enclosure of plant and machinery to be used during the construction period shall be submitted to and approved by the Local Planning authority before works are commenced. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.

REASON:- In order to protect the amenities and operations of neighbouring properties.

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

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

- 17 Prior to commencement of works above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

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

- 18 All construction works and the operation of the proposed development site shall be done in accordance with the relevant British Standards and Best Management Practices.

REASON:- To ensure the development significantly reduces the risk of groundwater pollution.

- 19 Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then no works involving excavations as stated above shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

- i) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.
- iii) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential

migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

REASON:- Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants including turbidity. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply. This can cause critical abstractions to switch off resulting in the immediate need for water to be sourced from another location, which risks of loss of supply during periods of high demand.

20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 21, 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 22.

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.

21 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.

22 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.

23 The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Syntegra Group Ltd, reference 19-5771, dated November 2019, the Indicative Drainage Strategy prepared by Syntegra Group, drawing number 6001 Revision B, dated June 2020 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 rate of 5.28 l/s during the 1 in 100 year event plus 40% of 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 providing a minimum of 224 cubic metres (or such storage volume agreed with the LLFA_ of total storage volume in permeable paved area.

3. Discharge of surface water from the site network into the private surface water sewer and subsequent Thames Water sewer network.
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 to reduce the risk of flooding to the proposed development and future occupants.
- 24 No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principle, 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. 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.
 2. Final detailed network calculations including half drain down times for all storm events up to and including the 1 in 100 year + 40% climate change storm.
 3. Indication of exceedance flood paths in the event of extreme storm events in excess of the 1 in 100 year + 40% climate change storm.
 4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
 5. Include no infiltration.
 6. Incorporate an oil/water interceptor which shall act to prevent contaminants associated with the development from entering the surface and ground water network.
- REASON:-** To prevent the increased risk of flooding, both on and off site.
- 25 No development above the existing ground floor ceiling level shall take place until details of measures to address adaptation to climate change and energy efficiency have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 26 Prior to first occupation or completion of the development, whichever is the sooner, details of the provision of a Peregrine Falcon box/shelter within the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Herts and Middlesex Wildlife Trust. The development shall thereafter be carried out in accordance with the approved details and shall be retained in perpetuity.
REASON:- In the interests of supporting local wildlife.
- 27 No development shall take place until a Waste Strategy Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how the refuse of the commercial and residential uses shall be collected and include appropriate resilience measures should the lift access fail to work.
REASON:- To ensure the private management of the waste collection is acceptable.

INFORMATIVES

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 .

Highways -

Prior to commencement of the development the applicant is advised to contact 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

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

The developer should enter into a Section 106 Agreement removing the residents' ability to apply for or obtain a parking permit in the surrounding Stevenage residents only parking zones. £6,000 Travel Plan monitoring fee together with sustainable vouchers of £50 per flat and discounted car club access at both phases (not just phase 2) would need to be included in the S106 to lower and discourage car ownership.

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020; Stevenage Design Guide 2009.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031

5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.
7. Responses to third party consultations referred to in this report.
8. Copy of the Planning and Development Committee Report 7th October 2020.

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Meeting: Planning and Development Agenda Item:
Committee

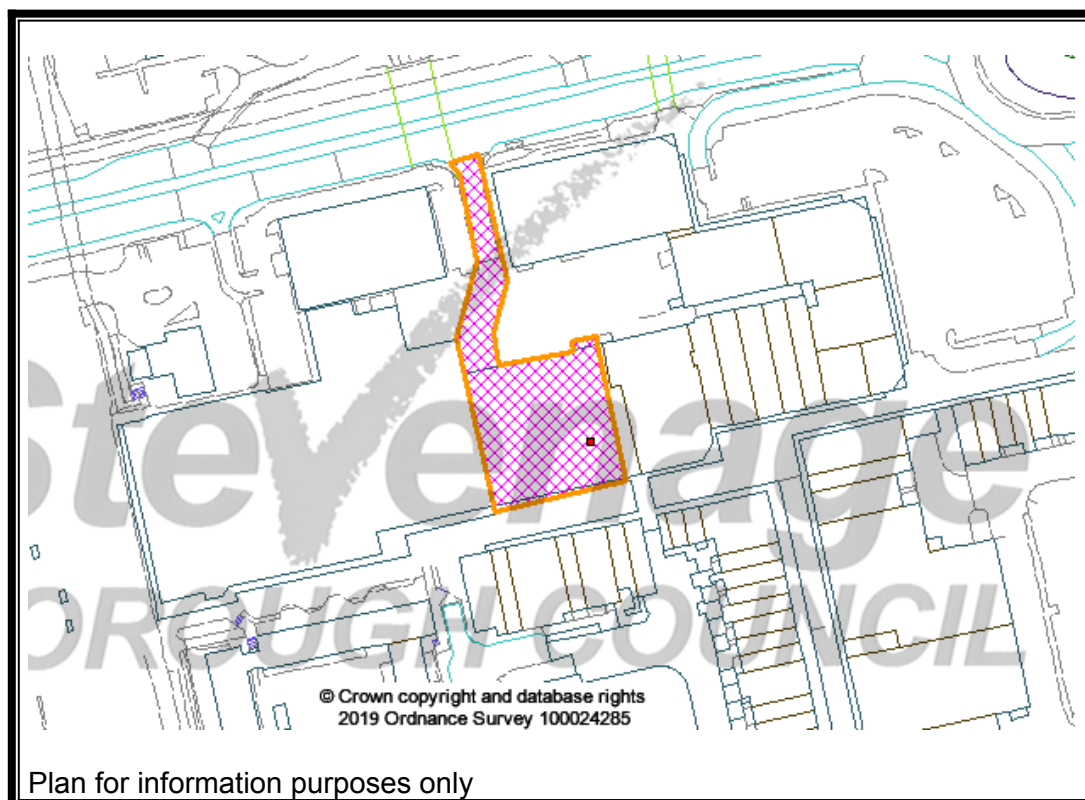
Date: 7 October 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	19/00647/FPM
Location:	Former BHS Store, 7 The Forum, Stevenage
Proposal:	Partial demolition and redevelopment of existing former BHS store to create 11 storey building comprising of 1no ground floor commercial unit, 129no. 1 bed, 120no. 2 bed and 1no. studio apartments with associated infrastructure including amenity space, car parking, bicycle storage, refuse storage and plant rooms.
Drawing Nos.:	2773 100 Rev M; 2773 500 Rev L; 2773 600 Rev L; 2773 601 Rev L; 2773 602 Rev L; 2773 603 Rev L; 2773 604 Rev L; 2773 700 Rev L; 2773 701 Rev L; 2773 702 Rev L; 2773 703 Rev L; 2773 704 Rev L; 2773 705 Rev L; 2773 800 Rev L; TFR 01
Applicant:	Glide Investments Ltd
Date Valid:	12 November 2019
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is the former BHS store located within The Forum to the north of the town centre. Bounded to the south by The Forum which is a pedestrianised west to east connection. The northern boundary adjoins the service yard for the Forum and Fairlands Way beyond this. Tesco have a superstore adjoining the site to the west, with retail shops to the east and south, both external and internally accessed through the Westgate Shopping Centre. The Ibis hotel is located on the southern and opposite side of the Forum, measuring seven storeys high.
- 1.2 The site lies adjacent the Northgate Major Opportunity Area for the town centre and forms Primary retail frontage along the Forum. The three storey building is typical of its age with linear portrait concrete detailing on the elevations and a flat roof. The ground floor is curtained with glazing providing the main frontage for the former BHS store with multiple openings along the frontage. Service access is to the rear and within a shared service yard and accessed off Fairlands Way.

2. RELEVANT PLANNING HISTORY

- 2.1 None relevant

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the partial demolition and construction of an eleven storey building providing A1 Retail at ground floor and 250no. flats consisting of 120no. two bedroom, 129no. one bedroom and 1no. studio flat. The application includes associated access, parking, landscaped podium and other related matters.
- 3.2 The application comes before the Planning and Development Committee as this application is classed as Major development.

3. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letters, the posting of two site notices – one on the western end of The Forum and one on the eastern end of the building and The Forum, and an advertisement has been placed in the local newspaper. Five third party observations have been received, two supporting and three objecting. The supporting contributors did not expand on their reasons to support. The objections raised in summary (copies of all comments are available in full on the Council's website) are –
- Possible short term rentals such as AirBnB and associated anti-social behaviour such as stolen parcels/post, stolen bikes/prams, entrance doors left open for the general public to gain access, homeless access;
 - Commercial use – possible late night uses such as bars/cubs;
 - Noise assessment carried out during September. July/August would be preferable to take account of longer days and lower flying aircraft;
 - Trains – capacities high as Stevenage is no longer a start station, are additional trains to be provided?;
 - 11 storeys not desirable, an eyesore, will limit daylight/sunlight to public areas;
 - The town does not need more high rise flats;
 - No affordable housing provision;
 - Insufficient parking;
 - Infrastructure can't cope, doctors, schools and roads already congested.

4. CONSULTATIONS

5.1 Police Crime Prevention Officer (PCPO)

5.1.1 It would appear that the proposal may not be completed in accordance with 'Secured by Design'. The Police Crime Prevention Design Service whilst disappointed with this decision and not looking to object to the application, are not in a position to fully support the application.

5.2 Hertfordshire County Council Public Health

5.2.1 In terms of the development design scheme and proposed layout there are some points for consideration below.

- Encourage early adoption of active travel behaviours;
- Affordable housing provision;
- Noise mitigation to tackle impact on night-time noise and mental health;
- Encourage use of stairwells instead of lifts;
- Outdoor play;
- Overshadowing of proposed amenity area;
- Parking provision and enforcement of displacement in restricted areas;
- Electric Vehicle charging points.

5.3 Hertfordshire County Council Highways

5.3.1 The County Council as Highway Authority consider the development to be in accordance with National and Local policies. Therefore, the Highway Authority's formal recommendation is that there are no objections to the development proposal subject to the recommended conditions and highway informatives.

5.4 Lead Local Flood Authority

5.4.1 Following numerous negotiations the LLFA have reviewed the latest information submitted in support of the application and recommend that conditions be imposed should planning permission be granted. It is proposed the building will remain, therefore there will not be an increase in the impermeable area of the site. It is proposed to continue to discharge via gravity and outfall via the existing drainage systems on site. A green/blue roof is proposed in order to reduce run-off rates and provide biodiversity benefits. The service yard and access road immediately north of the site are within the submitted red line however are stated to be outside of the site's ownership boundary in the FRA.

5.5 Environmental Health

5.5.1 Following submission of a revised Noise Impact Assessment (NIA) the findings have shown that noise levels to the northern elevation of the northern block could be unacceptable during night time hours. The NIA proposes mitigation measures that should be controlled by condition, including mechanical ventilation and acoustic screening. Officers advise the imposition of conditions on any grant of permission to overcome the concerns raised.

5.6 Hertfordshire County Council Waste and Minerals

5.6.1 A Site Waste Management Plan (SWMP) should be provided up front or as required by condition to collate information on and set out management strategies for waste arising during demolition and construction so that building materials from recycled and secondary sources can be used within the development. The total volumes of waste during enabling works (demolition) and construction works should also be summarised.

5.7 Hertfordshire County Council Growth and Infrastructure

- 5.7.1 Following an assessment of the proposed development for 250 units HCC have requested a financial contribution towards the proposed town centre primary school at a figure of £417,683.

5.8 Affinity Water

- 5.8.1 The proposed development site is located close near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Broomin Green pumping station. This is a public water supply, comprising a number of Chalk abstraction boreholes operated by Affinity Water Ltd.
- 5.8.2 We object to this application because we are concerned that it has the potential to impact adversely the public water supply. If you are minded to approve the application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points –
1. British Research Standards and Best Management Practices;
 2. Ground investigation;
 3. Turbidity;
 4. Contaminated land;
 5. Infiltration;
 6. Drainage.

5.9 Thames Water

- 5.9.1 With regard to surface water drainage, if the developer follows the sequential approach we would not raise an objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames water will be needed. With regard to foul water sewerage network infrastructure capacity we would not have an objection to the application based on the information submitted.

5.10 Parks and Amenities

- 5.10.1 Given the proposed private and contained nature of the amenity spaces, Stevenage Direct Services (SDS) would not look to adopt the maintenance of the landscaping. The design of the proposed landscaped amenity spaces must show consideration with regards to the challenges of the location, and given the limited amount of 'greening' provided in the proposals, the developer must like to consider opportunities for vertical planting and green roofing. The proposed height of the development may provide opportunity to include suitable features in the design for supporting wildlife. This could include options for swift and/or peregrine nest boxes.

5.11 Sport England

- 5.11.1 The proposed development does not fall within either our statutory remit or non-statutory remit; therefore Sport England has not provided a detailed response in this case.

5.12 NHS England and East and North Herts NHS CCG

- 5.12.1 Both NHS parties have been consulted on the application but no responses have been received and thus no funding for NHS services in particular GP surgeries have been requested.

5.13 SBC Traffic and Parking Enforcement Manager

- 5.13.1 In respect of the traffic and parking implications of the development questions are raised as to whether cycle access should be provided to the rear service yard to encourage more users,

and due to the lobby exiting on to a cycling restricted area of the town centre; is separate cycle parking for the retail element to be provided; and is meeting the cycling standards sufficient given the town centre location? Furthermore, the provision should allow for non-standard bikes such as recumbents, cargo cycles and tricycles.

- 5.13.2 Given the low level of residential parking provision proposed, a financial contribution should be sought towards the costs of providing a car club in the locality to help residents who may need the occasional use of a vehicle to transition from full-time car ownership. All car parking spaces provided should be equipped with e-car charging facilities.

6. RELEVANT PLANNING POLICIES

- 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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

- 6.3.1 National Design Guide (2019).

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP4 A vital town centre
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP7 High Quality Homes
- SP8 Good Design
- SP11 Climate Change, Flooding and Pollution
- TC1 Town Centre
- TC6 Northgate Major Opportunity Area
- TC8 Town Centre Shopping Area
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- HO5 Windfall Sites

- HO7 Affordable Housing Targets
- HO8 Affordable Housing Tenure, Mix and Density
- HO9 House Types and Sizes
- HO11 Accessible and Adaptable Housing
- GD1 High Quality Design
- FP1 Climate Change
- FP2 Flood risk in Flood Zone 1
- FP5 Contaminated Land
- FP7 Pollution
- FP8 Pollution Sensitive Uses
- NH7 Open Space Standards

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012.
 Stevenage Design Guide Supplementary Planning Document January 2009.

6.6 Community Infrastructure Levy Charging Schedule

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

7 APPRAISAL

- 7.1 The main issues for consideration are the acceptability in land use policy terms, affordable housing and S106, design and layout, impact on the character and visual amenity of the area, impact on neighbour amenity, impact on amenity of occupiers, highways implications, parking provision, and other matters including waste, drainage and climate change.

7.2 Acceptability in Land Use Policy Terms

- 7.2.1 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption in favour of sustainable development".
- 7.2.2 The existing building was formerly occupied by the company British Home Stores (BHS) until 2016 when the company collapsed and all stores were closed by August of 2016. The store has sat empty since. The application has been submitted with a Retail Impact Assessment (RIA) to support the reduction in overall A1 retail floorspace, given the existing gross floor area of the store. The RIA goes in to detail the collapse of BHS and as a comparison the collapse of Woolworths in 2008. The comparison details the uptake in store occupancy following each collapse. Looking at a three year window only 42% of BHS stores were occupied by 2019, whilst following the collapse of Woolworths 60% of its estate was occupied within two years, and 85% by four years. The biggest uptake was by medium-sized businesses such as Poundland.
- 7.2.3 The biggest difference identified between the two situations is the now, lack of medium sized businesses and retailers to fill such stores. Most of the viable retailers already have sites in Stevenage, including Primark, Next, Wilkos and Poundland. The uptake is therefore much slower. Added to this is the nationwide decline of the high street retail sector, with Stevenage highlighted as having excess retail floorspace.

- 7.2.4 The proposal would therefore, see a reduction in retail floorspace of 6480 square metres with a 520 square metre unit proposed. However, it is noted that some of the existing floorspace would consist of staff only areas not accessible to members of the public. Paragraph 85 of the NPPF 2019 states that decisions should support the role of the town centre by taking a positive approach to their growth, management and adaptation.
- 7.2.5 The evidence provided in the RIA is supported by the need to adapt the town centre, even more so given today's retail climate and economic downturns. The proposal would still provide some A1 retail space at a size more appropriate for the market, with no large retail brands coming forward since the site's closure in 2016. This is further supported by the closure of M&S and the erection of Debenhams purpose built flagship store on the Roaring Meg retail park.
- 7.2.6 Paragraph 85 continues by stating that LPA's should recognise that residential development can play an important role in ensuring the vitality of centres and that residential development should be encouraged on the appropriate sites. The erection of ten storeys equalling 250 residential units above the retained ground floor introduces residential to this northern end of the town centre, with nearby residential development located at the Queensway development to the south east being undertaken by Reef Estates.
- 7.2.7 Located due east of and adjoining the Policy TC6 Northgate Major Opportunity Area, the high rise residential and retained retail uses are in accordance with the vision for this part of the town centre. This is because this policy seeks the delivery of high-density Class C3 residential units.
- 7.2.8 Looking more closely at the residential element, Paragraph 61 of the NPPF 2019 requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 68 of the NPPF sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.9 Paragraph 67 of the NPPF (2019) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 73 of the same document states that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies".
- 7.2.10 Paragraph 117 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.11 Turning to the adopted Local Plan (2019), as the site is not designated for residential development it would be classed as a windfall site. Taking this into consideration, Policy SP7 (High quality homes) states that the Council needs to provide 7600 new homes over the local plan period of which 1,950 homes would be provided through windfall sites. Turning to the specific policy on windfall development sites, (Policy HO5 of the Local Plan), this outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.

- 7.2.12 The proposal consists of the creation of 250 flats, a mixture of one and two bedrooms. The site is tightly confined by neighbouring properties with the building footprint forming the red line. The land is, therefore, considered to be previously developed and an underused site for the purposes of policy HO5. Furthermore, the proposal does not see the loss of public amenity space, and is in a good sustainable location being in close proximity to the bus station, proposed new bus interchange, train station and cycle network.
- 7.2.13 With respect to the five year land supply of deliverable housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, but the supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:-
- a) 5% to ensure choice and competition in the market; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.14 The most up to date housing supply figures indicate that the Council is able to meet its requirements to provide a 5 year land supply as defined in the adopted Local Plan. The fact that the Council can meet its 5 year land supply of housing is thus a material consideration in the assessment of this application. However, as set out above, as the application site is considered to be a 'windfall' site, it will help to meet the Council's overall housing need over the local plan period in this instance.
- 7.2.15 In respect to Policy HO9 (House types and sizes) of the Adopted Local Plan (2019), as the proposed development seeks to deliver a mixture of one and two bedroom flat units, it would be in accordance with this policy as it would add to the overall mix of housing which is required to meet the objectively assessed need over the local plan period.
- 7.2.16 The impact of the proposal on the local environment and surrounding properties, and local infrastructure will be addressed later in this report. Based on the above it is concluded that the proposal is acceptable in land use policy terms.

7.3 Affordable Housing Provision and S106 Contributions

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission would be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 76 affordable units.
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission would be granted where those dwellings:
- a. Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
 - b. Meets the requirements of Policy HO9 (House types and sizes);
 - c. Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
 - d. Will remain at an affordable price for future eligible households.

- 7.3.3 In addition to the above, paragraph 64 of the NPPF (2019) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the homes to be made available for affordable home ownership (this includes shared ownership, equity loans, other low cost homes which are 20% below local market value and rent to buy). However, the aforementioned 10% requirement is part of the overall affordable housing contribution for the site.
- 7.3.4 The application does not propose to provide any affordable housing (AH) and this has been supported by the submission of a Viability Report. The Viability Report states that the scheme would be 'borderline unviable' as a fully private development, with a 13.84% profit where it provides zero affordable housing and zero financial contributions through CIL or S106.
- 7.3.5 The Viability Report has been independently assessed on behalf of the Council. The assessment has found that the development would be viable with a profit of 16.3% whilst also providing 15% affordable units, 29no. affordable rent and 12no. intermediate units. The applicant has provided argument for an in-lieu financial contribution being paid as opposed to on-site AH provision. The Council's policies allow for this and in this case an in-lieu contribution is considered acceptable. Using the conclusions of the Viability Assessment by Aspinal Verdi (the Council's appointed advisors), the 100% private scheme calculated a surplus of £2,610,383, which would cover the cost of the 15% provision advised in the Viability Assessment only.
- 7.3.6 Following the Council's adoption of CIL, the proposal would be CIL liable with an estimated cost of £739,000. Furthermore, because the site is a town centre location it would be required to provide financial contributions (in addition to CIL) towards the proposed town centre primary school as part of the wider town centre regeneration. Hertfordshire County Council as the local education authority have assessed the proposal and advised that with a revised pupil yield the scheme would be liable for £417,683 towards the new primary school.
- 7.3.7 In addition, given the sustainable location of the development and the reliance of the development on entering in to a Travel Plan, the local highways authority have sought £6,000 for the monitoring of the TP, along with £138,823 towards Package 1 works including connecting new development in north Stevenage to the town centre and Gunnels Wood employment area; improvements to Stevenage rail station including improved cycle parking facilities and a new bus station; north-south high quality bus corridors.
- 7.3.8 In considering the tests for Regulation 122 of the CIL Regulations 2010 the Local Planning Authority do not consider the financial sums requested by the local highway authority to meet all the tests. The site is clearly in a very sustainable location as the highways officer has noted in their comments, and with established pedestrian and cycle networks in close proximity of the development it is not considered the proposed financial requirements are reasonable. The Local Highway Authority can bid for monies provided as part of the CIL pot to cover the requested highway works.
- 7.3.9 The payment of the CIL requirement has been considered as part of the viability and can be fulfilled up to a cost of £739,240 as assessed in the Viability Assessment. As a result the LPA have negotiated that the £2.6 million surplus be used to cover the Town Centre Primary School requirement, Travel Plan monitoring cost, and then a financial contribution for AH to the remaining value of the surplus monies. This would equate to approximately 34 units at 13.6% of affordable housing. The applicant has agreed the findings of the Viability Assessment by Aspinal Verdi and as such has agreed to the financial obligations as set out above, to be agreed through the signing of a S106 Agreement.
- 7.3.10 HCC Growth and Infrastructure team advised on the Primary School requirement, but also advised that the flats should look to install a water sprinkler system. Given the tragic

circumstances with Grenfell this provision can be suitably included as a requirement of the S106.

7.4 Design and Layout

- 7.4.1 The proposed development would see the demolition of the upper two floors of the existing BHS store, retaining the ground floor only. Above this it is proposed to build ten storey's comprising of two blocks, north and south, with an inter-connecting wing. At first floor level above the retail and services area would be a platform forming an outside amenity area with landscaping. The outer elevations would be screened by a grid framework consisting of six linear portrait sections of staggered height up to the eighth floor. Floors nine and ten would not be covered by the grid and would be recessed, stepped back from the main elevation.
- 7.4.2 The fenestration would include full height glazing on each floor with balconies provided on the outer elevations of each block. At ground floor the retail frontage and residential lobby frontage would be fully glazed with a contemporary feel and in-keeping with ground floor town centre shop fronts. The palette of materials includes Portland Stone colour fibreboard for the grid work and side elevation up to floor 8; light grey fibreboard on the elevations on floors nine and ten; textured grey fibreboard to add detailing to each elevation; aluminium glazing as the predominant fenestration material; structural glazing on the ground floor frontage Opaque glazing is proposed on the elevations at the bottom of each glazing panel and to service areas; expanded metal on the rear elevation to the service and parking areas; and gold balcony balustrade on the outer southern and northern elevations and internal corner units for the balconies. A condition would be imposed seeking full details / samples of the proposed materials to ensure they are Building Regs compatible in particular in respect of fire resistance.
- 7.4.3 At ground floor level the development would retain 520 square metres of retail floor space, with associated internal bin storage, cycle parking and WC facilities. The retail element would be positioned towards the western side of the frontage facing The Forum, with a smaller area of the front ground floor elevation providing access to a lobby for residents. Towards the rear of the ground floor is a small parking area for 15no. vehicles, with access for delivery vehicles and motorcycle parking. Separate cycle parking is provided in a room to the east of the ground floor and would provide 274 normal bike spaces (137 double stacked), 4 smaller spots (for e.g. e-scooters) and 6 larger non-standard bike spaces (for e.g. trikes, cargo bikes, recumbents). A plant room is located centrally with bin storage in the north eastern corner with lift access from the rear service yard. Residential access is via stairwells on the western side of the building, front and rear, and lift and stair access from the main lobby.
- 7.4.4 Each residential floor consists of 25 flats, 12 two bed and 13 one bed, except for the first floor which has a studio flat sited in the link block and 12 one bed flats. The two bedroom units are located on the outer elevations facing south overlooking The Forum on the southern block and facing north over Fairlands Way on the northern block. The one bedroom units would face inwards towards the opposite respective block, with some corner units and a single unit on each floor of the link block.
- 7.4.5 The layout and unit numbers have been amended following negotiations to reduce the total number of flats from 277 to 250. This followed concerns over habitable living conditions for the corner units in respect of outlook and light levels. This is discussed further in section 7.7. The revisions have addressed the concerns and would result in an acceptable layout and unit displacement over each floor.

7.5 Impact on the Character and Appearance of the Area

- 7.5.1 The design and materials promote a modern development, with some design elements reflecting the Park Place development, where they have been deemed to enhance the character and appearance of the area. In considering the existing BHS building which is a

typical dark grey concrete block of its time, the proposal is considered to be an enhancement on the existing street scene.

- 7.5.2 The additional height created would be approximately 16.7m, with the existing three storey building measuring 18.7m at its highest. Overall, the proposed development would measure 35.4m in height. Due to the openness of the town centre from the north, Fairlands Way and the King George recreation ground beyond, the proposal will have an impact on the character and appearance of the area and town centre skyline. However, it is noted that the Local Plan has various areas of major opportunity (MOA) set out for the wider town centre regeneration. Most of these involve high rise buildings, particularly for residential use. In particular Policy HO6 for the Northgate MOA sits immediately adjacent the site and includes the existing Tesco superstore and its car park, the IBIS hotel and surrounding properties and existing Skyline and Brickdale House flats. The policy states that this area should seek to provide high rise residential units. Whilst the BHS site is outside this policy allocation, the provision of high rise development is acceptable in principle. The design and scale is considered acceptable in comparison to the current and neighbouring concrete buildings, and new developments on Queensway and at Park Place and its addition in to the landscape would not harm the character and appearance of the area.

7.6 Amenity of Neighbouring Properties

- 7.6.1 In assessing the impact of the proposal on the amenity of neighbouring properties, the nearest residential properties are located west to south west at Brickdale House and the Skyline development. These buildings are sited some 40m from the nearest corner of the site. This is considered sufficiently distant that the proposal would not adversely impact the occupiers of these flats. The orientation of the buildings and sun path are such that the development would not cause overshadowing or a reduction in light.
- 7.6.2 Due south of the site is the IBIS hotel which occupies the six floors above ground floor level with a variety of retail units and the hotel reception at ground floor level. The northerly facing elevation of the IBIS is approximately 15m from the front elevation of the proposed development. The Council's separation distances as stated in the Stevenage Design Guide are set out for back to back and back to side development, between both new and existing development and entirely new development. The situation here is quite different from a normal dwelling to dwelling relationship, as the facing IBIS building is a hotel and not a permanent residential unit. Additionally, the proposed southerly facing elevation is technically the front elevation which is not covered by the Design Guide.
- 7.6.3 Notwithstanding the above, in this case, the fact the nearby seven storey building is a hotel means that whilst people would be occupying the hotel rooms this would normally be for a temporary period and they would likely be spending a limited amount of time during the day, with a higher occupation rate at night,. Taking this into account and the fact this is a town centre location where the Council's aspirations are to create high rise living, a 15m distance is considered acceptable in this instance.
- 7.6.4 One objection raised by a resident in the Skyline development was the possible use of the commercial element for noise sensitive uses such as bars and clubs during night time hours. The application form submitted clearly states a retained A1 retail use and this could be conditioned. However, it is of note that as of 1st September 2020 it is the Government's plan to merge use class groups and this would place retail in the same Use Class E as existing A3 Restaurants. However, drinking establishments (previously Use Class A4) would now be classed as "Sui Generis" so such proposals would always require planning permission from the Council. Given the site is located in the town centre and it is the drive of the town centre regeneration to diversify the uses within the town and create areas which function after normal retail hours, such uses should not automatically be restricted. Whilst matters pertaining to noise and smells should be appropriate in respect of proximity to noise sensitive uses, these would be considered separately under the Environmental Health legislation.

7.7 Amenity of Future Occupiers

- 7.7.1 The adopted local plan outlines prescribed space standards for new dwellings, which are nationally prescribed standards, as set out in the Department for Communities and Local Government document 'Technical housing standards - nationally described space standards' 2015.
- 7.7.2 The minimum internal sizes of the proposed units have been annotated on the proposed floor plans. Each two bedroom unit would be 68 square metres, the one bedroom units would range from 39 to 50 square metres depending on their location within the building and the single studio unit would measure 33 square metres. The two bedroom units would be approximately 2 square metres under the required 70 square metres each. The one bedroom units would meet and exceed the standards, with the studio falling below by 4 square metres. The layout has already been amended following negotiations which have seen these sizes increase. Whilst they do not all meet the standards, the deficit is not considered sufficient to warrant a refusal in this case.
- 7.7.3 Room size standards for bedrooms are also considered in the technical standards, determining how many persons the unit can accommodate and also in terms of acceptable living environments. These standards state that a double bedroom should be 11.5 square metres minimum with a minimum width of 2.75m and that where a second (or more) bedroom(s) is proposed it should have a minimum of 7.5 square metres and width of 2.15m. A second double should be at least 2.55m wide with the same 11.5 square metres minimum floor space. The bedroom sizes as measured exceed the sizes stated above.
- 7.7.4 The Stevenage Design Guide recommends that where possible external amenity space should be provided. The proposal includes a podium area above the ground floor creating two external communal garden areas for residents. Concern was raised that because of the building's orientation and height that a lack of sunlight may restrict the use of the areas. An amended landscaping plan has been submitted showing a more acceptable proposal for these areas. The total area would measure 466 square metres. The Council's guidance suggests 10 square metres per unit which would be 250 square metres, with the proposal clearly exceeding this. In addition some units have terraces or balconies and given the town centre location there are large areas of public open space in close proximity such as King George Playing Fields and the Town Centre Gardens.. The external amenity space provision is therefore considered acceptable.
- 7.7.5 The Council's separation distances for back to back relationships between new developments are slightly lower than where existing properties have to be considered. The proposed two block layout would be policy compliant and would provide an acceptable level of privacy and outlook for the future occupiers of these properties.
- 7.7.6 The application has been supported by an Internal Daylight Analysis Report to consider the orientation of the buildings, their height and likely impact on daylight levels for the proposed flats in particular those on the northern elevations of the two blocks, but also those within the 'internal' elevations of the two blocks and mainly at the lower level. The report was undertaken in line with the British Research Establishments guidance "Site layout planning for daylight and sunlight: A guide to good practice" Second Edition (2011) and other relevant British Standards.

- 7.7.7 The report takes into consideration the Average Daylight Factor (ADF) in kitchens, living/dining rooms and bedrooms (habitable rooms only). The results conclude that 87.6% of the rooms meet or exceed the BRE recommendation which is considered a high rate given the size of the development. The report includes measures to be undertaken internally to increase light perception including light walls, ceiling and floor coverings. Furthermore, the removal of balconies on these elevations has assisted this high percentage, removing an otherwise additional obstruction to openings at the below floor. The level of daylight to be enjoyed throughout the development is therefore considered acceptable.
- 7.7.8 Given the location of the proposed residential units in the town centre there will be likely noise nuisance as a consequence of the neighbouring uses. In particular the northern elevation of the northern block overlooks the existing service yard serving the Forum shops, former Staples store and Tesco to the west. The application has been accompanied with a Noise Impact Assessment which has been assessed by the Council's Environmental Health Officers. The impact of the noise associated with the service yard and in particular Tesco deliveries and home delivery service, there is a likelihood that noise levels during night time hours could be unacceptable.
- 7.7.9 The NIA advises on mitigation measures that can be implemented to reduce the overall impact and provide an acceptable living standard for proposed occupiers of the development. These include acoustic screening to all plant and machinery, including those close to the boundary with the site, high level glazing and mechanical ventilation. The EH officer has recommended conditions be imposed to ensure the mitigation measures are adhered to provide an acceptable noise level.

7.8 Landscaping

- 7.8.1 The proposed landscaping plan shows an amended arrangement to the external amenity spaces to include areas of hard landscaping, seating and arboricultural features. Raised beds are to be planted with a good variety of plants that would work well with the setting given its location between the northern and southern blocks, creating a more useable space.

7.9 Highways and Parking

- 7.9.1 The local highways authority have undertaken extensive negotiations with the applicant and their consultants to reach an acceptable proposal in terms of access arrangements, deliveries, turning points and parking provision, including cycles.
- 7.9.2 No changes are proposed to the vehicular access from Fairlands Way, which is provided via ramp and shared with nearby uses. There is a private service yard/road that would be used to service the building. The highway network that surrounds the development carries a significant amount of traffic, particularly in peak periods. Site observations and traffic data submitted within the Transport Statement (TS) reveals that neither the AM nor PM travelling peak periods would be significantly constrained by the proposal. The data within the TS reveal that the traffic generated by the new development would not have a significant impact on the town centre or adjacent highway network.
- 7.9.3 It would be expected that occupiers of the units would use online shopping and thus a swept path analysis has been prepared to test the service access road and to demonstrate that the provision of two home delivery bays can be appropriately accessed and used.
- 7.9.4 Provision has been made for on-site bin-refuse stores within 30m of each unit and within 25m of the bin collection point. The access yard can accommodate manoeuvring space for waste collection vehicles and the proposed residential units meet the requirements for waste storage and collection contained in the Manual for Streets.

- 7.9.5 The site is located within the town centre and is fully served by public transport. The nearest bus stop is located approximately 100m towards the north of the proposed development, with the newly approved bus interchange approximately 300m south west. Stevenage railway station is further west and approximately 500m away with direct links to London and Cambridge. The site is therefore considered to be in a highly sustainable location.
- 7.9.6 The proposal includes 15no. car parking spaces, 6no. motorcycle parking spaces, 2no. delivery vehicle bays and 274 normal cycle spaces (137 double stacked), 4 smaller spots (for e.g. e-scooters) and 6 larger non-standard cycle spaces (for e.g. trikes, cargo bikes, recumbents).
- 7.9.7 The Council's current adopted parking standards require 1 space per one bedroom dwelling and 1.5 spaces per two bedroom dwelling. Visitor spaces are calculated at 0.5 spaces per dwelling proposed. On this basis the proposal would equate to 435 parking spaces. However, in addition to these requirements the standards have residential zoning areas depending on the sustainability of the location. The application site is located in Zone 1 which can allow for a 25-50% reduction in standards. This would see a total of between 109 and 218 spaces.
- 7.9.8 Furthermore, paragraphs 2.22 and 2.23 look specifically at town centre locations and advise that 'Car free developments will only be permitted in those locations that have high accessibility by non-car modes and are within easy walking distance of shops and services'. Additionally, the document encourages shared use of public parking facilities to maximise housing density and minimise land occupied by parking. Given the town centre and sustainable location there is an argument for the significantly reduced parking provision. Furthermore, an increase in parking would significantly alter, to its detriment, the design and quality of the proposal.
- 7.9.9 Consideration must also be given to the Council's draft parking standards document (2020) which is due for adoption shortly. This document has been altered from the 2012 adopted standards to suggest car free developments in the town centre Zone 1. On balance therefore, it is considered the proposed parking provision is acceptable in this case. It is proposed to impose a condition relating to Electric Vehicle charging points be provided at all 15 spaces with a minimum of fast charging being available.
- 7.9.10 Objections have been raised about the lack of parking and the impact on neighbouring roads. Given the sustainable location of the site access to non-car modes of transport are more readily available. The application has been supported by a Travel Plan which has been assessed and agreed with Herts County Council Highways and will be monitored by the same. Furthermore, through the S106 agreement there will be a restriction on occupiers of the residential units being able to apply for parking permits for nearby roads. This will then be a restriction on the sale of any unit to make future owners aware. As part of the TP and monitoring fee the local highway authority have requested a sustainable voucher scheme of £50 per flat and discounted car club access to discourage car ownership.
- 7.9.11 Looking then at cycle parking provision, the scheme has been amended following the comments raised by the Traffic and Enforcement Parking Manager and HCC Highways to include non-standard spaces, a greater number of spaces, separate retail spaces, and access to the parking area and rear service yard. The provision of 274 standard spaces and 10 non-standard spaces exceeds the current standards and is considered acceptable. Full details of the type of fixtures will be required through imposition of a condition.

7.10 Waste

- 7.10.1 The proposed site plan shows the provision of bin storage areas for both the commercial use and residential flats. The commercial bins would be accessed via a service entrance off the rear of the building on the western side of the rear elevation. The residential bins would be accessed off the eastern end of the elevation with a separate lift available for access to the

lower service yard. The applicant proposes to have the bin collections privately managed as part of the management company for the development. The Council's Waste team have been consulted and they did raise concerns about collections as proposed as they would not accord with current Council collection standards. The use of private collections is considered acceptable for a flatted development as this can be managed by the proposed management company for the flats. Furthermore, it is considered reasonable to condition further details of a waste management strategy to ensure this would happen effectively.

7.10.2 The proposed works would see the partial demolition of the existing building prior to construction works. It has been requested by HCC Minerals and Waste team that a Site Waste Management Plan be submitted and approved prior to decision or imposed as a condition to ensure materials created from the demolition are appropriately removed and where possible reused as part of the scheme.

7.11 Drainage

7.11.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having a 0.1% chance of flooding from seas or rivers which is typically less than 1 in 1000 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1.

7.11.2 The site is located near an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Broomin Green Pumping Station. This is a public water supply, comprising a number of chalk extraction boreholes, operated by Affinity Water. Objections have been raised by Affinity Water because of the possible impact on this water supply. However, they have suggested a number of conditions that could be imposed to overcome their concerns. It is considered reasonable to impose conditions to sufficiently deal with the concerns of Affinity Water.

7.11.3 The Lead Local Flood Authority have assessed the application and following an initial holding objection have recommended the imposition of conditions following extensive negotiations.

7.12 Climate Change

7.12.1 Policy SP11 of the adopted Local Plan specifies the Council's position on climate change and energy conservation. Much of this can be addressed through building techniques and the materials proposed. However, it is recommended that a condition be imposed to any grant of permission to secure this.

7.13 Other Matters

Community Infrastructure Levy

7.13.1 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	

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

7.13.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. Following an assessment of the proposed development, the CIL liability for this development would be an estimated £739,000 (GIA x £40)(taken from Aspinal Verdi's Viability Assessment). The CIL charge for the development will be index linked based on when the development is commenced on-site.

7.13.4 With regards to how the CIL monies are spent, the ultimate decision lies with Stevenage Borough Council as the collecting authority. However, Hertfordshire County Council could put forward a bid for monies which could potentially go towards the following:-

- Primary Education;
- Secondary Education;
- Nursery Education;
- Youth Facilities;
- Libraries
- Potential sustainable transport measures identified in the Local Plan.

7.13.5 The Council's Parks and Amenities Section could also make a bid for monies which could go towards Open Outdoor Sport Facilities. For reference, the aforementioned i.e. education, youth facilities, libraries and open outdoor sport are not site specific so they cannot be secured under a S.106 legal agreement in accordance with CIL Regs.

Police Crime Prevention

7.13.6 The Crime Prevention Officer has made comment that the scheme has not confirmed it will completed following 'Secured by Design' standards, but they are not in a position to object on this basis. Whilst the applicant will be urged to fully consider these standards, such matters can be dealt with under Building Regulations, and this wouldn't be a reason to refuse the application.

8 CONCLUSIONS

- 8.1 It is considered that the redevelopment of the former BHS site is acceptable. The windfall site would see the retention of a retail use with proposed residential in accordance with Policy HO5. The viability of the scheme has been robustly assessed by an independent consultant on the Council's behalf and an acceptable contribution towards primary education as requested by HCC and a reduced level of 13.6% affordable housing is considered an acceptable level in light of the viability conclusions. The design and layout of the proposed development, including bin storage and landscaping, is acceptable. Access and parking arrangements are considered acceptable given the sustainability of the site, and the level and type of cycle parking exceeds the Council's current standards. Other matters including drainage are acceptable and where applicable can be appropriately controlled through imposition of conditions.

9 RECOMMENDATION

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

- The provision of Affordable Housing;
- Primary Education;
- Travel Plan Monitoring;
- Water Sprinkler System
- Parking Permit Restrictions

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

- 9.2 The proposal be subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2773 100 Rev M; 2773 500 Rev L; 2773 600 Rev L; 2773 601 Rev L; 2773 602 Rev L; 2773 603 Rev L; 2773 604 Rev L; 2773 700 Rev L; 2773 701 Rev L; 2773 702 Rev L; 2773 703 Rev L; 2773 704 Rev L; 2773 705 Rev L; 2773 800 Rev L; TFR 01.
REASON:- For the avoidance of doubt and in the interests of proper planning.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. No development shall take place above the existing ground floor ceiling level until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
4. The first floor external communal platform areas shall be completed in accordance with the landscaping details as approved on Drawing No.TFR 01 and provided for use prior to first occupation or completion of the development, whichever is the sooner.
REASON:- To ensure the development provides a high quality external amenity area for future residents.

- 5 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 the development provides a high quality external amenity area for future residents.
- 6 Prior to first occupation of the development hereby permitted, the proposed parking and turning areas as shown on Drawing No. 19030.ATR.02 Proposed Home Delivery Bays swept path analysis shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
REASON:- To ensure construction of a satisfactory development and to ensure the approved level of parking is provided.
- 7 Prior to first occupation of the development hereby permitted, the details of the siting, type and specification (minimum fast charging) of the EVCPs for every parking space, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.
REASON:- To ensure construction of a satisfactory development and to promote sustainable development.
- 8 Prior to the first occupation of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking in accordance with Drawing No. 2773 600 Rev L, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
REASON:- To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.
- 9 No part of the development shall be occupied prior to the implementation of the approved Proposed Residential Led Development at Former BHS store Stevenage Travel Plan May 2020 (Revision 3). 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.
REASON:- To ensure that sustainable travel options associated with the development are promoted and maximised.
- 10 No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:
- (i) Details of demolition and construction phasing programme;
 - (ii) Access arrangements to the site;
 - (iii) Traffic management requirements;
 - (iv) Post construction restoration / reinstatement of the working areas and temporary access to the public highway;

- (v) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road / footpath width for vehicle / pedestrian movement.
- (vi) Hours of operations including times of deliveries and removal of waste which should avoid school pick up/drop off times;
- (vii) Demolition and construction works between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays only.
- (viii) The site set-up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (ix) Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- (x) Details of the provisions for temporary car parking during construction which shall be provided prior to the commencement of construction activities;
- (xi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (xii) Screening and hoarding;
- (xiii) End of day tidying procedures;
- (xiv) Construction and storage compounds (including areas designated for car parking);
- (xv) Siting and details of wheel washing facilities;
- (xvi) Cleaning of site entrances, site tracks and the adjacent public highway;
- (xvii) Control measures to manage noise and dust;
- (xviii) Disposal of surplus materials;
- (xix) Post construction restoration/reinstatement of the working areas and access to the public highway.
- (xx) Details of the access and highways works to accommodate construction traffic.
- (xxi) Details of consultation and complaint management with local businesses and neighbours.
- (xxii) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- (xxiii) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures;
- (xxiv) Details of a Site Waste Management Plan (SWMP) detailing actual waste arising and how waste is managed (i.e. re-used, recycled or sent off site for treatment or disposal) and where it is sent to. Further updated should be provided throughout the life of the development at an interim of two months or sooner should the level of waste be considered significant by the developer.

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

- 11 Prior to first occupation of the development hereby permitted, details of the means for securing motorcycles in the ground floor car park (such as rails, hoops or posts) shall be submitted to and approved in writing by the Local planning Authority.

REASON:- To ensure the provision of secure motorcycle spaces.

- 12 No part of the development hereby permitted shall be occupied until signs have been erected within the Site to advise users to not cross the service yard and advise of the alternative route around The Forum.

REASON:- To ensure safe pedestrian movement within the ground floor of the development.

- 13 No development, including site clearance or demolition works, shall take place until a scheme for protecting the proposed dwellings from noise from transport and adjacent commercial noise sources has been submitted to and approved in writing by the local planning authority. The

scheme shall follow the recommendations identified in the Syntegra Noise Impact Assessment report (Ref:19-5771 Rev.A) dated February 2020. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

REASON:- To protect the amenity of future occupiers of the development hereby approved

- 14 Prior to any hereby permitted commercial use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development shall not exceed the typical background sound level at any sound sensitive premises. All measurements shall be made in accordance with BS4142:2014 (as amended).

REASON:- To protect the amenity of future occupiers of the development hereby approved

- 15 No development, including site clearance or demolition works, shall commence until a methodology for the screening or enclosure of plant and machinery to be used during the construction period shall be submitted to and approved by the Local Planning authority before works are commenced. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between works.

REASON:- In order to protect the amenities and operations of neighbouring properties.

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

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

- 17 Prior to commencement of works above slab level, details of any external lighting, including the intensity of illumination and predicted light contours, shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

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

- 18 All construction works and the operation of the proposed development site shall be done in accordance with the relevant British Standards and Best Management Practices.

REASON:- To ensure the development significantly reduces the risk of groundwater pollution.

- 19 Any works involving excavations below the chalk groundwater table (for example piling or the implementation of a geothermal open/closed loop system) shall be avoided. If these are necessary, no such works shall take place until a Ground Investigation Report has first been submitted to and approved in writing by the Local Planning Authority. The details shall include how the works shall identify appropriate techniques and strategies to avoid displacing any shallow contamination to a greater depth and to prevent the generation of turbidity which could impact the chalk aquifer. Mitigation measures should be included. The ground investigation shall thereafter take place in accordance with the approved details.

REASON:- To ensure the development significantly reduces the risk of groundwater pollution.

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 21, 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 22.

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.

21 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.

22 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.

23 The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Syntegra Group Ltd, reference 19-5771, dated November 2019, the Indicative Drainage Strategy prepared by Syntegra Group, drawing number 6001 Revision B, dated June 2020 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 rate of 5.28 l/s during the 1 in 100 year event plus 40% of 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 providing a minimum of 224 cubic metres (or such storage volume agreed with the LLFA_ of total storage volume in permeable paved area.

3. Discharge of surface water from the site network into the private surface water sewer and subsequent Thames Water sewer network.

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 to reduce the risk of flooding to the proposed development and future occupants.

24 No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principle, 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. 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.
 2. Final detailed network calculations including half drain down times for all storm events up to and including the 1 in 100 year + 40% climate change storm.
 3. Indication of exceedance flood paths in the event of extreme storm events in excess of the 1 in 100 year + 40% climate change storm.
 4. 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.
- 25 In accordance with conditions 24 and 25 the onsite drainage system shall incorporate an oil/water interceptor which shall act to prevent petrol/oil being discharged from the parking areas associated with the development into the surface and groundwater network.
REASON:- To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.
- 26 No development above the existing ground floor ceiling level shall take place until details of measures to address adaptation to climate change and energy efficiency have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.
- 27 Prior to first occupation or completion of the development, whichever is the sooner, details of the provision of a Peregrine Falcon box/shelter within the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Herts and Middlesex Wildlife Trust. The development shall thereafter be carried out in accordance with the approved details and shall be retained in perpetuity.
REASON:- In the interests of supporting local wildlife.
- 28 No development shall take place until a Waste Strategy Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how the refuse of the commercial and residential uses shall be collected and include appropriate resilience measures should the lift access fail to work.
REASON:- To ensure the private management of the waste collection is acceptable.

INFORMATIVES

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 .

Highways -

Prior to commencement of the development the applicant is advised to contact 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

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

The developer should enter into a Section 106 Agreement removing the residents' ability to apply for or obtain a parking permit in the surrounding Stevenage residents only parking zones. £6,000 Travel Plan monitoring fee together with sustainable vouchers of £50 per flat and discounted car club access at both phases (not just phase 2) would need to be included in the S106 to lower and discourage car ownership.

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012; Stevenage Design Guide 2009.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.
7. Responses to third party consultations referred to in this report.

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

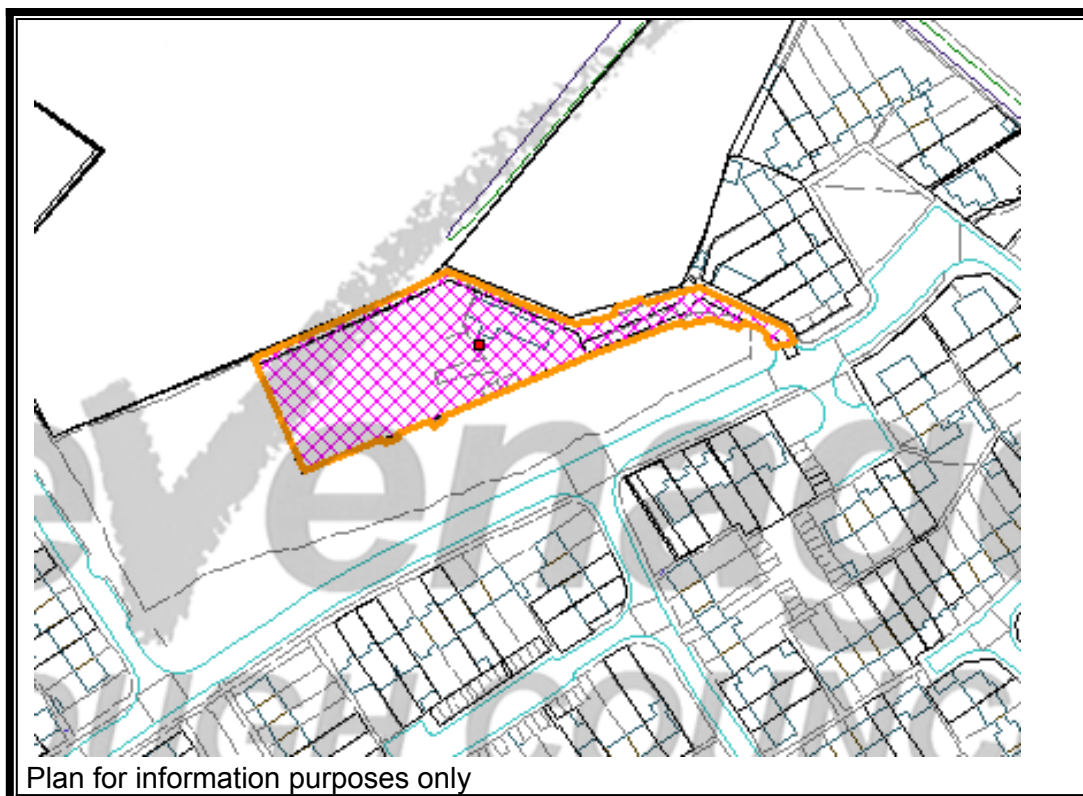
Date: 4 November 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	20/00053/FPM
Location:	Former Chells Play Area, Eliot Road, Stevenage
Proposal:	Construction of 13no. semi-detached and terraced dwellings along with associated parking, landscaping and earthworks.
Drawing Nos.:	H51-ER-107 ELEVATIONS PLOTS 3-5; H51-ER-109 ELEVATIONS PLOTS 8-11; H51-A-22-DR-AR-001 DENBY FLOOR PLANS AND ELEVATIONS; H51-ER-001-N TECHNICAL SITE LAYOUT; H51-ER-002-G BOUNDARY TREATMENTS; H51-ER-003-G REFUSE STRATEGY; H51-ER-004-G STOREY HEIGHTS; H51-ER-005-G MATERIALS LAYOUT; H51-ER-006-B LAND PURCHASE PLAN; 19045-CIV-001-A05 LEVELS; 19045-CIV-002-A02 DRAINAGE STRATEGY; 19045-CIV-055-A03 HIGHWAY DETAILS ; 19045-CIV-005-A05 ACCESS ROAD DRAINAGE; 27691 R1 TOPOGRAPHICAL; C86188-JNP-XX-DR-C-7001B REFUSE SWEEP PATH; C86188-JNP-XX-DR-C-7002B SITE ACCESS GENERAL ARRANGEMENT; C86188-JNP-XX-DR-C-7004 ESTATE CAR SWEEP PATH; P19-2341-01B LANDSCAPE MASTERPLAN
Applicant:	Keepmoat Homes
Date Valid:	24 January 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site measures 0.26ha in area and sits within Six Acre Wood to the north of Eliot Road. The Eliot Road allotments bound the site to the north and north east, with Nobel School bordering the north western side of the wooded area. These areas make up the adjacent Green Link. Residential properties off Eliot Road are sited to the north east/east of the site access, with further residential properties off Eliot Road to the south and on the opposite side of the wood and highway. To the south west the site and woodland abut a large area of green open space and highway verge. The former play centre on the site has been demolished and the site is level with various trees and shrubs in place.
- 1.2 The area is predominantly residential in character, with mainly terraced dwellings located along the highway or around areas of green open space. Parking is typically in parking bays or on street. The nearest amenities are located in The Glebe off Chells Way to the north west of the site. Nobel Secondary school is located due north and accessed off Mobbsbury Way, with Camps Hill Community Primary School located on the western side of Chells Way at the end of Eliot Road. The site is also located close to the Green Link consisting of woodland that extends from Dryden Crescent to Chells Park and Gresley way.

2. RELEVANT PLANNING HISTORY

- 2.1 None relevant

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the erection of 13no. semi-detached and terraced dwellings with associated parking, landscaping and earthworks.
- 3.2 The application comes before the Planning and Development Committee as it is classed as Major development.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letters, the posting of two site notices and an advertisement has been placed in the local newspaper. The objections raised in summary (copies of all comments are available in full on the Council's website) are –
- Loss of the green space in the woodland area
 - Existing heavy traffic problems on Eliot Road
 - Existing access road un-adopted and the properties that back on to this site, there are concerns about who would pay for upkeep and continued access to their properties
 - No parking on the access road, would this be maintained with double yellow lines
 - Nuisance from construction i.e. noise, dust, dirt, traffic;
 - Impact on the trees surrounding the site was not clear;
 - When proposed as modular houses, concerns of how these would be delivered within the constrained site.

5. CONSULTATIONS

5.1 Natural England

- 5.1.1 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.2 Herts and Middlesex Wildlife Trust

- 5.2.1 In assessing the Defra metric spreadsheet and it is a fair assessment of the ecological impact of the development. In order to deliver a net gain in biodiversity the applicant must exceed the baseline value by 10%. This is $0.94 + 0.094 - 0.19$ (the onsite mitigation score) = 0.84 habitat units. The applicant can either source these through a broker or provide the funds to the local planning authority to do this, as per Webb Rise. Using the Warwickshire offset cost calculator, if scrub is selected as the compensatory habitat, which I would suggest is appropriate, the required offset cost is £14,224. If the applicant wants to go down this route it will need to be secured by S106 as before.
- 5.2.2 The required surveys have been completed and are satisfactory. The reasonable avoidance strategies put forward to avoid impacts on protected species are satisfactory e.g. badgers, nesting birds, reptiles, and should be implemented through the decision. A condition can be imposed to secure this.
- 5.2.3 The use of free hanging bird and bat boxes is not preferable. These are not permanent and very vulnerable to theft or vandalism. Instead of these boxes, integrated bat and bird boxes should be used i.e. built into the brickwork of the buildings. A condition can be imposed to secure this.

5.3 Affinity Water

- 5.3.1 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Whitehall Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then appropriate monitoring and remediation methods will need to be undertaken.

5.4 Hertfordshire County Council Highways

- 5.4.1 The County Council as Highway Authority consider the proposal would not have a severe residual impact on the safety and operation of the adjoining highways and would not wish to restrict the grant of planning permission subject to conditions and informatives.

5.5 Lead Local Flood Authority

- 5.5.1 From a brief assessment of the documents provided most recently, we would be happy with the most recent proposals. This would be subject to condition.

5.6 Environmental Health

5.6.1 Noise Impacts

- 5.6.1.1 Noise is a material planning consideration that can have a significant impact not only on the amenity of residential occupiers, but can also have commercial implications for businesses if not suitably considered and controlled at the planning and development stage. It is therefore essential to ensure that any significant noise sources that could have an adverse noise impact on the amenity of residential occupiers or potentially restrict commercial operations are robustly considered and assessed as appropriate. In considering the potential impacts of noise on the proposed development, Environmental Health Officers will have due regard to relevant policy, standards and guidance, which include:

- The National Planning Policy Framework (NPPF);
- The Noise Policy Statement for England (NPSE);
- Planning Policy Guidance - Noise.
- Pro-PPG Guidance 2017
- BS4142:2014
- BS8233:2014

Please note that this is not an exclusive list and other standards and guidance may be appropriate in given situations.

5.6.2 Contaminated land

5.6.2.1 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site clearance and/or construction phase of the development, undertake an appropriate investigation and provide a remediation strategy for Stevenage Borough Council to agree in writing accordingly.

5.6.3 Construction Impacts

5.6.3.1 Construction activities, both on and off site, by their nature can be noisy and intrusive for neighbouring occupiers, particularly in terms of noise, vibration, air quality (dust), smoke, odour and light. Noise and vibration can arise in particular from piling operations, groundworks and excavations and plant & machinery and their associated activities. Early morning deliveries can also give rise to disturbance if not properly controlled and managed.

5.6.3.2 Dust from site operations can also be an issue, particularly during periods of sustained dry weather. Environmental Health expect developers to control the impact from the construction phase of their development by implementing suitable mitigation measures and following best practices in accordance with BS5228:2009 Part 1 (noise) and Part 2 (vibration), where appropriate. Environmental Health also seek to ensure that the environmental impacts of construction works are suitably controlled through their powers under Part III of the Environmental Protection Act 1990 (statutory nuisances) and section 60 of the Control of Pollution Act 1974. In the latter case, hours of work for noisy construction works are limited to the following times only:

- 7:30am to 6:00pm on Weekdays
- 8:00am to 1:00pm on Saturdays
- At no times on Sundays or Public Holidays

Where considered appropriate due to the scale of the development and construction project, the Developer may be required to formulate and implement a Construction Management Plan.

5.7 Hertfordshire County Council Waste and Minerals

5.6.1 A Site Waste Management Plan (SWMP) should be provided up front or as required by condition to collate information on and set out management strategies for waste arisings during demolition and construction so that building materials from recycled and secondary sources can be used within the development. The total volumes of waste during enabling works (demolition) and construction works should also be summarised.

5.8 Hertfordshire County Council Growth and Infrastructure

5.8.1 Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC' Planning Obligations Toolkit. All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure firefighting facilities are provided on new developments. HCC therefore seek

the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

5.9 Parks and Amenities

5.9.1 Given the loss of the area, the new biodiversity provision can be accommodated on SBC land in close proximity. The proposed area will improve local ecological connectivity and its creation will provide opportunities for local pupil's environmental education.

5.10 Council's Arboriculture Manager

5.10.1 I've studied this application, visited the site and can confirm that from an arboriculture view point the proposed development is possible. My main concerns relate to the impact that the construction/roadworks would have on the retained trees and woodland but also the impact of the retained trees onto the future properties.

5.10.2 Firstly, therefore, I would suggest that we ask to see further details for the construction of the access roads to gauge the impact on the remaining trees. Secondly, I note that a large amount of trees have already been removed, some within the site and some not. Whilst I would be keen to limit any further tree removal, in order for this development to work, I would suggest extensive reduction works are carried out around the whole perimeter of the site (the buffer zone of 4-5 metres outside the development boundary line).

5.10.3 For individual trees, the reduction should be by 30-40% back to suitable growth points whilst for the woodland edge, a similar top and side reduction and re-shaping of the woodland canopy. This work should be carried out by the developer before the commencement of any of the road/construction work.

5.10.4 My final point is concerning the newly proposed access road through the existing woodland. Providing that this is essential to the success of the development, I wouldn't be completely against it but would suggest a slightly altered route, from Eliot Road. Please see attached photo. In my view, the old Hornbeam coppice stool T40 (dark green on the right in the photo) is much more valuable than the nearby semi-mature trees therefore would move the entrance a few metres to the right and keep T40.

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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which

accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

6.3.1 National Design Guide (2019).

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

SP1 Presumption in Favour of Sustainable Development
SP2 Sustainable Development in Stevenage
SP5 Infrastructure
SP6 Sustainable Transport
SP7 High Quality Homes
SP8 Good Design
SP11 Climate Change, Flooding and Pollution
SP12 Green Infrastructure and natural environment
IT5 Parking and Access
HO1 Housing Allocations
HO7 Affordable Housing Targets
HO8 Affordable Housing Tenure, Mix and Density
HO9 House Types and Sizes
HO11 Accessible and Adaptable Housing
GD1 High Quality Design
FP1 Climate Change
FP2 Flood risk in Flood Zone 1
NH4 Green Links
NH5 Trees and Woodland
NH7 Open Space Standards

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.
Stevenage Design Guide Supplementary Planning Document January 2009.

6.6 Community Infrastructure Levy Charging Schedule

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

7 APPRAISAL

7.1 The main issues for consideration are the acceptability in land use policy terms, affordable housing S106 and CIL provision, design and layout, impact on the character and visual amenity of the area, impact on neighbour amenity, impact on amenity of occupiers, highways implications, parking provision, and other matters including waste, drainage and climate change.

7.2 Acceptability in Land Use Policy Terms

- 7.2.1 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a "presumption in favour of sustainable development".
- 7.2.2 Paragraph 61 of the NPPF 2019 requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 68 of the NPPF sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.9 Paragraph 67 of the NPPF (2019) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 73 of the same document states that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies".
- 7.2.10 Paragraph 117 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.11 Turning to the adopted Local Plan (2019), the site is an allocated housing site under Policy HO1/10 for approximately 16 units. The proposal includes the provision of 13 dwellings with associated gardens, parking and access. The proposals would therefore be in accordance with policy, providing numbers towards the Council's five year land supply of deliverable housing.

7.3 Design and Layout

- 7.3.1 The site is long and narrow in a landscape form, with an existing access off Eliot Road to the south east. Surrounded by woodland on the western and southern boundaries, the northern boundary is bounded by trees and the southernmost boundary of the Nobel School, with local allotments located to the north east and north of the access road. To the east are residential properties located off Eliot Road who also have rights over the most eastern part of the access road.
- 7.3.2 The proposed layout utilises the existing access, with revisions to accord with the requirements of local highway authority, and continues with an access road along the southern boundary of the site before turning right and carrying on north until it reaches the north western boundary. Five dwellings, consisting of a terrace of three and a pair of semi-detached dwellings are located on the western side of the site facing eastwards in to the site. The remaining eight dwellings, consisting of two pairs of semi-detached units and a row of four terraced units sit centrally within the narrow site facing southwards on to the access road.
- 7.3.3 Each dwelling would have rear garden space, with small frontages facing on to shared footways, small parcels of landscaping and allocated parking bays. The dwellings themselves are all two storey, side gable design with dual pitch roofs and standard fenestration and general vernacular. They are proposed to be constructed using Modern Methods of Construction (MMC), a closed panel timber frame construction. The external walls would be completed in Wetherby buff multi stock with Monier Redland roof tile for the terraced dwellings and Wetherby light red multi stock brick with Mini Stonewold slate grey roof riles. A flat roof

porch projection of white finish with grey top would sit over the front entrance of a black composite front door and white UPVC double glazed plain casement windows. Fascias and soffits would be white UPVC, with black half round guttering and circular fall pipes.

- 7.3.4 The simplicity of the design, whilst integrating small design features such as the stone porch detailing, is considered acceptable for this small residential development. Details of the exact external materials can be conditioned to ensure a high quality of development. Given the size of the site and its narrow restrictions, the use of parking laybys is considered acceptable to utilise the space efficiently to accommodate an optimum level of housing.

7.4 Impact on the Character and Appearance of the Area

- 7.4.1 The site is currently not visible from the public realm, in particular along Eliot Road, because of the wide bank of woodland to its south east, south and south west boundaries. Views from Nobel School are also limited because of existing trees and vegetation. Primarily the only external views would be from the access road entrance off Eliot Road and to the rear of No's 19 – 27 Eliot Road. The existing access road appears more of a private drive/track before opening out to the wider site. The proposals would not therefore adversely impact the street scene.

- 7.4.2 Previously the site has been used by the Redemption Church for youth facilities and formerly had portable st type structures sited by the north east boundary. These have since been removed and the site has become overgrown with grass and shrubs. Some works to trees will be required to allow adequate room for construction, but given the site is allocated for housing, the introduction of 13 dwellings of the proposed design is not considered to detrimentally impact the character and appearance of the area.

7.5 Amenity of Neighbouring Properties

- 7.5.1 In assessing the impact of the proposal on the amenity of neighbouring properties, the nearest residential properties are located to the east of the site and back on to the access road. No's 19-27 Eliot Road have rear accesses on to the access road, but views are largely blocked down the main access into the site by the large double garage to the rear of number 25 Eliot Road. Furthermore, these properties are approximately 84m from the nearest dwelling within the development, and these are well screened by the tree belt surrounding the site. The proposals would not therefore have an adverse impact on any existing neighbouring properties.

7.6 Amenity of Future Occupiers

- 7.6.1 The adopted local plan outlines prescribed space standards for new dwellings, which are nationally prescribed standards, as set out in the Department for Communities and Local Government document 'Technical housing standards - nationally described space standards' 2015.
- 7.6.2 The minimum internal sizes of the proposed units have been annotated on the proposed layout plan. Each two bedroom dwelling would be 80 square metres and labelled as a 2 bed 4 person dwelling and the three bedroom dwellings would be 84 square metres and labelled a 3 bedroom 4 person dwelling. These sizes meet the minimum standards.

- 7.6.3 Room size standards for bedrooms are also considered in the technical standards, determining how many persons the unit can accommodate and also in terms of acceptable living environments. These standards state that a double bedroom should be 11.5 square metres minimum with a minimum width of 2.75m and that where a second (or more) bedroom(s) is proposed it should have a minimum of 7.5 square metres and width of 2.15m. A second double should be at least 2.55m wide with the same 11.5 square metres minimum floor space. The bedroom sizes as measured exceed the sizes stated above and accord with the stated bedroom and person ratio within the standards.
- 7.6.4 The Stevenage Design Guide recommends that where possible external amenity space should be provided. Each dwelling proposes a rear garden area ranging from 37 sqm to 71 sqm. The Council's Design Guide seeks 50 sq.m of garden space for semi-detached and terraced properties. In this instance, the overall length is not problematic as there are no back to back relationships in which to maintain privacy distances. Whilst some properties are under the 50 sqm requirement, increasing these gardens would significantly affect the layout of the site and thus its viability in providing housing, in particular affordable housing. Therefore, on balance, the garden sizes for seven of the proposed houses are considered acceptable in this case, with the provision of 100% affordable housing having the greater weight. However, to ensure the garden spaces proposed are retained, for those properties where the garden sizes are below standard, or just over, a condition can be imposed restricting permitted development rights for outbuildings and extensions to allow the Council to control the impact on external amenity areas in the future.
- 7.6.5 There are no relationships between the proposed dwellings that would impact on privacy in respect of the Council's separation distances. The layout of the properties is such that all properties would have front and rear facing windows, apart from the odd hallway/stairwell or bathroom side window on those properties with outer walls.

7.7 Landscaping

- 7.7.1 The application has been accompanied by a landscape masterplan, Arboricultural Impact Assessment, Arboricultural Method Statement and an Arboricultural Survey. The details have been assessed by the Council's Arboricultural and Conservation Manager. The proposals show the need to carry out cutting back of trees on the adjacent Council owned Six Acre Wood. It is noted some works were carried out earlier this year separate from the planning application process.
- 7.7.2 The proposed works to trees and protection measures for those trees to be retained and within close proximity of the site are considered acceptable, with conditions to be imposed to ensure these measures are undertaken as approved. The proposed landscaping is also considered acceptable with tree planting on site as well as small areas of grass and shrub planting between parking areas and to the front of dwellings. In terms of concerns raised about construction traffic, further details are suggested to be sought in order to protect the retained trees. A large amount of trees have been removed as separate to the planning process, some within the site and some not, it would therefore be preferable to limit any further tree removal. However, in order for this development to work, it is suggested that extensive reduction works would need to be carried out around the whole perimeter of the site.
- 7.7.3 Lastly concerns have been raised by the Tree Manager regarding utilities access through the existing woodland to the south of the site, as these are works are essential to the success of the development, no objection is raised. However, an alternative route is sought to protect and an old Hornbeam coppice stool (T40), so it is advised that utilities access is move to protect this tree.

7.8 Highways and Parking

- 7.8.1 The site is accessed by an existing private road to the rear of No's 17 – 25 Eliot Road, and with access to these properties and the allotments to the north east of the site also. The proposed development would use the existing access, upgraded to accord with the local highway authority. This would see the existing single track being widened from to 4.8m, with pedestrian access along the northern edge and into the site where it is proposed to be shared surface for vehicles and pedestrians. Footpaths are proposed from parking areas to the dwelling's front doors and garden accesses.
- 7.8.2 The application has been accompanied by a Swept Path analysis to ensure that a refuse vehicle and any emergency vehicles can enter and exit the site in a forward gear. This has been agreed by the local highway authority. Furthermore the proposed visibility splays for pedestrians and vehicles at the access and within the development are acceptable.
- 7.8.3 The size of development is not considered to generate significant trips and the TRICS data provided would not present the proposed use as having an unacceptable impact on local highway conditions. The site is within reasonable proximity of the No.1 bus service on Chells Way, along with access to the local cycle network, in particular once on Fairlands Way, to the north of Chells Way. These modes of transport are within an appropriate distance to be considered useable by occupiers of the development and therefore provide opportunities for future occupiers to travel by more sustainable modes than the private car.
- 7.8.4 The Council's Parking Standards SPD, adopted earlier this month, designates the site as a Residential Zone 3 which can allow for 75-100% provision. Given the dwelling breakdown there would be a need to provide 18 or 19 car parking spaces for residents and 4 number visitor spaces. The proposal has been amended in line with the new guidance. This results in a reduction of spaces than the requirement under the former 2012 standards. The provision of 23 spaces on site is acceptable, with all spaces meeting the minimum size requirements as identified by the local highways authority.
- 7.8.5 The promotion of a modal shift from private car travel is an important factor in the Council's newly adopted SPD. The requirement to provide a greater number of cycle parking spaces forms part of this shift. No provision for cycle parking has been shown on the submitted plans but there is adequate room in gardens (even in the reduced gardens, some form of provision can be provided without affecting the level of amenity space provided) for sheds or cycle storage and it is considered acceptable to impose a condition requesting further details of cycle parking for the development.
- 7.8.6 Due to the tightly constrained nature of the site and restricted access, prior to the proposed access works being completed, it is considered necessary and reasonable to condition the submission of a Construction Management Plan to include details pertaining to construction traffic numbers, routes, timings and a strategy for vehicles to enter the site and specifically the delivery of the timber frames for the proposed MMC construction.

7.9 Waste

- 7.9.1 The proposed site plan shows the provision of bin storage areas in rear gardens with acceptable routes of no more than 30m for residents to pull them kerbside for collection. SBC Waste Management has confirmed that bin collection points are not required for such a small development with adequate room for a refuse vehicle to manoeuvre in the site to enter and exit in a forward gear.
- 7.9.2 The proposed works would see some levelling within the site due to areas of soil built up as part of the former children's play area use. This is necessary to make the site flat for development. It is proposed to impose a condition seeking a Site Waste Management Plan to be submitted and approved prior to commencement of works to ensure materials created from the

excavation/levelling works are appropriately removed and where possible reused as part of the scheme. Additionally, it will be important to ensure that the SWMP details waste created during construction and how this will be adequately dealt with.

7.10 Drainage

- 7.10.1 The application site is located within Flood Zone 1 within the Environment Agency's flood risk map. Flood Zone 1 is defined as land having a 0.1% chance of flooding from seas or rivers which is typically less than 1 in 1000 annual probability of flooding. Therefore, all developments are generally directed to Flood Zone 1.
- 7.10.2 The site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Whitehall Pumping Station. This is a public water supply, comprising a number of chalk extraction boreholes, operated by Affinity Water. Affinity Water have confirmed that the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
- 7.10.3 The Lead Local Flood Authority has assessed the application and, following an initial holding objection, have considered in principle are content with the revised details and conditions will be imposed based on their recommendations upon receipt. Members will be updated prior to the meeting or to give the Assistant Director of Planning and regulation in conjunction with the Chairman delegated powers to impose those conditions before issuing any permission if members were minded to approve the application.

7.11 Climate Change

- 7.11.1 Policy SP11 of the adopted Local Plan specifies the Council's position on climate change and energy conservation. Much of this can be addressed through building techniques and the materials proposed. The applicant has indicatively suggested that the following techniques are likely to be used on site:
- The proposed development utilises Modern Methods of Construction (MMC) for all 13 dwellings with timber frame construction. There are a number of advantages to MMC timber frame construction over conventional construction methods.
 - The potential for a 30% improvement in the speed of construction of new homes along with advances in improving quality and energy efficiency due to the off-site manufacture of key components – the timber frame panels being pre insulated with membrane applied and service battens constructed.
 - This modern method of constructing housing and other buildings uses advanced breathable membranes, insulation and vapour control layers along with careful detailing to ensure durability.
 - The strategy follows a 'fabric first' approach to constructing energy efficient buildings, with insulation standards, thermal bridging and air leakage all meeting Building Regulation requirements and incorporated into the timber frame off-site manufacture.
 - All gas fired boilers will meet a minimum standard of 40 mgNOx/Kwh.

However, it is recommended that a condition be imposed to any grant of permission to secure this.

7.12 Biodiversity offsetting

- 7.12.1 Given the location of the site in Six Acre Wood the application has been assessed by Natural England and the Herts and Middlesex Wildlife Trust (HMWT). The proposals are not considered to adversely affect local wildlife given the previous use on site. It has been advised that the houses should be constructed to include integrated bird and bat boxes and details in the Biodiversity and Ecology Reports confirm the provision of these in accordance with the advice given by HMWT.

7.12.2 The applicant has provided reports in respect of the loss of the existing biodiversity levels on the site, and has undergone the required matrix and metric calculations to present a Biodiversity offsetting calculation. Simply put this states how much biodiversity habitat has to be provided on a different site to offset the loss of this site to built development. As part of this process the Council have identified a nearby site at Camps Hill that can satisfactorily accommodate the required offset of 0.2 hectares and this will be appropriately secured and conditioned as part of the S106 process.

8 CONCLUSIONS

8.1 It is considered that the redevelopment of this allocated site for the provision of 13no. affordable homes, with associated access, landscaping, car and cycle parking is acceptable and accords with the relevant local plan policies. The design and layout of the proposed development, including gardens, bin storage and landscaping, is acceptable. Access and parking arrangements are considered acceptable in accordance with the local highway authority and the Council's newly adopted Parking Provision and Sustainable Transport SPD Other matters including drainage are acceptable and where applicable can be appropriately controlled through imposition of conditions.

9 RECOMMENDATION

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

- The provision of 100% affordable housing;
- Biodiversity offsetting;
- S278 Highway works;
- Fire Hydrants;

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor.

9.2 The proposal be subject to the following conditions:-

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

- H51-ER-107 ELEVATIONS PLOTS 3-5;
- H51-ER-109 ELEVATIONS PLOTS 8-11
- H51-A-22-DR-AR-001 DALBY FLOOR PLANS
- H51-ER-001-N TECHNICAL SITE LAYOUT
- H51-ER-002-G BOUNDARY TREATMENTS
- H51-ER-003-G REFUSE STRATEGY
- H51-ER-004-G STOREY HEIGHTS
- H51-ER-005-G MATERIALS LAYOUT
- H51-ER-007-A SITE LOCATION PLAN
- 19045-CIV-001-A05 LEVELS
- 19045-CIV-002-A09 DRAINAGE STRATEGY
- 19045-CIV-055-A03 HIGHWAY DETAILS
- 19045-CIV-005-A08 ACCESS ROAD DRAINAGE
- 27691 R1 TOPOGRAPHICAL
- C86188-JNP-XX-DR-C-7001B REFUSE SWEEP PATH
- C86188-JNP-XX-DR-C-7002D SITE ACCESS GENERAL ARRANGEMENT
- C86188-JNP-XX-DR-C-7004 ESTATE CAR SWEEP PATH SHEET 1 OF 2

- C86188-JNP-XX-DR-C-7005 ESTATE CAR SWEEP PATH SHEET 2 OF 2
- P19-2341-01B LANDSCAPE MASTERPLAN

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. No development shall take place above slab level until samples / details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
4. No development shall take place above slab level until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
REASON:- To ensure a satisfactory appearance for the development.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
6. All hard surfacing comprised in the approved details of landscaping shall be carried out within three months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
7. 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.
8. 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.
9. Before any development commences, including any site clearance or demolition works, any retained trees on the site or in close proximity of the boundary edge in Six Acre Wood shall be protected by fencing or other means of enclosure in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority. Such protection as may be agreed shall be inspected and approved by the Local Planning Authority prior to the commencement of the work and maintained until the conclusion of all site and building operations.

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

10. No removal of trees, scrubs or hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless searched before by a suitably qualified ornithologist.
REASON:- Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).
11. No development shall take place until full details (in the form of scaled plans and / or written specification) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: a) Roads, footways. B) Foul and surface water drainage. C) Visibility plays. D) Access arrangements. E) Parking provision in accordance with the adopted standard. F) Turning areas.
REASON:- To ensure suitable, safe and satisfactory planning and development of the site.
12. Prior to the first occupation of the development hereby permitted the car parking spaces as detailed on Drawing number H51-ER-001-N shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for the specific use of car parking.
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.
13. No development shall take place until details of Electric Vehicle Charging has been submitted to and approved in writing by the Local Planning Authority. Details shall include provision of all new car parking to have at least a Passive Electrical Vehicle Charging Point and that a minimum of 20% of the car parking spaces have access to an active EV charging point and details of the EV charging points to be provided. The approved Electric Vehicle Charge Points shall be installed in accordance with the approved details and thereafter permanently retained.
REASON:- In order to provide facilities to charge electric vehicles and to help reduce the impact of vehicle emissions on the local environment.
14. Prior to first occupation of the development hereby approved the details of the type, design of and secure storage of 2 per 2 bed dwelling and 3 per 3 bed dwelling cycle parking spaces should be submitted to and approved in writing by the Local Planning Authority. Residents cycle parking should be in the form of lit, lockable and weather resistant cycle lockers or stores and be sited away from bin stores. Cycle parking shall be fully completed to the satisfaction of the Local Planning Authority before first occupation of the new development.
REASON:- To ensure the provision of appropriate levels of cycle parking spaces in accordance with adopted guidance and to promote a modal shift in transport means.
15. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the Hertfordshire's Construction Management Template for all matters pertaining to Highways, as well as a Site Waste Management Plan detailing dust control measures, vibration restriction measures, predicted and latterly actual waste arisings and how this is to be managed and where it is sent to. The development shall thereafter be carried out in accordance with the approved Plan.
REASON:- In order to protect highway safety and the amenity of other users of the public highway and rights of way, and in the interests of the amenity of nearby residential properties in particular No's 19-27 Eliot Road.
16. No development above slab level shall take place until details of measures to address adaptation to climate change and energy efficiency have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
REASON:- To ensure the development is adaptable to climate change through provision of energy and water efficiency measures.

17. 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.
18. As this is a previously developed site there may be a risk of the land containing contaminants. If, during development, contamination not previously identified is found to be present at the site then work shall cease and the Local Planning Authority shall be informed immediately. No further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority and subsequently undertaken and the Local Planning Authority have confirmed it has been undertaken to its satisfaction.
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.
19. No development shall commence until details of the model, and location of 4 integrated bat boxes and 4 integrated bird boxes has been supplied to and approved by the Local Planning Authority. These should be incorporated into the brickwork of the dwellings, placed as high as possible and orientated predominantly to the south for bat boxes and to the north for bird boxes. They shall be fully installed prior to occupation and retained as such thereafter.
REASON:- In the interests of promoting wildlife habitats on site and to restrict the impact of the development on local wildlife.
20. Notwithstanding the provisions of Classes B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking or re-enacting that Order with or without modification) no loft conversions including dormer windows / roof extensions, or roof lights and openings shall be constructed on the dwellinghouse(s) hereby permitted unless permission is granted on an application made to the Local Planning Authority.
REASON:- To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to ensure sufficient parking is available.
21. Notwithstanding the provisions of Class A and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no extensions shall be constructed on the dwellinghouses and no outbuildings shall be erected in the rear gardens of the dwellinghouses hereby permitted unless permission is granted on an application made to the Local Planning Authority.
REASON:- To ensure adequate external garden space is retained in accordance with the Council's adopted Design Guide and Policy GD1 of the Local Plan 2011-2031.

INFORMATIVES

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 .

Highways -

Prior to commencement of the development the applicant is advised to contact 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

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 bus stop upgrades. The requirement as part of the offsite S278 works is to: provide two Kassel Kerbs and two real time information screens at the existing two bus stops located in A1155 Fairlands Way. The details should be included as part of the S278 drawing as part of the required highway network in conjunction with the development. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234 047.

The works shall be fully completed to the satisfaction of the Highway Authority before first occupation of the new development. Reason: So that all users of the development can safely walk to and from the site, in compliance with paragraphs 108 and 110 of the NPPF. The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012; Stevenage Design Guide 2009.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.
7. Responses to third party consultations referred to in this report.

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

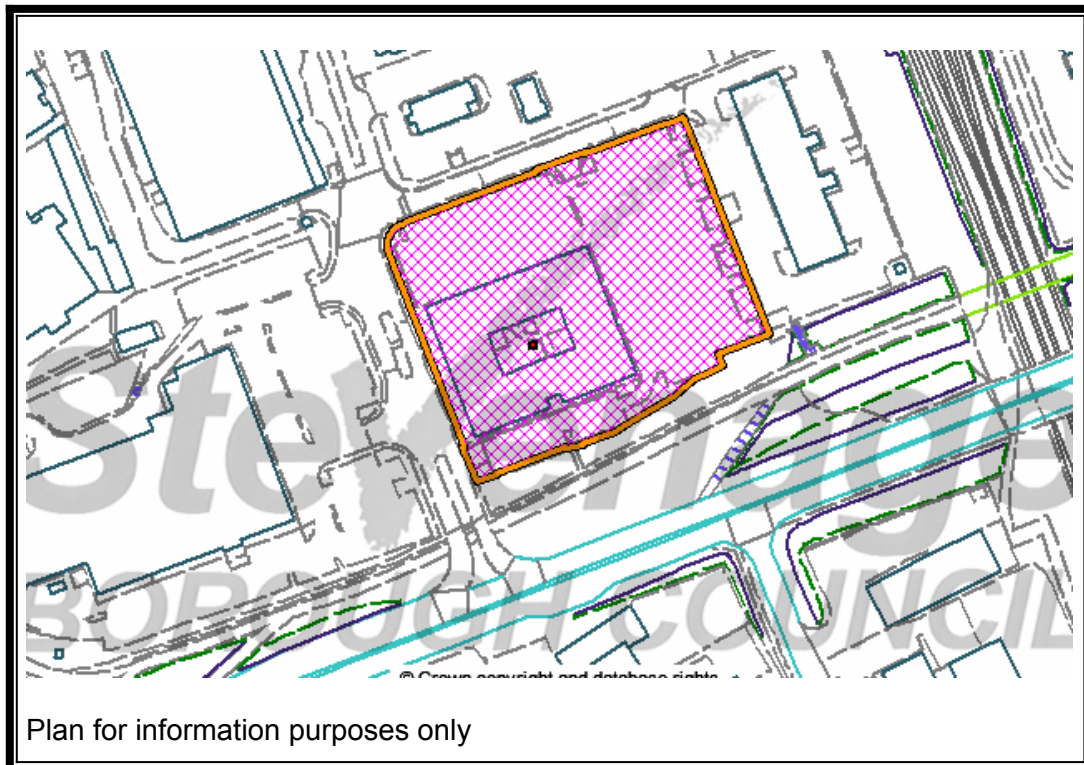
Date: 4 November 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	20/00403/FPM
Location:	The IET, Michael Faraday House, Six Hills Way, Stevenage
Proposal:	Variation of conditions 1 (Approved Plans), 6 (Drainage Strategy) and 12 (Cycle Storage) attached to planning permission reference 18/00328/FPM.
Drawing Nos.:	711_UK_SG1_14D_02; 711_UK_SG1_14D_03; 711_UK_SG1_14D_07; CA3462_SK005 F; TTC/MFH/P1/2020/PA Plan 1; TTC/MFH/P1/2020/PA Plan 2
Applicant:	The Institution of Engineering and Technology
Date Valid:	22 July 2020
Recommendation:	APPROVE PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 Michael Faraday House is a three storey red brick building, housing the offices of the Institution of Engineering and Technology, off Six Hills Way. Occupying a large corner plot, the building is visible from Six Hills Way, Gunnels Wood Road to the west, and the entrance to and from Stevenage Leisure Park to the north of the site. Solar House is a three storey office building located to the east of the site, and accessed via the access road to the north, which also serves Michael Faraday House. The area is on the edge of the Gunnels Wood Road Employment Area to the south and west and Town Centre to the north and north east. Six Hills Way runs west to east along the southern edge of the site, and there are cycle and pedestrian footways similarly along the southern edge of the site. Michael Faraday House sits to the west of the site with car parking predominantly to the north and east of the building.

2. RELEVANT PLANNING HISTORY

- 2.1 18/00328/FPM Major application for the construction of a split-level car park with an attached plant room and cycle store and alterations to the existing parking arrangement that will create an additional 82 car parking spaces across the site; alterations to the existing northern vehicular access point, and; associated works. Application was approved at committee following a member overturn.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission to vary conditions 1 (Approved Plans), 6 (Drainage Strategy) and 12 (Cycle Storage) attached to the approval reference 18/00328/FPM. The variations include amendments to the multi-storey car park design including its footprint, height and layout; alterations to the cycle storage layout; and associated changes to the drainage strategy as a result of the MSCP design changes.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letters, and the posting of site notices.
- 4.2 Two letters of support received and one representation received from Solar House confirming no objection is being raised as long as IET agree as previously that –
- A green wall is used along the western elevation of the MSCP;
 - Noisy works are carried out outside of business hours;
 - Maintain a permanent secure fence along the eastern boundary with Solar House for security purposes.

5. CONSULTATIONS

5.1 Police Crime Prevention Officer (PCPO)

- 5.1.1 No objections raised, but the PCPO has suggested the applicant use a third party certified cycle store entry to LPS 1175 issue 8 B3 rated or equivalent standard to protect against cycle theft which is an issue within Hertfordshire.

5.2 Hertfordshire County Council Highways

- 5.2.1 Hertfordshire County Council (HCC) as Highway Authority has confirmed the variation of conditions is acceptable from a highway perspective. The original submission to which the Highway Authority raised an objection has been amended and new plans submitted. The removal of the eastern footway and reduction in the size of cycle parking store have been

compensated by widening of the western footway along the building elevation, provision of new raised table pedestrian crossing, widening of the pedestrian pinch point in the car park and provision of an additional cycle store for non-standard cycles. The details of the design of the cycle stores should be secured by condition.

5.3 Local Lead Flood Authority

- 5.3.1 The LLFA have reviewed the SuDS Drainage Strategy prepared by Alan Baxter dated July 2020 submitted in support of this application. It is still proposed to restrict surface water runoff to the approved rate of 5 l/s. It is understood that it is no longer proposed to implement a tank in the south west corner of the site, and that it is now proposed to locate a longer, thinner attenuation tank under the car park. It is understood the tank will provide the same volume of attenuation storage as previously approved at 121 cubic metres. As the design has changed it is suggested that the applicant should submit updated post-development drainage calculations demonstrating that the drainage network is designed for all storm events up to and including the 1 in 100 year+ 40% climate change rainfall, including half drain down times for the attenuation tank. The applicant should also clarify further details regarding the redesigned tank such as invert and cover levels etc.

6. RELEVANT PLANNING POLICIES

- 6.1 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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

- 6.3.1 National Design Guide (2019).

6.3 Local Plan 2011-2031 (2019)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP3 A Strong, Competitive Economy
- SP6 Sustainable Transport

- SP8 Good Design
- SP11 Climate Change, Flooding and Pollution
- EC2 Gunnels Wood Employment Area and Edge-of-Centre Zone
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- GD1 High Quality Design
- FP1 Climate Change

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.
 Stevenage Design Guide Supplementary Planning Document January 2009.

6.6 Community Infrastructure Levy Charging Schedule

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

7 APPRAISAL

- 7.1 Due to the application seeking permission to vary the existing approval for the MSCP, the only issues for consideration in the determination of this application relate to the proposed changes which are the acceptability of the proposed design changes of the MSCP, impact on neighbour amenity, changes to the drainage strategy and highways and parking implications.

7.2 Acceptability of the Proposed Design Changes

- 7.2.1 The proposed MSCP would be located on the eastern side of the site, within the existing car park, designated Carpark zone B. The design includes two floors of parking as opposed to the previously approved split level design which consisted of five floors across two and a half levels. A stairwell is located on the western side of the building centrally and in the south western corner of the building, with a two and a half storey rendered building attached on the southern elevation providing cycle storage and plant. The design is contemporary with simple rectangular panels of a metal mesh system to enclose the MSCP but also allow ventilation. Vertical landscaping is proposed on the western elevation using a variety of climbing plants.
- 7.2.2 The two floor design would reduce the overall height of the MSCP and removes the need for the previous lift access, and replacing the former brick tower previously approved as part of the design with a rendered finish small building to the south containing the cycle storage at ground floor and plant room at first floor. The MSCP would continue to provide a total of 219 car parking spaces (an addition of 82 spaces across the site), with what is considered a better internal layout of spaces, entrance/exit waiting, ramps and pedestrian access. The building would measure 77.3m in length as opposed to the approved 76m and 36m in width as opposed to the approved 32.6m in width. The overall height of the structure would be 4.6m, with the plant and cycle area being 5.8m in height. Overall this is considerably lower than the approved maximum height of 8.7m.
- 7.2.3 As with the approved scheme, given the function of the building and its placement within the site, between two large office buildings, the scale and design are considered acceptable. Views of the MSCP would be largely obscured by Michael Faraday House, Solar House and the Six Hills Way bridge over the railway line. Views from Six Hills Way itself are most prevalent when alongside the eastern side of the site. The biggest vantage point is from the Stevenage Leisure Park to the north which is on raised ground levels and is largely open. Notwithstanding this, the use of the leisure park for largely parking related to the leisure uses

available is such that the character and visual amenity of the area is similar, and would not be harmed by the addition of the proposed MSCP building.

7.3 Impact on Neighbour Amenity

- 7.3.1 In assessing the impact of the proposal on the amenity of neighbouring buildings, the affected properties are Michael Faraday House itself and Solar House to the east. Given the overall reduction in height of the MSCP, this will further alleviate the impact of the development on the two office buildings. The scheme previously was found not to detrimentally impact the amenity of the users of these buildings, and even with the MSCP coming slightly closer to Michael Faraday House the impact is negligible and would not cause sufficient harm to warrant a refusal.
- 7.3.2 The owners of Solar House to the east have not raised objections on this occasion but seek that those issues agreed previously to lessen the impact of the development be retained, e.g. green wall to the eastern elevation of the MSCP, retention of a secure fence line throughout and restrictions on noisy construction works during business hours.

7.4 Highways and Parking

- 7.4.1 The local highways authority have been consulted on the application and through dialogue with the applicant and Highways Consultant amended plans have been negotiated to ensure a satisfactory standard of development is proposed, including amendments to the pedestrian footpaths and access, delivery bay arrangement and cycle parking.
- 7.4.2 The proposals have seen the removal of the eastern footpath that ran alongside the MSCP as previously approved. To compensate for this loss and to ensure satisfactory pedestrian routes are maintained, the existing western footpath which runs alongside Michael Faraday House is to be widened, including the provision of raised table pedestrian crossings.
- 7.4.3 The revised footpath has implications for the proposed delivery bay on the western side of the access road which runs north to south within the site. However, the proposals have now been accompanied with a swept path analysis to ensure movement within the site and along this access road is not encumbered by the footpath widening.
- 7.4.4 The revised layout of the MSCP has seen a change in the cycle storage area, making the floor area smaller. Details of the type of cycle parking to be utilised is to be secured by imposition of a condition, but the proposal now also includes a separate free-standing cycle store for non-standard cycles. The proposal would retain the provision of 60 cycle parking spaces as necessary. The highways authority therefore raises no objection to the amended proposals.

7.5 Other Matters

7.5.1 Drainage

- 7.5.1.1 The Lead Local Flood Authority has assessed the application and the revised SuDS Drainage Strategy dated July 2020. They have confirmed that the SuDS Drainage Strategy shows the site can be adequately drained and mitigate any potential existing surface water flood risk.

7.5.2 Crime Prevention

- 7.5.2.1 The Police Crime Prevention Service has assessed the scheme and has no objections to the proposals on crime and safety grounds. The officer advised that the applicant should consider using a secure form of access control to the cycle store as previously stated on the approved scheme.

8 CONCLUSIONS

- 8.1 In conclusion the variations to the approved scheme to slightly enlarge the footprint of the MSCP but reduce the overall height and propose a new internal layout are considered acceptable. The proposed changes would not significantly impact the character and amenity of the area, nor the overall impact of the MSCP above and beyond the approved scheme. The proposal is considered to lessen the impact on the amenity of the adjacent office buildings. Changes to the scheme on highways issues have been amended to the satisfaction of the local highway authority and the amended Suds Drainage Strategy ensures the scheme can appropriately drain and mitigate against flood risk.

9 RECOMMENDATION

- 9.1 Planning permission be APPROVED for the following reasons:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
711_UK_SG1_14D_02; 711_UK_SG1_14D_03; 711_UK_SG1_14D_07; CA3462_SK005 F;
TTC/MFH/P1/2020/PA Plan 1; TTC/MFH/P1/2020/PA Plan 2.
REASON:- For the avoidance of doubt and in the interests of proper planning
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
3. No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the Multi-storey Car Park hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON:- To ensure the development has an acceptable appearance.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard landscaping and green wall landscaping to the eastern elevation of the Multi-storey Car Park. The scheme shall include details of all new hard surfacing on site and details of the green wall species, size and management of to ensure its continued screening.
REASON:- To ensure a satisfactory appearance for the development.
5. The development shall be carried out in accordance with the soft landscaping details as identified on Drawing numbers TTC/MFH/P1/2020/PA Plan 1; TTC/MFH/P1/2020/PA Plan 2 and the associated Soft Landscaping Specification document, excluding the details relating to the eastern elevation of the approved Multi-storey Car Park.
REASON:- To ensure a satisfactory appearance for the development.
6. All hard landscaping and planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the Multi-storey car park or completion of the development whichever is the sooner. 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.
7. The development hereby permitted shall be carried out in accordance with the approved SuDS Drainage Strategy, Ref. 1653/200/PS, prepared by Alan Baxter Ltd, dated 15/07/2020, and the following mitigation measures detailed within the drainage strategy:

1. Implementing the appropriate drainage strategy based on attenuation and discharge into surface water sewer system, as indicated on the Drawing No. 1653/200/110 - proposed Surface Water Drainage, dated 11/09/2018, prepared by Alan Baxter Ltd.
2. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm to a maximum rate of 5 l/s.
3. Providing a minimum attenuation of 121 m³ 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.

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

8. No development approved by this planning permission shall take place until the final surface water drainage scheme is completed and submitted to, and approved in writing by, the Local planning Authority. The surface water drainage scheme should include;
 1. Identification of opportunities in terms of attenuation considering the SuDS hierarchy.
 2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
 3. Final detailed design of the drainage scheme including the discharge point, pipe diameters, pipe runs, outlet points and location of SuDS features and supporting calculations. The plan should show any pipe 'node numbers' that have been referred to in a network calculations and it should also show invert and cover levels of manholes.
 4. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all final corresponding discharge and volume calculations/modelling.
 5. Overland flow paths and post-development exceedance routes.
 6. 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, and to ensure that the natural flow path will remain the same.

9. The multi storey car park hereby approved shall not be brought into use until the Travel Plan dated January 2019 Ref R02-AS-TRAVEL PLAN (190129) has been implemented. The Travel Plan shall be monitored and reviewed on an annual basis and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority. The measures described in the action plan shall be implemented in the time period identified.

REASON:- To ensure the development is carried out in accordance with the agreed travel Plan and to offset the impact of the additional parking provided in the interests of sustainability and sustainable travel promotion.

10. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include:
 - a) map showing the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
 - b) access arrangements to the site;
 - c) the date of start and finish of works on site;
 - d) siting, methodology and facilities for wheel cleaning;
 - e) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities;
 - f) cleaning of site entrances, site access roads and the adjacent public highway and;
 - g) details of provisions for temporary car parking, loading/unloading and vehicle turning areas;
 - h) hours of construction operations including times of deliveries and removal of waste;
 - i) the estimated number and type of vehicles per day/week;
 - j) details of any vehicle holding area;
 - k) details of the vehicle call up procedure;

- l) details of any changes to on-street waiting and loading restrictions that will be required;
- m) access and protection arrangements around the site for pedestrians, cyclists and other customers;
- n) coordination with other development projects in the vicinity;
- o) details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent;
- p) details of a construction phasing programme;
- q) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

The development shall thereafter be carried out in accordance with the approved Construction Traffic Management Plan.

REASON:- To minimise the impact of construction works upon highway safety, congestion and parking availability.

11. Prior to the first use of the Multi-storey Car Park hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the northern access on to Kings Way where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

REASON:- In the interests of highway safety.

12. Before the modified northern access is first brought into use, a triangular vision splay shall be provided on each side of this access and shall measure 0.65 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 0.65 metres measured into the site at right angles to the same line along the side of the access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

REASON:- To provide adequate visibility for and of drivers entering or leaving the site in the interests of pedestrian safety.

13. The Multi-storey Car Park hereby approved shall not be brought into use until the details of the secure and illuminated cycle store containing a minimum of 60 racks and the secondary freestanding store containing three non-standard cycle racks as shown on the approved plan Drawing No. CA3462_SK005 1 of 2 F have been submitted to and approved in writing by the Local planning Authority. The stores shall thereafter be made available for use and adequately signposted, and thereafter retained for the purposes of secure cycle parking.

Reason:- To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

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 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 3 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 4 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 5 Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which 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.

10 BACKGROUND DOCUMENTS

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

2. Stevenage Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Policy Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

Meeting: Planning and Development Agenda Item:
Committee

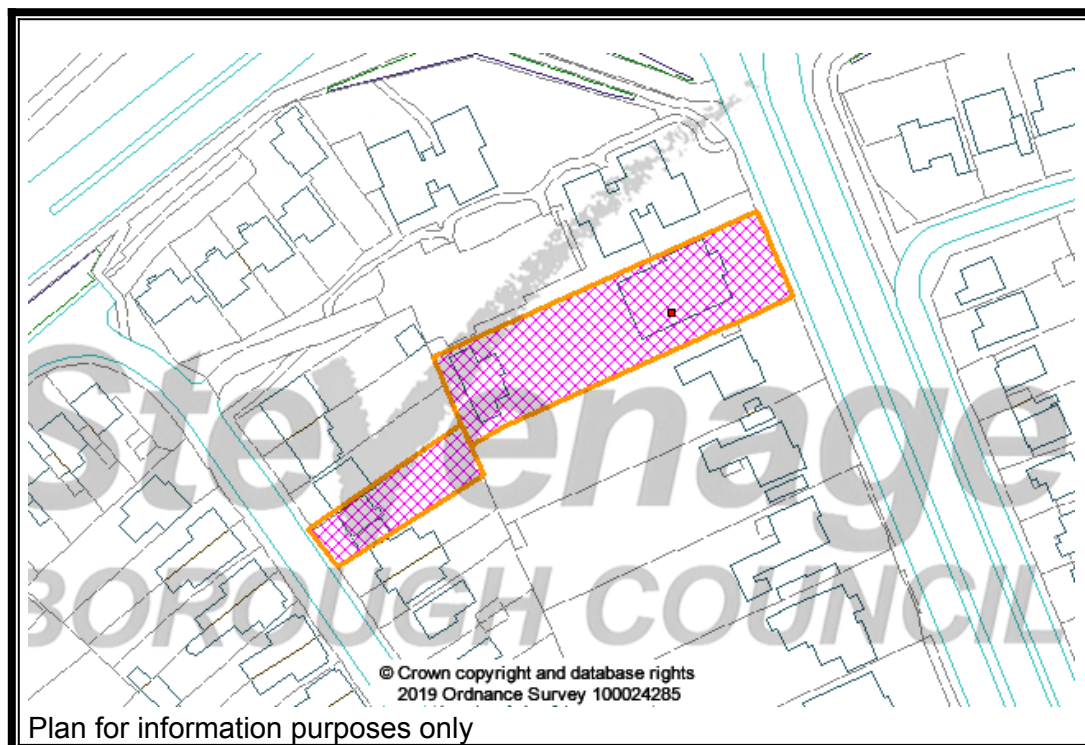
Date: 4 November 2020

Author: Rebecca Elliott 01438 242836

Lead Officer: Zayd Al-Jawad 01438 242257

Contact Officer: Rebecca Elliott 01438 242836

Application No:	20/00396/FP
Location:	The Abbington Hotel 23 Hitchin Road and 28 Essex Road, Stevenage
Proposal:	Change of use of the Abbington Hotel from Hotel (Use Class C1) to 23 Hitchin Road for use as a Rehabilitation Centre (Use Class C2) and 28 Essex Road for use as residential accommodation comprised of 2 x 1 bed flats (Use Class C3)..
Drawing Nos.:	4776 AP02; 4776 AP03B; 4776 AP04; 4776 AP05; 4776 AP07; 4776 AP09; 4776 AP10A; 4776 AP11; 4776 AP20; 4776 AP21; Site Location Plan; Site Plan.
Applicant:	Abbington 28 Ltd
Date Valid:	29 June 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 23 Hitchin Road is a large Victorian era detached building on the western side of Hitchin Road, currently operating as the Abbington Hotel, which includes a single storey 'bungalow' building to the rear of the site providing additional bedrooms to the main building. Vehicular access is from the northern carriageway of Hitchin Road and operates using an in and out system with parking to the front and rear. 28 Essex Road is a semi-detached dwelling located on a residential road to the south west and rear of the main hotel site. The rear garden of No.28 adjoins the rear boundary of the hotel.

2. RELEVANT PLANNING HISTORY

- 2.1 None relevant

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for the change of use of the Abbington Hotel, 23 Hitchin Road from Use Class C1 to a Rehabilitation Centre under Use Class C2 and 28 Essex Road to residential accommodation comprised of 2 x 1 bed flats under Use Class C3. The works include new security fencing and CCTV, car parking alterations and creation of external amenity area.
- 3.2 The rehabilitation centre proposes to provide a premier residential rehabilitation centre delivering specialist rehabilitation and counselling for 20 residents ranging from 18-65 years old. This is supported by the provision of 20 bed spaces for residents in need of rehabilitation and detox therapy, with 2 bed spaces for public referrals from Hertfordshire County Council.
- 3.3 The application comes before committee because of the known contentious issues associated with rehabilitation type uses, and with agreement from the Chair.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by neighbour letters and the posting of three site notices, one opposite 28 Essex Road in Essex Road, one on the tree directly outside the Abbington Hotel and one on a lamp post on the down slope of the subway when heading north towards Longfields and John Henry Newman School. A total of 43 objections have been received from the following properties 2, 3, 4, 6, 10, 12, 14, 15, 16, 25, 26, 27, 29, 31 and 42 Essex Road; 15, 17 and 19 Hitchin Road; 12 and 14 Orchard Road; 4, 14 and 18 Dewpond Close; 1, 4, 12 and 20 Campion Court; 8, 19, 22A and 25 Julians Road; 30 Orchard Crescent; 51 Whitney Drive; and 40 Franklins Road. The objections raised in summary (copies of all comments are available in full on the Council's website) are –
- The area consists of elderly residents and families with young children. Converting the property in the middle of such a residential area will potentially impact the safety of those already living in the area;
 - Central and Local Government often report crime being related to people funding addiction. Placing such individuals in a residential area exposes residents to a potential increase in opportunistic crime;
 - Essex Road is used as a footway through for school children and for key workers at the hospital. Any change in usage or properties in Essex Road will have some impact on current foot traffic;
 - Ongoing issues with lack of parking in Essex Road;
 - Essex Road is a quiet road and the change of use will not enhance what is a secluded, pleasant road. Litter will increase, night time disturbance, safety issues will be inevitable;

- Wholly inappropriate as the property is close to two secondary schools and a large number of local pubs and so would be an unsuitable location for those looking to be rehabilitated from drugs and alcohol.
- Not suitable location being located in a dense residential area with children and vulnerable adults either living or passing through this location;
- Concern over security of residents and those members of the public;
- Whilst the rehabilitation and treatment for people with addictions is supported, this is not the appropriate location;
- Security arrangements discussed at the workshop and wide area that this clinic will serve do not instil confidence;
- Not a safe environment for children to be around;
- This kind of facility should be on neutral ground away from residential premises;
- Being so close to a very populated and social area of Stevenage, The Old Town, it will only encourage the occupants to socialise and be a 'tease' and therefore not assist their rehabilitation or success;
- Fear of insecurity that will be present and instilled within residents and children. The risk of needles and other drug/drink related waste that most certainly will be apparent after a short space of time;
- As a private centre there will be less emphasis on security, as it's just a money making exercise for those that own the properties;
- Other hotels along the road will most certainly have their income affected;
- Effect on the value of properties in the future;
- The very nature of the rehabilitation centre is for recovering addicts whether it be substance abuse drugs, alcohol addiction, mental health. It is therefore very demanding and challenging work. It is inappropriate to house recovering addicts alongside residents with families, especially children;
- Inconsistencies following meeting, with contradictions relating to if the client wanted to leave, how easily they could do so;
- Stevenage currently has an issue with drugs, and the Old Town with many pubs and options to buy alcohol;
- Lots of subways where drugs are dealt and taken below road level and making it uncomfortable for locals to walk through;
- Since the Haven and the helping of the homeless has shown that this has failed with the amount of people drunk and high in the old town;
- Worried that, with the best will in the world, the police, with limited resources will not be able to respond to any problems that arise;
- The proposal is a drastic intensification of use in becoming a rehabilitation centre from a previously sedate hotel;
- Whilst they have stated there will be no registered sex offenders there will still be sex addicts present alongside various other addictions;
- The plans state a 2m security fence around the perimeter, which proves there is a need to not only keep people in but also keep people out;
- Increased noise from the garden which is meters away from multiple gardens;
- Little confidence in the team behind the development. It is clear they are in this for the money. Therefore, any future running of the rehab centre is very unclear and extremely concerning. Leaving our community with changing hands and possibilities for this centre to cause all kinds of trouble;
- Poses great risk and danger to a friendly and safe neighbourhood;
- High volume traffic on Hitchin Road;
- The proposal to have one or two places available for local authorities has a very nasty taint of bribery;
- 1 / 2 members of night staff totally inappropriate for 20 potential clients;
- Insufficient evidence to demonstrate any local need for this service;
- Lack of integration of the proposed service with local pre-existing Local authority and NHS services;

- Unenforceable guarantees regarding the safety of local residents;
- Surely a centre on a busy main road, right next to another property which is a hotel, is hardly conducive to its proposed purpose;
- 2 car parking spaces for the conversion of 28 Essex road is likely to be insufficient;
- To further add to the traffic with emergency vehicles, additional visitors, extra staff and more waste collections would only cause more disruption on this very busy dual carriageway and therefore potentially create more noise, pollution and danger to pedestrians
- Is this a counselling centre for other residents? Will day visitors be in addition to the 20 staying residents?
- Significant increase in noise levels with more comings and goings throughout the day every day, outdoor exercise, outdoor workshops, distressed patients, visitors, deliveries, numerous members of staff, additional waste removal, additional catering provision etc.;
- Not in-keeping with the character of Essex Road and Hitchin Road, and would have social and environmental impact in the area, such as potential increase in crime and/or fear of crime;
- Policy HO10 – the new neighbourhoods to the north and west of Stevenage should include an element of accommodation in use class C2 as part of a comprehensive offer. There is provision for housing development, that are soon to be built, to provide C2 accommodation;
- Policy SP7 – the conversion of 28 Essex Road from a residential house to part of a business premises actually reduces housing provision;
- Policy SP1 – the proposal does not improve the social or economic condition of the area;
- Policy SP2 – the application will have a negative impact on crime, and the fear of crime;
- There is no mandate for such a facility in this area of town. The site falls outside any designated areas for such a facility. SP9 promotes the establishment of new healthcare facilities at the North of Stevenage, Stevenage West and the Town Centre;
- Fails to meet criteria (b) of Policy HC5 as the site is not appropriate in terms of its location and accessibility;
- The impacts of noise and disturbance, fear of crime, fear of insecurity, loss of privacy from the CCTV measures and intensification of the site, amount to the location being unsuitable for this use;
- Straying from the Organisation Management Plan would be difficult for the planning authority to enforce on such a frequent and detailed basis, given the measures and issues involved. The need for such measures in attempting to reduce adverse impacts upon this residential area, serves to demonstrate how sensitive the surrounding land use is, being primarily residential, and the resulting conflict and incompatibility there would be;
- The lack of available, affordable or otherwise unsuitable premises elsewhere, does not render this location suitable;
- Does not accord with Paragraph 127 of the NPPF;
- The increase in persons on site would lead to a general over-intensification of the site;
- Loss of privacy to neighbouring properties from the proposed CCTV measures;

Mark Lewis, Thomas Alleyne Academy Headteacher–

I have met with the organisation who has applied for permission. Whilst they did reassure me that the safeguarding of our students will also be a priority for them, I am writing to express concerns as both Headteacher and an Old Town resident about the centre opening. My primary concern is around the safety of students on their journey to and from school, particularly as we are implementing staggered start and finish times in response to government guidance about school reopening.

Stevenage Police Chief Inspector –

The Police have had a meeting with the proposed management company team at Abbington House, during which we discussed the working relationship between police and the facility. I now strongly believe that their plans will balance the interests of their clients, the residents in the surrounding neighbourhood, and the wider community of Stevenage as a whole. We are now in the process of setting up a Service Level Agreement based on mutually understood principles and therefore I am happy that the concerns that I expressed in my previous letter to you have been addressed.

5. CONSULTATIONS

5.1 Police Crime Prevention Officer

5.1.1 The Police Crime Prevention Officer (PCPO) made comment on the pre-application enquiry for the proposal and at the time voiced concerns regarding the location, apparent lack of private space and also showed concern regarding the possible company that would administer the site. Following numerous emails and several meetings with the project team I am pleased to say that, with the exception of the location, all my concerns have been addressed.

5.1.2 With regard to the location this has been partly mitigated by the way the centre is designed to operate. The concerns regarding lack of private space and vulnerability of service users have been addressed by the use of suitable gates and access control systems together with formal surveillance of the rehabilitation centre from all aspects. My concerns regarding the location have been mitigated by the physical measures being put in place and also by the explanation as to how the centre will operate. In light of this the Police Crime Prevention Design Service will not be objecting to this application as concerns regarding designing out crime have been addressed.

5.2 Hertfordshire County Council Highways

5.2.1 The County Council as Highway Authority have assessed the application and, after initially objecting based on wait times for refuse vehicles waiting on Hitchin Road because of the distance of the bin store in the site, a revised plan has been provided, re-siting said bin store and the objection has been removed.

5.3 Environmental Health

5.3.1 No objections are raised to the proposal.

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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act. The NPPF and the PPG, with which Members are fully familiar, are both material considerations to be taken into account in determining this application.

6.3 Planning Practice Guidance

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

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

SP1	Presumption in Favour of Sustainable Development
SP2	Sustainable Development in Stevenage
SP5	Infrastructure
SP7	High Quality Homes
SP8	Good Design
SP9	Healthy Communities
SP11	Climate Change, Flooding and Pollution
IT4	Transport Assessments and Travel Plans
IT5	Parking and Access
HO5	Windfall Housing
HO9	House Types and Sizes
HO10	Sheltered and Supported Housing
HC5	New Health, Social and Community Facilities
GD1	High Quality Design
FP2	Flood risk in Flood Zone 1

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.
Stevenage Design Guide Supplementary Planning Document January 2009.

6.6 Community Infrastructure Levy Charging Schedule

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

7 APPRAISAL

- 7.1 The main issues to consider in the determination of the change of use are the acceptability in land use policies; suitability of the location and impact on the character and appearance of the area; impact on the amenity of neighbouring properties; highways and parking.

7.2 Acceptability in Land Use Policy Terms

- 7.2.1 The application site does not have a designated site allocation in the adopted Local Plan. Considered white land in this respect the proposal should be considered in land use terms with regard the loss of the hotel use and the acceptability of the proposed rehabilitation use. The provision of residential flats at 28 Essex Road would be considered in its own right in accordance with the Council's Windfall Housing policy.
- 7.2.2 The Local Plan does not have a specific policy relating to the loss of C1 (Hotel) uses, nor the employment element of such a use in this location. The proposed C2 (Rehabilitation Centre) use can be assessed against Policy HC5 New Health, Social and Community Facilities of the Local Plan (2019). The Policy states that planning permission for new facilities on an unallocated site will be granted where:
- A need for the facility has been determined;
 - The site is appropriate in terms of its location and accessibility, and;
 - The facility is integrated with existing health, social or community facilities where appropriate.
- 7.2.3 Paragraph 91 of the National Planning Policy Framework (NPPF) (2019) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which; promote social interaction; are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
- 7.2.4 The provision of a range of health, social and community facilities can be an important element in creating sustainable communities and improving the quality of life for existing and new residents. Where a need can be identified it is important that these facilities are easily accessible for all. The proposals would provide a private residential rehabilitation and counselling centre with services for adults with drug and alcohol addiction. Therapy services will be provided for 20 clients in total comprised of 18 private spaces and 2 socially referable bed spaces for Hertfordshire County Council. Clients will range from 18-65 years old and will stay for an initial one month rehabilitation period.
- 7.2.5 The Planning Statement submitted in support of the application provides detail outlining a need for such rehabilitation facilities at both a national and local level. Looking specifically at the local level, the Stevenage Health Profile (2017) and Hertfordshire Alcohol and Drugs Misuse Joint Strategic Needs Assessment (JSNA) (2017) assess such needs.
- 7.2.6 The JSNA states that Stevenage, along with Watford, are the two Hertfordshire areas that have the highest claimants of benefits due to alcoholism, being statistically significantly worse than the rest of Herts. Whilst in 2015 Hertfordshire had a statistically significantly better proportion of successful completion of alcohol treatment (42.7%) compared to England as a whole (38.4%), the JSNA clearly outlines that Stevenage is a targeted area for intervention, in particular for alcohol related substance abuse.
- 7.2.7 It is of note that the Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) includes a projection that there will be increasing demand for supported housing needs during the Local Plan period. The SHMA uses the Homes and Communities Agency Vulnerable and Older People Needs Estimation Toolkit to estimate an increased need between 2011 and 2031 for people with: alcohol misuse, learning disabilities, mental health problems, offenders, moderate physical/sensory disabilities, serious physical/sensory disabilities, refugees, rough sleepers and single homeless with support needs totalling 190 dwellings over the plan period. The Local Plan evidence base has therefore identified that there will be an increasing demand for accommodation for issues such as alcohol misuse.

- 7.2.7 Given the commentary on substance abuse in Hertfordshire, and in some cases Stevenage specifically, officers consider the information submitted by the applicant to demonstrate that there is a need for a rehabilitation facility in the area. Furthermore, the provision of two HCC referred beds for clients is considered advantageous for the local area.. Significant weight is given to the fact the facility will provide for an identified need in the local area.
- 7.2.8 Looking at the suitability of the location in the next section of this report specifically, it is considered that the proposed change of use of the hotel and bungalow in land use policy terms is acceptable. Turning then to the conversion of 28 Essex Road, the applicant has provided support from the current owners that this property has been in use as part of the hotel since 2006. This is further established when viewing online review pages. Certainly the Local Planning Authority are not disputing this claim and as such the proposed conversion of 28 Essex Road to 2no. one bedroom flats must be assessed on the acceptability of returning the property to residential use.
- 7.2.9 Preceding submission of this application the applicant had considered using No.28 as part of the rehabilitation centre facilities. This has also been noted in the numerous objections raised as part of the consultation process. Officers raised concerns over this at pre-application stage and the current proposal states that this was taken in to consideration and thus No.28 is to be converted back in to residential use, separate from the rehabilitation facility. The existing rear gated entrance between both sites is to be closed off and the property known as 28 Essex Road converted to 2no.1 bed flats with 2no. parking spaces and use of the garden areas.
- 7.2.10 Paragraph 61 of the NPPF 2019 requires that the planning system should deliver, inter alia, a mix of housing particularly in terms of tenure and price to support a wide variety of households in all areas. Paragraph 68 of the NPPF sets out that small and medium sites can make an important contribution to meeting housing requirements in an area, and this includes supporting the development of windfall sites.
- 7.2.11 Paragraph 67 of the NPPF (2019) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for growth, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 73 of the same document states that "Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies".
- 7.2.12 Paragraph 117 of the NPPF stipulates that planning policies and decisions should promote the effective use of land in meeting the need for homes such as through the use of brownfield sites (previously developed land) and the development of underutilised land.
- 7.2.13 Turning to the adopted Local Plan (2019), as the site is not designated for residential development it would be classed as a windfall site. Taking this into consideration, Policy SP7 (High quality homes) states that the Council needs to provide 7600 new homes over the local plan period of which 1,950 homes would be provided through windfall sites. Turning to the specific policy on windfall development sites, (Policy HO5 of the Local Plan), this outlines a set of criteria that must be met for a development to be considered acceptable. These criteria state that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.
- 7.2.14 On the basis that the proposal is for the conversion of a former semi-detached dwelling, it is on previously developed land and therefore acceptable as a windfall site. The site is well connected and in close proximity to the Old Town and some small amenities off Fishers Green. The proposal would not have a detrimental impact on the environment and surrounding

properties given the residential nature of Essex Road; it would not prejudice the delivery of strategic sites and would not overburden existing infrastructure. The conversion of No.28 into 2no. one bed flats is therefore considered acceptable in principle.

7.4 Suitability of the Location and Impact on the Character and Appearance of the Area

The Abbington Hotel

- 7.4.1 The hotel site is located on the western side of Hitchin Road, a two lane, dual-carriageway road. The site is accessed from the western carriageway which heads north towards the Gunnels Wood Road and Martins Way. To the east and on the eastern side of the southern carriageway residential properties are located off Franklins Road and Dewpond Close. To the north the site abuts Campion Court a flatted development accessed off Essex Road. To the south large detached properties of a similar architectural style to No.23 are a mixture of private dwellinghouses and hotel/B&B accommodation. Further north past the roundabout is the Longfields Fire Training Depot and the John Henry Newman Secondary School. To the south of this stretch of Hitchin Road is the gyratory system for the Old Town and High Street with No.6 Julians Road providing supported living for those with learning difficulties.
- 7.4.2 The Hitchin Road site is therefore within a mixed use area, with residential use predominantly being to the rear / west and on the opposite side of the four lane dual carriageway to the east. The application has been supported by a site assessment similar to a sequential test outlining the needs of the facility and available buildings that may support this role. The factors taken into consideration to establish whether the location is appropriate includes characteristics of the site; suitability for use as a rehabilitation centre; development proposals (change of use); deliverability; affordability; and planning requirements. The document is considered to provide a robust methodology for eliminating other available sites within the County based on the needs of the proposed use.
- 7.4.3 Whilst this has been provided, the suitability of the preferred Abbington Hotel site must also be considered acceptable. The NPPF acknowledges that new development should aim to prevent crime and disorder, or the fear of crime undermining quality of life. The level of objections raised highlight that there is a perception that the presence of addicts will bring with them crime, from drug and alcohol use. Case law advises that these concerns should not be rejected but the Local Planning Authority must take an informed approach and weigh the need and management of the facility against the fear of crime which will inevitably come from a social issue that is commonly stigmatised and mis-understood. Whilst crime levels may be associated with factors relating to drink and drugs, the provision of a private facility denotes people who want to receive help in some form and if the facility is well managed then the fears mentioned should be abated.
- 7.4.4 The fear of potentially passing a resident in the street (given they would never be without a member of staff) would surely be difficult to distinguish from any persons walking in public within the surrounding area. The Local Planning Authority whilst seeking to deliver a safe and accessible environment for people to live in, must also address the needs of those living in society including those unfortunate enough to experience addiction. Furthermore, Planning Inspectors have taken the view that, given appropriate management, the occupants of these properties should not cause significantly greater impact than normal homes (Development Control Practice Online) especially given in this case that residents would only be occupying the facility for temporary periods of time (approximately one to two months) with no contact from visitors for the first 14 days. Given the robust safety and operational measures proposed, and the support of the Local Police (as identified in the response from the Stevenage Police Chief Inspector), it is the LPA's consideration that the need for the facility and the robust justification for this location, in an accessible and mixed area outweighs the fear of crime, when this cannot be reasonably demonstrated.

- 7.4.5 The proposed change of use does not include any external changes to the building, with operational development occurring to the rear with the creation of an amenity area in part of the existing car park, and the installation of bow-hooped railings/fencing at 2m in height (which could also be erected without planning permission under permitted development), much like that seen at schools and parks, a vehicular gate to the side of the building (typical of residential and commercial premises), and the provision of building mounted and pole mounted CCTV, for the safety and security of residents of the facility more so than neighbouring properties.
- 7.4.6 It is considered acceptable and reasonable given the level of objection to seek further details on the pole mounted CCTV in particular in terms of final positions, height of the poles and positioning of the cameras to protect existing privacy levels of properties. However, given the proximity of the cameras shown on the site plan with the boundaries of the site, angled down, it is unlikely they will see anything more than the amenity areas of the site. However, it is suggested details be conditioned. The addition of these external factors would not in the LPA's opinion harm the character and appearance of the site, nor the wider area.
- 7.4.7 Therefore, on balance the proposed location is considered acceptable and the proposed change of use to a rehabilitation facility would not cause a detrimental impact to the character and appearance of the area such that a refusal would be warranted.

28 Essex Road

- 7.4.8 Located in a quiet residential road, the proposed change of use of the property from part of the hotel use to residential use in the form of 2no. One bed flats is considered a more sympathetic use than existing. No external alterations are proposed and the proposed use would not be harmful, being in-keeping with the residential character of the area. Furthermore, the specific provision of flats in the property, in comparison to the majority of single family homes in the area is not considered a reason for refusal, as the proposal would help provide small sized housing in accordance with the Council's policies. Furthermore, externally there would be no telling factors that the property was not a single family home. The LPA also consider the use of the property for the provision of flats to be more appropriate for the area than the existing hotel use.

7.5 Centre Operations and Management

- 7.5.1 The property will operate with a maximum of twenty bedrooms, 15 in the main building and 5 in the bungalow. These will provide safe over-night accommodation which is considered essential to successful long-term rehabilitation. The use of the established 12 Step Therapy treatment process is proposed. This process is a well-established and common approach to rehabilitation. The supporting documentation provided as part of the application states that the centre will deliver structured therapy programmes unique to client requirements with the overriding goal to improve quality of life and support long-term recovery.
- 7.5.2 The centre will be staffed and managed by qualified staff with specific and expert training 24 hours a day. A copy of the proposed Organisation Management Plan and Safeguarding Vulnerable Adults Policy have been submitted in support of the application and considered robust additions in showing how the facility is to be managed, with independent regulation by the Care Quality Commission (CQC) who have to ensure facilities are managed to the fundamental standards and quality of safety required by the CQC.
- 7.5.3 The robustness of the operation and management of the centre has been diligently assessed by both the Police Crime Prevention Officer and the Stevenage Police Chief Inspector who have found the documents presented and proposed details to be completely satisfactory for a rehabilitation use. Concerns raised about the number of staff on site overnight are noted. However, the staffing operations of the site have to be in accordance with CQC regulations which ensure appropriate numbers are in place at all times.

7.6 Impact on Neighbour Amenity

The Abbington Hotel

- 7.6.1 The proposal comprises minor operational development, and the change of use from a hotel to a rehabilitation centre. The LPA does not consider that the change of use would intensify the site's use above and beyond the current use as a hotel. Objections have suggested that because the current hotel attracts little trade and persons are typically only present for evenings and sleeping, that use of the building during daytime hours, including the proposed amenity area would be over-intensification and therefore unacceptable. In considering the current operations of the hotel, having been noted as very quick turnover, with business persons and motorists stopping for single night or short stays, with early and late starts and finishes, the LPA disagrees with the over-intensification argument. There is an argument that the very nature of the current business is that it has a rapid turnover of guests which would not be the case with the proposed use. In any event, a different hotel operator with a different business model, could change and intensify the operation of the hotel business without the need for any further planning approvals. In considering this application weight has to be given to the full extent of the current use in assessing the 'intensification' of the proposed use.
- 7.6.2 Both uses provide a form of living accommodation, and given the earlier considerations that residents of the proposed facility would be temporarily staying for one to two months seems less intensive than the current operation of the hotel. Furthermore, it can be considered that as the location of the site is near the Old Town high street and adjacent to a busy road and thoroughfare where there is already a high level of activity, that there would not be so significant harm to the living conditions of local residents. In addition the Council's Environmental Health Officer has raised no concerns in respect of noise nuisance from the proposed use. It is therefore considered that the proposed use would not cause a detrimental impact on the amenity of neighbouring properties.

28 Essex Road

- 7.6.3 Currently No.28 Essex Road is linked to the hotel use by an access gate in the rear garden boundary and guests using No.28 would access the main building for all other facilities apart from sleeping, i.e. meals, the bar, etc. The current proposal includes the closure of the rear boundary access and the return of the property to residential use only, separate from the proposed rehabilitation use. This is not considered to adversely affect the amenity of the adjoining properties.

7.7 Amenity of Future Occupiers

The Abbington Hotel

- 7.7.1 It is established that to aid successful rehabilitation a good level of external amenity space must be provided. This was particularly highlighted by the Police Crime Prevention Officer in pre application discussions. This ensures that the proposed residents of the facility equally benefit from being outside whilst following their therapy programme. The proposed landscaping and external amenity plan shows an area of seating and hardstand for outside use to the front of the bungalow, in what is currently part of the car park. The provision of an external garden / amenity area is a benefit in that it removes a large area of hardstand which is unattractive, whilst providing additional planting and greenery, which is considered to improve the biodiversity offering at the site.
- 7.7.2 The details provided are not specific and it is considered reasonable therefore to impose a condition relating to landscaping details on any approval.

28 Essex Road

- 7.7.3 The Council's adopted Local Plan stipulates the required levels of amenity space, both internal and external for residential dwellings. Looking firstly at internal standards, these are taken from the nationally described space standards which look at overall Gross Internal Area (GIA) and also bedroom sizes. This is to ensure the living standards of the proposed occupier(s) are acceptable.
- 7.7.4 Both units, at approximately 46 and 40 square metres for the ground and first floor flats respectively, would meet the minimum standards for a 1 bed 1 person unit. However, both bedrooms measure over 11.5 square metres and thus would be considered double bedrooms in accordance with the guidance, thus being 1 bed 2 person units. The minimum requirement for this size of unit would be 50 square metres which both units fall shy of.
- 7.7.5 However, notwithstanding this, each case is based on its merits and it is the LPA's opinion that in this case significant weight should be given to the overall proposals and the benefits in returning this property to residential use separate from the use of the main hotel building. As such, with both units meeting the overall minimum standard for a 1 bed 1 person unit it is considered in this case that an on balance judgement should allow the proposed unit sizes.
- 7.7.6 For residential units the Council's standards for external spaces differ from dwellinghouse to flats. Either way, the existing rear garden space provides ample external amenity space for the ground floor flat with the front garden at use to the first floor flat along with nearby public open spaces.

7.8 Highways and Parking

The Abbingdon Hotel

- 7.8.1 Hertfordshire County Council as the Local Highway Authority has assessed the application and gave an initial objection, based on the impact of waste collection and waiting times for waste operatives on Hitchin Road. An amended plan has been provided re-siting the bin store, such that the distance from collection to kerbside is acceptable and wait times would be no worse than those of the existing hotel use.
- 7.8.2 In considering the existing hotel use, the proposed C2 use is not considered to significantly alter or intensify the level of transport movements to and from site, especially given residents would not have their own cars, and shift patterns of staff are unlikely to follow typical business hours, much like a hotel doesn't. Both facilities would require transport movements for linen collections, catering and other deliveries, and staff commuting. Visitors are only allowed after the first 14 days and on weekends only. These visits are also appointment only and thus car movements can again be managed by the facility in this respect. The site is also well connected in terms of public transport and non-car modes of transport.
- 7.8.3 The use of and layout of parking for staff and visitors should be carefully considered, including access to the proposed secured rear parking area. Furthermore, the type and number of deliveries should be considered should access be required to the rear of the building in terms of sufficient clearance space from the highway for any large vehicles. This would also be true of waste collection.
- 7.8.4 Since submission of the application earlier this year the Council's parking standards have changed with the new SPD being adopted in October 2020. These continue to outline the level of parking deemed appropriate for different use classes and take account of the sustainability and accessibility of a site in designating residential and non-residential parking zones. Whilst in close proximity of the Old Town the site does not now fall within a non-residential parking zone and thus full provision based on the standards is expected unless robustly argued for lower or greater numbers of spaces.

- 7.8.5 For C2 Institutions/homes with care staff on premises at all times the proposal would create the need for 16-18 spaces based on number of resident's beds and full time equivalent staff numbers. Currently the site provides 23 spaces with the proposals reducing this to 16, including 3 disabled spaces. This is considered acceptable and in accordance with the Council's guidance.
- 7.8.6 Cycle parking is proposed with 3 staff cycle spaces and 1 client cycle parking space, to be provided within a secure cycle locker. Details of this can be appropriately conditioned to ensure they meet current standards. It is noted that it would not be appropriate to have resident's cycling to and from the site or during their stay. However, the standards do not break down C2 uses so specifically. Given the change in adopted standards since submission, the new standards would require 6 long term cycle spaces and 2 short term spaces. This could be easily accommodated and given the proposed secure cycle storage is to be conditioned to provide details, it is considered reasonable to ensure these details provide for the correct level of provision.

28 Essex Road

- 7.8.7 The proposed residential use of Essex Road has been assessed against the residential standards in the 2020 SPD. For residential the standards are much the same, and the site is not located in a residential parking zone and thus 100% provision is required. The provision of 2no. One bed flats would require one space per dwelling. Typically in residential situations the LPA would consider the net gain of the proposal above that of the existing use.
- 7.8.8 On the basis that the existing use of No.28 is related to the hotel, it is difficult to establish what the current parking at No.28 would be. However, taking a pragmatic approach, as a three bedroom dwelling the property would be required to have two parking spaces, the same as for the proposed use. The proposed parking arrangements for No.28 are therefore considered acceptable.
- 7.8.9 In terms of cycle parking arrangements each flat should provide 1 secure and covered space. This could easily be provided in the retained garage for both flats, as it is accessed independently of both units. This will be secured by imposition of a condition.

7.9 Waste

- 7.9.1 The proposed rehabilitation centre has appropriate waste storage shown on the proposed site plan, re-sited following consultation with the local highway authority. Given the required amendments to make the scheme acceptable in highway safety terms it is considered necessary and reasonable to impose a condition that the bin storage be provided prior to occupation and at no time moved without express permission from the LPA. This is to ensure it is not moved an unacceptable distance from the highway for the purposes of refuse collection and to prevent waiting vehicles on the highway to the prejudice of highway safety.
- 7.9.2 In terms of the provision at 28 Essex Road, this would not be different from normal residential refuse collections. The retained garage could also accommodate bins for both flats to prevent them from being left in the garden, and to ensure both flats have suitable ground floor and front access.

7.10 Other Matters

- 7.10.1 Matters raised in the objections received relating to devaluation of nearby properties and incomes of nearby businesses are not a material planning consideration.

8 CONCLUSIONS

- 8.1 It is considered that the change of use of the Abbington Hotel to a rehabilitation centre is acceptable and accords with both local and national policy. The proposed operation and management of the facility has been robustly justified, as has the suitability of the location. Case law and national guidance states that, whilst acknowledging crime and fear of crime, LPA'S should not place significant emphasis on the stigmatising of vulnerable people in need in our society. The need of the facility has been clearly shown.
- 8.2 The proposed use of No.28 Essex Road as residential is welcomed and is not considered to harm the character and amenity of the area. The introduction of flats is considered acceptable, and in terms of the GIA and bedroom sizes in this case an argument is accepted for the proposed provision of each flat.
- 8.3 The proposed car and cycle parking for both planning units is acceptable, along with bin storage, external amenity space and landscaping. Access and impacts on the highway network are considered acceptable in accordance with the local highway authority and the Council's newly adopted Parking Provision and Sustainable Transport SPD.

9 RECOMMENDATION

- 9.1 That planning permission be GRANTED subject to the imposition of conditions as set out in section 9.2.
- 9.2 The proposal be subject to the following conditions:-
1. The development hereby permitted shall be carried out in accordance with the following approved plans: 4776 AP02; 4776 AP03B; 4776 AP04; 4776 AP05; 4776 AP07; 4776 AP09; 4776 AP10A; 4776 AP11; 4776 AP20; 4776 AP21; Site Location Plan; Site Plan.
REASON:- For the avoidance of doubt and in the interests of proper planning.
 2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 3. The use of 23 Hitchin Road and the associated 'bungalow' shall be for the provision of a rehabilitation centre (Use Class C2) only and shall operate in full accordance with the Organisation Management Plan submitted on 26 June 2020 as part of the application hereby approved, by Abbington 28 Ltd.
REASON:- To ensure the centre is run in accordance with those details fully assessed by the Local Planning Authority and statutory and non-statutory consultees and in the interests of protecting the amenities of neighbouring properties.
 4. At no time shall the use of 23 Hitchin Road and the associated 'bungalow' be occupied by more than the specified 20 bedrooms / residents.
REASON:- To ensure the Local Planning Authority can fully consider the impacts of greater numbers and the intensification of the approved use on highways impacts, car parking and the amenities of neighbouring properties.
 5. Prior to occupation of the rehabilitation centre full details of the proposed CCTV shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the type of cameras, locations of cameras, positioning/angles of the cameras, and heights of all pole mounted cameras. The scheme shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority for the perpetuity of the approved use.

- REASON:-** In the interests of visual amenity and to protect the amenities of neighbouring properties.
6. Notwithstanding the details submitted, prior to the approved use coming in to operation full details of a scheme of soft and hard landscaping and details of the treatment of all hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Details shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting. In particular in respect of all proposed planting along the boundaries of the site.
REASON:- To ensure a satisfactory appearance for the development.
 7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of 23 Hitchin Road or the 'bungalow' or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
 8. All hard surfacing comprised in the approved details of landscaping shall be carried out within two months of the first occupation of 23 Hitchin Road of the 'bungalow' or the completion of the development, whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
 9. 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.
 10. The boundary treatments of the site shall be installed in accordance with Drawing No. 4776 AP10A and retained in this form unless otherwise agreed in writing by the Local Planning Authority.
REASON:- In the interests of visual amenity.
 11. Prior to the approved use coming in to operation, details of the proposed security gate shown to the side of 23 Hitchin Road on Drawing No. 4776 AP03B shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
REASON:- In the interests of visual amenity.
 12. The proposed waste storage area shall be provided in accordance with the location shown on Drawing No. 4776 AP03B prior to occupation of 23 Hitchin Road or the 'bungalow' and shall at no time be moved unless agreed in writing by the Local Planning Authority.
REASON:- To ensure waste collection is carried out in accordance with current standards and to prevent refuse vehicles waiting excessively on the public highway.
 13. The parking, turning and servicing areas shown on Drawing No. 4776 AP03B shall be provided, marked out and hard surfaced ready for use prior to the first occupation of 23 Hitchin Road or the 'bungalow' and shall be retained in that form and kept available for those purposes thereafter.
REASON:- To ensure that adequate parking and servicing facilities are available within the site and that there is no detriment to the safety of adjoining highways.
 14. Notwithstanding the details provided, prior to the approved use coming in to operation, full details of covered and secure cycle parking for a minimum of 8 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided on site prior to occupation of 23 Hitchin Road or the 'bungalow' and maintained in accordance with the approved details.

- REASON:-** To ensure an acceptable level of cycle parking is provided on site in accordance with the Council's adopted Parking Standards and Sustainable Transport SPD (2020).
15. Prior to the approved use coming in to operation, details of the provision of Electric Vehicle Charging Points for at least 20% of the proposed car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The EV charge points shall be made available for use prior to occupation of 23 Hitchin Road or the 'bungalow'.
REASON:- To promote sustainable methods of car use and in accordance with the Council's adopted Parking Standards and Sustainable Transport SPD (2020).
16. Prior to the occupation of 28 Essex Road as residential flats the rear access point between 23 Hitchin Road and 28 Essex Road shall be closed and access ceased in accordance with Drawing No. 4776 AP03B.
REASON:- To ensure the security of both sites and their occupants and in the interests of the amenity of neighbouring properties.
17. The use of 28 Essex Road as residential accommodation shall at no time be used as accommodation associated with the approved rehabilitation use at 23 Hitchin Road or the 'bungalow'.
REASON:- To ensure the approved rehabilitation use does not overspill and in the interests of the amenity of neighbouring properties.
18. Prior to the approved use of 28 Essex Road coming in to operation, full details of the provision of cycle and bin storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON:- To ensure an acceptable level of cycle parking and bin storage is provided on site, accessible by both flats and in the interests of visual amenity.
19. No access shall be provided to the roof of the single storey flat roof side extension/garage at 28 Essex Road by way of windows, doors or staircases and the roof of the single storey flat roof side extension/garage shall not be used as a balcony or sitting out area.
REASON:- To protect the amenities and privacy of the occupiers of adjoining properties.

INFORMATIVES

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 .

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 led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

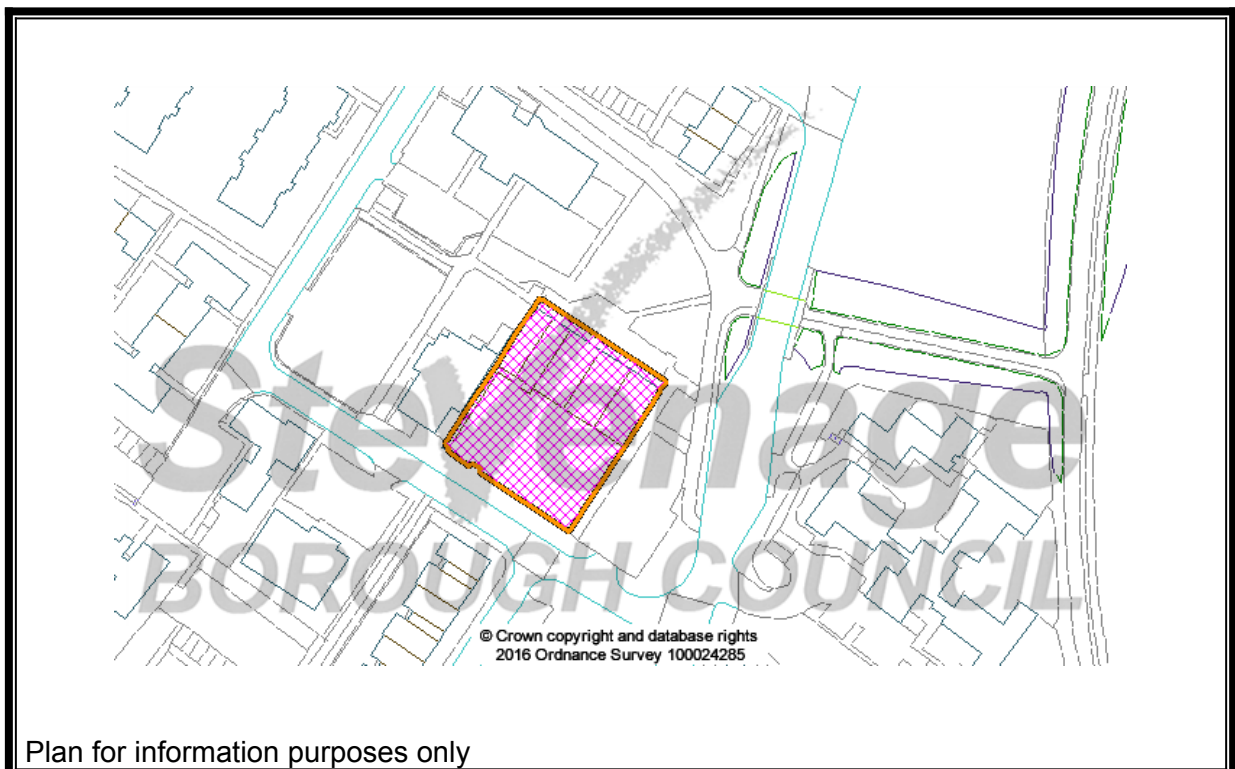
BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011-2031.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012; Stevenage Design Guide 2009.
4. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
5. Central Government advice contained in the National Planning Policy Framework February 2019 and the National Planning Practice Guidance 2014, as amended.
6. Responses to consultations with statutory undertakers referred to in this report.
7. Responses to third party consultations referred to in this report.

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	4 November 2020	
Author:	James Chettleburgh	01438 242266
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	James Chettleburgh	01438 242266

Application No:	20/00483/FPM
Location:	Symonds Green Neighbourhood Centre, Filey Close, Stevenage.
Proposal:	Variation of conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention), 18 (Restriction on Retail) and 19 (Restriction on Retail) attached to planning permission reference number 16/00395/FPM.
Drawing Nos.:	2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
Applicant:	Mr Nash Karbani
Date Valid:	1 September 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located off Filey Close which is a spur road off of Scarborough Avenue and is currently occupied by the Symonds Green Neighbourhood Centre. The Neighbourhood Centre, in which planning permission 16/00395/FPM is currently being implemented, comprises an extension on the upper floors comprising of 26 apartments. The external elevation of the extension is finished in grey rain screen cladding. The fenestration detailing comprises the creation of new windows and doors with grey polyester powder coated (ppc) aluminium frames. At ground floor level, parts of the building (which are still under construction) have been altered to create new retail units with associated shop frontages being installed. The building at this level has also been reclad in clay stock facing bricks. The first floor part of the building has been rendered with new stone detail banding.
- 1.2 However, on the principal (northern/front) elevation, works have not yet commenced and it is this part of the building which is the main subject of this planning application. The premises which currently occupy the ground floor level consists the following:-
- MD Chemist;
 - The Co-operative food;
 - Mandarin House; and
 - King Pizza and Kebab.
- 1.3 The shop fronts associated with the premises consist of aluminium frame glazed windows and doors with low level stall risers and simplistic signage. To the north of the application site is the Symonds Green Community Centre and to the south is the public highway (File Close) beyond which is a three-storey block of flats and the Symonds Green Doctors Surgery. To the west, attached to the building, is the Tom Tiddlers public house which lies adjacent to a surface car park. Beyond this area is a three-storey block of flats. To the east of the site is a surface car park which currently serves the neighbourhood centre and community centre. Beyond this surface car park is Scarborough Avenue and an underpass which connects to the cycle track on Gunnels Wood Road.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0087/69 was an outline application for residential development on land to the east side of Symonds Green Lane. Permission was refused in July 1969.
- 2.2 Planning application 2/0230/70 sought permission for the creation of a residential development in Symonds Green for Stevenage Development Corporation. Permission was granted in July 1971.
- 2.3 Planning application 2/0189/78 sought permission for the change of use from shop to shop for the sale of hot food. Permission was granted in April 1979.
- 2.4 Planning application 2/0332/84 sought permission for the conversion of the ground floor shop into three separate retail shops (within Class I of the Town and Country Planning (Use Classes) Order 1972). Permission was granted in December 1984.
- 2.5 Planning application 2/0125/86 sought permission for a new shop front on the north-east corner of the building. Permission was granted in May 1986.
- 2.6 Planning application 2/0020/87 sought permission for the conversion of part of the building to provide a housing estate office with a meeting room and two small commercial units for light industrial or storage purposes. Permission was granted in February 1987.
- 2.7 Planning application 2/0209/95 sought permission for a shop front alteration. Permission was granted in August 1995.

- 2.8 Planning application 00/00472/FP sought permission for the change of use from shop (Class A1) to use for takeaway and delivery pizza sales (Class A3) and extraction and ventilation ducting on side elevation. Permission was granted in March 2001.
- 2.9 Planning application 03/00483/FP sought permission for a variation of condition 00/00472/FP to allow for the sale of kebabs, burgers and chips. Permission was granted in December 2003.
- 2.10 Planning application 04/00186/FP sought permission for the retention of a roller shutter to the main entrance of the neighbourhood centre. Permission was granted in July 2004.
- 2.11 Planning application 04/00336/FP sought permission for the installation of auto sliding doors to aid disabled and elderly access into the Co-op store. Permission was granted in September 2004.
- 2.12 Planning application 16/00146/FP sought permission for the change of use from Use Class B1, B8 (Light industrial and storage) to A1 (Hairdressers). Permission was granted in April 2016.
- 2.13 Planning application 16/00395/FPM sought permission for the demolition of 4 no. residential units and refurbishment and external alterations of neighbourhood centre, change of use of existing A1 (shop), B1/B8 (Former Council Estate Office, Business and Storage), D1 (Community Centre) and ancillary Community Cafe to create 3 no. units comprising 2no. Class A1 (shop) and 1no. Class B1 (business) at ground floor level, construction of one additional floor to create 12 no. one bedroom apartments and 10 no. two bedroom flats. Permission was granted in May 2018. This is the application which is being varied under this planning application.
- 2.14 Discharge of condition application 19/00314/COND sought to discharge conditions 3 (materials), 4 (Dust Control), 5 (Construction Method Statement), 6 (Screening of Plant), 7 (Asbestos) and 11 (Strategic Waste Management Plan) attached to planning permission 16/00395/FPM. The conditions were discharged in September 2019.
- 2.15 Discharge of condition application 19/00441/COND sought to discharge condition 8 (Drainage Scheme) attached to planning permission reference 16/00395/FPM. This condition was discharged in August 2019.
- 2.16 Discharge of condition application 19/00533/COND sought to discharge condition 9 (Thames Water) attached to planning permission reference 16/00395/FPM. This condition was discharged in October 2019.

3. THE CURRENT APPLICATION

- 3.1 This application seeks to vary conditions 1 (Approved Plans), 12 (Car Parking Provision), 13 (Cycle Parking Provision), 17 (Business Retention) as well as conditions 18 and 19 (Restriction on Retail). For reference, these conditions state the following:-

Condition 1 (Approved Plans)

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

DP100A; DP302F; DP303B; DP300H; DP301G; DP310C; DP311C; DP320A; DP321A.

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

Condition 12 (Car Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.

Condition 13 (Cycle Parking Provision)

Prior to the first occupation of the dwellings hereby permitted the approved secure cycle parking area shall be constructed in accordance with the details identified on drawing DP 300 H and shall be permanently retained in that form thereafter.

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

Condition 17 (Business Retention)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number DP 300 H shall only be used as Use Class B1 (Business) and for no other purpose (including any purpose in Class B on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately reprovided within the neighbourhood centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #2 as shown on drawing number DP 300 H shall only be used as Class A1 (Convenience) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

Condition 18 (Restriction on Retail)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit #3 as shown on drawing number DP 300 H shall only be used as Class A1 (shop) and for no other purpose (including any purpose in Class A on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing class A1 (shop) use is adequately re-provided within the neighbourhood centre.

- 3.2 Following the commencement of works on the development site, the existing tenants have raised concerns that the approved shop frontages, external building treatment and replacement of the canopies when they were to be installed, would have had a detrimental impact on their ability to continue to operate. Therefore, the applicant has agreed to amend the approved scheme to allow the existing retail tenants to install their own 'individual fit-out proposals'. For reference, these would be subject to separate planning permission and

therefore, do not form part of this planning application. In addition, they will seek to retain the existing canopy above the existing shopping parade. However, the applicant would look to undertake sympathetic refurbishment works to the existing canopy.

3.3 Further to the above, in order to limit the impact on the existing businesses and to allow them the floorspace they require, the internal arrangements of the approved development at ground floor level would be amended as follows:-

- The approved 3 no. retail units on the western elevation would be subdivided into 5 no. smaller retail units;
- The internal parking area serving the development would be positioned more centrally and comprise 10 parking spaces (Increase of 2 parking spaces over the original planning permission);
- The office unit and approved cycle parking has been repositioned internally;
- The disabled parking bay has been relocated externally and positioned in close proximity to a new ramp up to the residential and retail units.

3.4 Given the above changes, the access door serving the internal parking area has been relocated centrally on the southern elevation of the building. The office unit located on the rear of the building would require the installation of windows into the southern elevation of the building. Turning to the re-configuration of the retail floorspace, this would result in changes to the approved shop frontages on the eastern elevation of the building as well. This elevation would now comprise 5 no. full height glazed store entrances

3.5 This application has been referred to the Planning and Development Committee for its decision. This is because the external appearance of the approved development under planning permission 16/00395/FPM is to be amended from that which was previously determined by the Committee.

4. PUBLIC REPRESENTATIONS

4.1 This planning application has been publicised by way of a site notices and neighbouring properties have been notified about the application via a letter. The application was also published in the local press as it is a major application. No comments or representations have been received.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

5.1.1 The variation of conditions are acceptable in highway terms.

5.2 The Council's Environmental Health Department

5.4.1 There are no objections to the planning application.

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 February 2019. This largely reordered the policy substance of the earlier 2012 version of the NPPF, albeit with some revisions to policy. 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 with which Members are fully familiar, is a material consideration 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 SP8: Good Design
 Policy EC7: Employment development on unallocated sites
 Policy HO5: Windfall Sites
 Policy HC1: District, local and neighbourhood centres
 Policy HC2: Local shops
 Policy IT5: Parking and Access
 Policy IT8: Public parking provision
 Policy GD1: High Quality Design
 Policy FP7: Pollution
 Policy FP8: Pollution sensitive uses
 Policy NH6: General protection for open space
 Policy TC11: New convenience retail provision

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document October 2020.
 Stevenage Design Guide Supplementary Planning Document 2009.

6.6 Community Infrastructure Levy Charging Schedule

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

7. APPRAISAL

7.1 When considering applications of this type, local planning authorities are entitled to consider only the question of the conditions to which planning permission should be granted and must leave the original permission intact. In this instance, the other conditions imposed on the originally granted planning permission for this development remain relevant, so that the only issue for consideration in the determination of this application is how the variation of the condition referred to above would impact on the approved scheme and whether any additional conditions are warranted.

7.2 The main issues for consideration of this application are, therefore, the acceptability of the changes to the scheme in respect of land use policy considerations, affordable housing and Section 106 obligations, impact on the appearance of the area, impact upon residential amenities and parking.

7.2 Land Use Policy Considerations

Redevelopment of the Neighbourhood Centre

7.2.1 The site is designated as a neighbourhood centre under Policy HC1 of the Stevenage Borough Local Plan 2011 to 2031 (2019). In regards to the original planning permission itself, it sought to re-develop the Filey Close (also known as Symonds Green) Neighbourhood Centre in order to provide a mixed use development of retail, business and the creation of 22 apartments. Consequently, the requirements of Policy HC1 had to be taken into consideration. This policy stipulates that development proposals would be granted where:-

- The proposal is in keeping with the size and role of the centre;
- Neighbourhood centres should continue to provide a range of small-scale retail, health, social, leisure, cultural and/or residential uses and maintain at least one unit in Class A1 (shops);
- The proposed development does not prejudice the Council's ability to deliver a comprehensive redevelopment scheme; and
- An impact assessment has been provided, were required by Policy TC13, and it has been demonstrated that there will be no significant adverse impact.

Planning permission would be granted as an exception to the above where satisfactory on or off-site provision is made to replace a loss of uses(s) relevant to the status of the scheme.

7.2.2 The approved development under planning permission 16/00395/FPM involved the refurbishment of the existing neighbourhood centre and would retain the existing premises which includes the Co-Operative store, pharmacy and hot food take-away premises. Furthermore, the approved development also sought to provide additional retail units and a business use class unit which would help to complement the overall shopping facilities available at the neighbourhood centre. This application which is currently before the Council does not seek to alter the existing operator's premises which reside within the development. In terms of the retail and business units which are proposed, these are considered in more detail in the following sections of the report below.

Loss of employment use outside of an employment area

- 7.2.3 Policy EC7 of the adopted Local Plan (2019) states that planning permission for the loss of employment land or sites not allocated for any specific purposes would only be granted where:-
- i) There is sufficient suitable employment land available elsewhere;
 - ii) The proposals provide overriding benefits against other objectives or policies in the plan or;
 - iii) It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant over a considerable period of time.
- 7.2.4 In regards to the first point, the adopted Local Plan identifies that future opportunities in the Borough regarding employment land are insufficient to meet identified needs. These requirements already incorporate some allowance for the loss of existing premises. Therefore, the applicant would need to demonstrate how the proposed change of use does not unnecessarily exacerbate the current issue. Moreover, the loss of the existing premises will be permitted where this issue has been taken into consideration.
- 7.2.5 Under the original planning permission, the development involved the loss of the vacant Stevenage Borough Council Offices as well as the existing Use Class B1/B8 unit which is currently operating from the neighbourhood centre. Therefore, the applicant at the time was required to demonstrate that the existing uses are no longer viable or seeks to provide replacement employment uses within the development.
- 7.2.6 As part of the approved development, the applicant sought to provide 1 no. Use Class B1 (business) premises which would accommodate some of the employment floorspace which would be lost. However, despite the lack of like-for-like replacement floorspace for the existing B-class uses located within the neighbourhood centre, the Stevenage Borough Council Estates Office has been vacant for a number of years with no alternative use ever operating from these premises since it closed. Consequently, the level of replacement B-class floorspace was considered to be acceptable at that time.
- 7.2.7 Given the above, this current application before the Council, whilst it does involve the reconfiguration of the ground floor, does still seek provide an area of business floorspace to the rear of the building. Therefore, the amended scheme would be in accordance with Policy EC7 of the adopted Local Plan (2019).

Compliance with the Council's retail policies

- 7.2.8 Under Policy SP4 of the Local Plan (2019), the Council would support the provision of up to 7,600m² of net additional convenience floorspace within the borough boundary to meet the needs of the expanding town. This would include extensions to existing centres in the retail hierarchy, then other stores in accordance with the sequential test. Policy TC11 of the same document identifies that at least 1,500m² is allocated for extensions to existing stores within the retail hierarchy outside of the town centre. However, any other stores within A1 would have to accord with the sequential test.
- 7.2.9 The previously approved development sought to provide 2 large retail units on the eastern side of the building. One of these approved units would have also been a convenience store which was considered to be acceptable by the Council at the time. However, this scheme no longer seeks to provide a convenience store and due to the reconfiguration internally, these approved retail units have been subdivided into 5 no. smaller retail units. This would allow for a greater variety of retail provision at the neighbourhood and being smaller units they would be much more attractive spaces to let out. Notwithstanding, it is

important to note this scheme does seek to retain the existing operators which are already operating from the neighbourhood centre. Therefore, these businesses would still be able to provide a service to the local community.

7.2.10 Given the above, the overall level of retail provision is considered to be acceptable in line with the Council's adopted Local Plan (2019).

7.3 Affordable housing and developer contributions

7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission will be granted for residential developments that maximise affordable housing provision. For developments on previously developed sites, 25% of the dwelling units should be affordable. In regards to the proposed development, this would equate to 5.5 units (rounded up to 6). Policy HO7 continues that "planning permission will be refused where these targets are not at least achieved unless:

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

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

7.3.2 Taking the aforementioned into consideration, the applicant under planning permission 16/00395/FPM, through negotiations with the Council's Housing Department, agreed a financial contribution of £310,000 towards the provision of affordable housing. This was deemed to be acceptable by the Council as Local Planning Authority when the previous planning application was determined.

7.3.3 In addition to affordable housing, financial contributions were also required under planning permission 16/00395/FPM in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for commuted payments towards the improvement of nearby outdoor sports facilities and children's play space. These financial contributions are set out in the table below:-

Stevenage Borough Council	Financial Obligation
Open outdoor sport	£866.88
Children's play space	£782.64
Total	£1,649.52
Hertfordshire County Council	
Library	£1,906.00
Overall total	£3,555.52

7.3.4 Taking the above financial obligations into consideration, if Members were minded to grant this planning application, then there would be a requirement for the applicant to enter into a Deed of Variation (DoV) to the original S.106 agreement. This DoV to the original S.106 would bind the applicant to the above obligations which were originally secured by the Council. It can be confirmed that the applicant has agreed to enter into a DoV with the Council on the S.106 agreement.

7.3.5 It is important to note that we cannot re-consider any S.106 obligations (including Affordable Housing) under this planning application which is before the Council. This is because this application does not seek to alter the number of approved dwellings or change the overall approved housing mix either.

7.4 Impact on the appearance of the area

- 7.4.1 The application proposes external alterations as detailed under paragraphs 3.2 to 3.4 of the report. Dealing firstly with the proposed retention of the existing shop frontages and canopy, by retaining these features this deviates from the approved details set out under the original planning permission. These changes included the creation of modern full height glazed frontages with new modern canopies over the main entrances. The approved scheme also sought to re-clad the ground floor frontage in brick and stone detailing.
- 7.4.2 However, following discussions with the applicant, the existing business operators raised substantive concerns as to the impact these works could have on their ongoing operation. In addition, the Co-Operative are currently undertaking refurbishment works to their own premises with a separate application (19/00726/FP) which seeks planning permission for external alterations to the shop front. Therefore, the applicant has agreed that, in order to limit any further impacts on the operators, they will retain the frontage as it is and allow the operator to install their own new frontages. Furthermore, they will seek to undertake sympathetic repairs and minor cosmetic repairs to improve the remainder of the frontage.
- 7.4.3 Turning to the minor external changes to the rear and eastern elevations to the building, these would tie in with the overall modernised appearance of the building. Therefore, they would not harm the architectural integrity of the approved scheme.
- 7.4.4 Given the aforementioned assessment, it is considered that the proposed alterations to the approved scheme would not have a detrimental impact on the character and appearance of the development. Moreover, they would not harm the visual amenities of the wider street scene.

7.5 Impact upon residential amenities

- 7.5.1 With regard to the impact on neighbouring amenity, it is not considered the proposed variations to the approved scheme would have a detrimental impact on the amenities of neighbouring properties. Furthermore, the hours of construction conditions would be re-imposed to any planning permission issued. This would ensure that any nearby residents are not unduly affected by construction noise. Consequently, the Council's Environmental Health Section does not raise any concerns with the proposed amendments to the approved scheme.

7.6 Parking

- 7.6.1 Policy IT5 of the adopted Local Plan (2020) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The Council's Parking Standards SPD (2020) sets out the maximum amount of off-street parking for residential development based on the number of bedrooms. However, it is important to note that the original application was determined on the recently superseded Parking Standards SPD (2012).
- 7.6.2 The proposed development, in line with the superseded Council's Car Parking Standards, would have required 27 off-street parking spaces. However, the approved development sought to provide 22 off-street parking spaces which is a ratio of 1:1. Whilst it was agreed there was a shortfall of 5 off-street parking, it was identified that the application site is located in a sustainable location. This is because there is direct access to local facilities such as the doctor's surgery, community centre and church along with the co-operative food store, pharmacy and fast food establishments. The proposal would also comprise of additional retail and business floorspace which supports the sustainability of the development.

- 7.6.3 Further to the above, the site is well served by public footpath connections and is in close proximity to the well-established cycle network. In this regard the provision of a secure cycle facility on site for 25 spaces, which exceeded the Council's Parking Standards at the time, and was considered it would encourage a modal shift towards more sustainable forms of transport. The site is also in close proximity to a bus stop which serves bus route SB8/SB9. Therefore, the site has the accessibility characteristics of the Council's Residential Accessibility Zone 3 which are characterised as being within 400m of a local shop with good passenger transport links. The site is also a short distance from the local primary school which can be accessed by the cycle network. In this regard, the Parking Provision SPD seeks to reduce car use in areas of high accessibility by applying reductions to the standards which in zone 3, the SPD states that car parking should be between 75% to 100% of the maximum standards.
- 7.6.4 Given the above, the provision of 22 spaces which equated to 81% of the maximum then parking standard of 27 spaces, was considered to be acceptable given the development is highly sustainable with good access to public transport the cycle network and local facilities. Furthermore, there is a surface car park located to the east of west of the site which can also act as an overflow for any visitors to the residential apartments.
- 7.6.5 Turning to the existing retail and fast food units which are to be retained, the surface car park to the east and west of the site would continue to serve these units. In regards to the proposed retail units and business unit, these would also be able to utilise the existing surface car parking areas which previously served the former Council Estate Office and still serve the A1 (shop) and B1/B8 units located to the rear of the building. Therefore, it was considered at the time that sufficient off-street parking would be available to serve the non-residential element of the development.
- 7.6.6 Under the recently adopted Parking Standards SPD (2020), for the residential part of the development, the overall parking requirement for this development has not changed. Therefore, this amended scheme seeks to provide the 22 parking spaces as per the previously approved scheme. As it has already been established this level of parking is acceptable, it would not be reasonable to refuse planning permission on the number of parking spaces provided. With respect to the non-retail units, as per the previously approved scheme, these would continue to use the public parking areas.
- 7.6.7 With respect to cycle parking, under the recently adopted Car Parking SPD (2020), there would be a requirement to provide 32 cycle parking spaces. Through negotiations with the applicant, they have identified a racking system which can be installed within the development which can accommodate 32 cycle parking spaces. As such, the applicant has amended the originally submitted plans to demonstrate the necessary level of cycle parking in accordance with the Council's adopted Parking Standards. However, to ensure that there would be sufficient cycle parking to serve residents in the future, it is recommended a condition should be imposed to any permission issued. This condition will require the cycle parking to be provided in line with the details provided prior to first occupation of the dwellings.
- 7.6.8 Turning to electric vehicle parking, the Car Parking SPD (2020) now introduces a minimum requirement for electric vehicle parking. The requirements for new developments would need to abide to the following:-
- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard (providing the necessary underlying infrastructure);
 - The blend of access to charging points provided within new developments;
 - A minimum of 20% of new parking on a site to have access to an active EV charging point;
 - A flexible approach to the requirement of charging facilities as technology changes.

This is a very new policy which has been formally adopted by the Council so the scheme which is under construction does not include details of electric vehicle charging. However, the applicant has agreed to provide the necessary electric vehicle charging facilities as per the recently adopted standards. In order to secure this, it is recommended a condition is imposed requiring full details of the proposed electric vehicle charging facilities are submitted to the Council for its approval. It would then be a requirement to install the necessary facilities accordingly.

- 7.6.9 In summary, subject to conditions, it is considered that on balance, the overall level of parking provided is acceptable in this sustainable location. In addition, there would be the provision of acceptable cycle parking and electric vehicle parking facilities in accordance with the Council's Parking Standards SPD (2020). Consequently, the proposed development would accord with the requirements of Policy IT5 of the adopted Local Plan (2019).

7.7 Other matters

Community Infrastructure Levy

- 7.7.1 The proposed amendments to the approved development does not seek to increase the approve level of floorspace. Therefore, this development would not be subject to any CIL liability.

Highways impact

- 7.7.2 This application does not seek to extend or alter any existing vehicular or pedestrian access points or routes beyond what has already been approved by the Council. In addition, the amendments sought under this application will not impact on the level of traffic generation which has been established to be acceptable under the 16/00395/FPM permission. Therefore, Hertfordshire County Council as Highways Authority considers the proposed changes to the aforementioned scheme under this application to be acceptable.

8. CONCLUSIONS

- 8.1 In summary, and subject to conditions, the principle of the proposed amendments sought under this Section 73 application are acceptable. In addition, these changes would not have a detrimental impact on the character and appearance of the development or the visual amenities of the wider street scene. Furthermore, they would not impact on the amenities of neighbouring properties and there would be sufficient off-street parking, cycle parking and electric vehicle parking facilities as well.
- 8.2 Given the aforementioned, the proposed development under this Section 73 application is considered to be acceptable in line with the Council adopted Local Plan, Planning and Design Guide SPD (2009), the Council's Car Parking Standards SPD (2020), the NPPF (2012) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That Planning permission be GRANTED subject to the applicant having first entered into and completed a deed of variation to the original S106 agreement which was secured under planning permission 16/00395/FPM. This is in order to bind this planning permission to the obligations set out in the original S.106 agreement. The detail of the deed of variation of the S106 agreement to be delegated to the Assistant Director of Planning and Regulation in conjunction with the Council's appointed solicitor and subject to the following conditions/reasons:

- 1 The development hereby permitted shall be carried out in accordance with the approved plans:
2252 BR 300 S; 2252 BR 310 J; 2252 BR 311 H.
REASON:- For the avoidance of doubt and in the interests of proper planning.
- 2 The external surface of the development hereby permitted shall be completed in accordance with the approved materials specified under discharge of condition application 19/00314/COND.
REASON:- To ensure the development has an acceptable appearance and to protect the visual amenities of the area.
- 3 The dust control measures as detailed as submitted in the Construction Method Statement and Management Plan combined with the Air Quality Dust Risk Assessment as detailed in the discharge of condition application 19/00314/COND shall continue to be in operation during the construction phases of development. Dust and airborne particulates from operations on site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust.
REASON:- To protect the amenities of adjoining land users.
- 4 The methods specified in the submitted Construction Method Statement and Management Plan as approved under discharge of condition application 19/00314/COND to minimise construction noise and vibration shall be strictly adhered to throughout the construction period of the development.
REASON:- To protect the amenities of adjoining land users.
- 5 The method for screening and enclosure of plant and machinery to be used during the construction period as detailed in discharge of condition application 19/00314/COND shall remain in place accordingly. The siting of plant and machinery shall be away from noise sensitive areas wherever possible. Vehicles and machines in intermittent use shall be shut down in the intervening periods between work.
REASON:- To protect the amenities of adjoining land users.
- 6 The final design details of the SuDS elements and the drainage network as specified in the layout plan (drawing number 9530/500 Rev 01) and Drainage Strategy Report (Prepared by Vale Consultancy, report reference 9530 dated July 2019) which was submitted under discharge of condition application 19/00411/COND shall be implemented in accordance with the approved details.
REASON:- To ensure that the site can effectively be drained and maintained during the lifetime of the development.
- 7 The development permitted by this planning permission shall be carried out in accordance with The SuDS statement dated July 2016 prepared by Shear Design and the following mitigation measures as detailed within the SuDS statement.
- 1) The surface water run-off generated by the development discharged into the ordinary watercourse must not exceed of 19 l/s during the 1 in 100 year + climate change event.
 - 2) Attenuation volume must be provided for by permeable pavements to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year event plus an allowance for climate change. An area of 150 m² will be covered by permeable pavements; as shown in the proposed drainage sketch plan 16137-SK100 included in Appendix iii of the SuDS statement.

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 (LPA).

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LPA.

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

- 8 The Site Waste Management Plan (SWMP) as detailed in the Construction Method Statement and Management Plan which was submitted under discharge of condition application 19/00314/COND which details how waste materials generated as a result of the proposed construction methods shall be disposed of, and detail the level and type of soil to be imported (if required) to site as part of the development shall be strictly adhered too throughout the construction period.
REASON:- In order to reduce the level of waste generated during the construction of the development and to recycle all waste where possible.
- 9 Prior to the first occupation of the dwellings hereby permitted the approved car parking area shall be marked, surfaced and constructed in accordance with the details identified on drawing 2252 BR 300 S and shall be permanently retained in that form thereafter.
REASON:- To ensure sufficient parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 10 Prior to the first occupation of the dwellings hereby permitted, the approved secured cycle parking area as identified on drawing 2252 BR 300 S shall be constructed in accordance with the approved details and thereafter, permanently retained in that form.
REASON:- To ensure that sufficient cycle parking provision in accordance with the Council's adopted standards is maintained for all dwellings on site in perpetuity.
- 11 No construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays.
REASON: - To safeguard the amenities of the occupiers of neighbouring properties.
- 12 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to the first occupation of the development. Any external lighting shall be provided in accordance with the details so approved.
REASON:- In order to protect the amenities of nearby residential properties.
- 13 No waste materials generated as a result of the proposed demolition and /or construction operations shall be burned on site. All such refuse shall be disposed of by alternative methods.
REASON:- To protect the amenities of adjoining land users.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Unit#1(B1 Use) as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (office or research and development) and for no other purpose (including any purpose in Class E on Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (As amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- To ensure that the existing B1 (business) class development is adequately re-provided within the neighbourhood centre.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises marked up as Retail Units #1 to Unit #5 as shown on drawing number 2252 BR 300 S shall only be used as Use Class E (for the display or retail sale of goods, other than hot food) and for no other purpose (including any purpose in Class E on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

REASON:- In order to protect the vitality and viability of Stevenage Town Centre.

- 16 Prior to the first occupation of the residential development hereby permitted details of electric vehicle charging facilities [siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs] shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained, unless otherwise agreed in writing with the Local Planning Authority

REASON:- To ensure the development provides sufficient electric vehicle charging facilities.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

Police Crime Prevention

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

Lead Local Flood Authority

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.

5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

Stevenage Borough Council

Developer Contributions
Supplementary Planning Document

Consultation Draft

October 2020

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1.0 Introduction

Purpose of the Document

- 1.1 Supplementary Planning Documents (SPDs) are documents which add further details to policies contained in a Local Plan. SPDs are a form of Local Development Document produced under the Planning and Compulsory Purchase Act 2004 (as amended)¹. They do not form part of the Development Plan for an area, but become a material consideration in decision making when a Local Planning Authority is determining whether to approve or refuse planning permission for an application.
- 1.2 This consultation draft of the Developer Contributions Supplementary Planning Document (SPD) has been produced to supplement Policy SP5: Infrastructure of the Stevenage Borough Local Plan (adopted May 2019).
- 1.3 The aim of this new document is to set out the Council's proposed approach to the use of Section 106 (S106) agreements to secure developer contributions from new developments. This will assist planning officers, applicants, service providers, Councillors and members of the public through the planning application process, ensuring that the process is fair and transparent and is applied consistently.
- 1.4 It is important to note that SPDs should not introduce new policies and should not add significantly to the financial burden on developments. The SPD mainly expands on the content of Local Plan policies and gives more detail on when and how developer contributions will be sought so it is considered that the contents add significant requirements onto developers.

What are Developer Contributions?

- 1.5 Developer Contributions, commonly known as planning obligations, are legal obligations entered into to mitigate impacts of a proposed development. They are entered into under Section 106 of the Town and Country Planning Act 1990² by the developer and/or landowner, the local planning authority, and potentially other service or infrastructure providers linked to a proposal or mitigation scheme. They are legally binding and enforceable.

Community Infrastructure Levy

- 1.6 The other main form of developer contribution is the Community Infrastructure Levy (CIL).
- 1.7 Stevenage Borough Council adopted a CIL Charging Schedule in January 2020 and started implementing CIL on 01 April 2020. CIL is a non-negotiable charge on new built development which meets the thresholds identified in the Community Infrastructure Levy Regulations (2010) (as amended)³. CIL replaces the need to secure developer contributions

¹ [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)

² [Town and Country Planning Act 1990](#)

³ [Community Infrastructure Levy Regulations 2010](#)

through S106 agreements in many instances, allowing for infrastructure and service provision to be planned and implemented on a more strategic, borough-wide scale rather than in a piecemeal approach as mitigation against the impacts of individual developments. The Council must publish its CIL funding priorities each year in an Infrastructure Funding Statement. Like S106 agreements, CIL liabilities are legally binding and enforceable, albeit through different legislative procedures.

- 1.8 The Council will still require applicants to enter into S106 agreements in some instances. This document sets out the instances where S106 agreements will be sought, what will be included in them, and how contributions will be calculated.

Scope

- 1.9 The contents of this SPD are not to be considered exhaustive. Whilst the majority of future developer contributions are expected to relate to the contents of this SPD, the Council cannot list every instance of site-specific impacts caused by potential developments that need to be mitigated, so there will always be a chance that a S106 will need to contain something not included in this SPD.
- 1.10 Nor does the SPD contain all the details of how demand, mitigation and monetary figures are to be quantified for developer contributions. Not all of these methodologies are under the control of the Council and even those that are, are subject to changes which would render the SPD out of date. The SPD will outline the principles behind the calculations and will identify where further information can be found.
- 1.11 In essence, this document should be used to identify where developer contributions may be required in addition to the payment of a CIL charge for a proposed development.
- 1.12 The main topics covered in this SPD are:
- Community Infrastructure Levy
 - Hertfordshire County Council contributions
 - Housing
 - Commuted Sums to mitigate against policy non-compliance
 - Site-specific mitigation
 - Employment opportunities
 - Parking and Sustainable Transport
 - Monitoring fees

Consultation

- 1.13 The procedure to adopt a new SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012⁴.

⁴ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

- 1.14 The Council must first undertake a consultation for a minimum four week period. Following this, the Council must consider the consultation responses, produce a document stating the main issues raised by respondents, and summarise how the issues have been addressed by the Council.
- 1.15 The timetable for consultation on this draft SPD document and subsequent adoptions is currently expected to be:

Stage	Date
Public Consultation	30 Nov 2020 – 25 Jan 2020
Consider and address responses	Winter/Spring 2021
Adopt SPD through Executive	Spring 2021

- 1.16 As with any consultation exercise, it is not known how many responses will be received so the post-consultation stages are subject to change.

2.0 Policy Context

Local Policy

- 2.1 This SPD has been produced to provide additional guidance to Policy SP5: Infrastructure from the Stevenage Borough Local Plan, in particular parts a and b:

Policy SP5: Infrastructure

This plan will ensure the infrastructure required to support its targets and proposals is provided. New development will be required to contribute fairly towards the demands it creates. We will:

a. Permit permission where new development

i. Makes reasonable on-site provision, off-site provision or contributions towards (but not limited to) the following where relevant:

affordable housing; biodiversity; childcare and youth facilities; community facilities; community safety and crime prevention; cultural facilities; cycling and walking; education; flood prevention measures; Gypsy and Traveller accommodation; health care facilities; leisure facilities; open spaces; passenger transport; play areas; policing; public realm enhancement; road and rail transport; sheltered housing; skills and lifelong learning; sports; supported housing; travel plans; utilities and waste and recycling.

ii. Includes measures to mitigate against any adverse impact on amenity or the local environment where this is appropriate and necessary; or

iii. Meets any specific requirements relating to individual sites or schemes set out elsewhere in this plan;

b. Use developer contributions, legal agreements, levies or other relevant mechanisms to make sure that the criteria in (a) are met;

2.2 Policy SP5 is the key strategic policy related to developer contributions in the Local Plan. However, the Local Plan places many requirements on proposed developments. Other policies specify these demands throughout the Plan. As such, this SPD is designed to support the Local Plan as a whole and should be read in combination with the entire contents of the Local Plan.

National Policy

2.3 Paragraph 54 of the National Planning Policy Framework (2019) states that:

54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

2.4 Planning Practice Guidance gives more information on developer contributions and states that:

Where the Community Infrastructure Levy is in place for an area, charging authorities should work proactively with developers to ensure they are clear about the authorities' infrastructure needs.

(Paragraph: 003 Reference ID: 23b-003-20190901)

2.5 The Council is a CIL Charging Authority and under recent amendments to CIL Regulations⁵, is required to publish an Infrastructure Funding Statement which states what the Council's spending priorities for its CIL receipts are.

The PPG also states that:

Authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in infrastructure funding statements which infrastructure they expect to fund through the levy.

(Paragraph: 003 Reference ID: 23b-003-20190901)

2.6 This means that whilst the Council may already be intending to spend CIL receipts on a particular item of infrastructure, they may also request S106 contributions towards the same project. However, in line with Regulation 122 of the Community Infrastructure Levy 2010 (as amended)⁶, each developer contribution within a S106 agreement must meet the following three tests:

*(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.*

⁵ [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#)

⁶ [Community Infrastructure Levy Regulations 2010](#)

2.7 Important to the production of this SPD, the PPG states that:

...It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination...

(Paragraph: 004 Reference ID: 23b-004-20190901)

2.8 Whilst there are undoubtedly formulaic methods of calculating developer contributions that are commonly used, the inappropriateness to include formulas in an un-examined SPD document is to enable the local planning authority to ensure that any developer contribution sought through a S106 agreement for any individual planning application meets the tests of Regulation 122 above.

3.0 Community Infrastructure Levy

3.1 Stevenage Borough Council is a CIL authority. Any application granted permission after 01 April 2020 may be liable to pay a CIL charge which is calculated based on the size, type and location of the development. The thresholds for whether a proposed development pays a CIL charge are if a development:

- Involves a new build that creates net additional floorspace (based on gross internal area) of 100m² or more,
- Involves the creation of one or more dwellings, or
- Involves change of use to residential where the existing floorspace has not been in continuous use for at least 6 months in the previous 3 years.

3.2 Details of the Council's CIL Charging Schedule can be found on the Council webpages at www.stevenage.gov.uk/CIL

3.3 The webpages contain the Stevenage CIL Charging Schedule and associated policies including the Instalments Policy. The webpages also contain a SBC CIL Guidance document which has a detailed explanation of liability, calculations, exemptions and relief, the CIL process, CIL Forms, CIL payment, enforcement and Appeals.

3.4 The Council's first and subsequently annually updated Infrastructure Funding Statement will be published on this page. This will contain a list of CIL funding priorities.

3.5 It is expected that the vast majority of applications for built development, other than those householder applications will be liable to pay a CIL charge. Some householder applications will be required to pay, but only if they propose 100 sqm or more built development and don't seek a residential extension exemption.

4.0 Hertfordshire County Council Contributions

4.1 Local Government in Hertfordshire operates under a two-tier system. As such, Stevenage Borough Council has the legal responsibility to provide some but not all local services. Hertfordshire County Council (HCC) is the upper tier authority and is responsible for

delivering and maintaining much of the large scale infrastructure that its residents and businesses require, such as roads, schools, waste disposal services and libraries.

4.2 When planning applications are submitted to Stevenage Borough Council, HCC is consulted and will provide appropriate advice and comments regarding the needs of infrastructure for which is it responsible. In planning authorities without a CIL Charging Schedule, HCC would seek to secure developer contributions via a S106 agreement to mitigate against the impacts on HCC service provision. This would most commonly include services such as:

- Sustainable Transport,
- Passenger Transport,
- Education,
- Early Years Education,
- Libraries,
- Youth Services,
- Fire and Rescue Services,
- Waste Disposal, and
- Adult Care Services.

4.3 The latest explanation of how HCC intend to quantify developer contributions can be found in the consultation draft version of the HCC Guide to Developer Contributions (2019)⁷ although this document is not yet finalised following consultation.

4.4 Now that Stevenage Borough Council has adopted a CIL Charging Schedule, many of these service provisions are no longer considered suitable for collection via a S106 agreement. This is because CIL allows for the borough-wide planning of infrastructure and service provision so CIL receipts can be used to improve service provision on a borough-wide scale rather than as proposal-by-proposal mitigation.

4.5 Most of these services are provided on a borough, or wider, scale and the direct impacts of one development are very unlikely to require the provision of new, and/or expansions to a borough-wide facility. For example, there is only one Household Waste and Recycling Centre in Stevenage which is used by residents from the whole of the borough, and many in the surrounding area. One proposed development will not create a significant need to increase the capacity of, or replace, the facility so it would be inappropriate to seek developer contributions to fund it.

4.6 Instead, if HCC identify the need to improve the capacity of services due to combined demand of development in the area, it will be able to submit a bid to SBC to be allocated a portion of the Council's collected CIL receipts to help fund the new/improved service.

⁷ [Hertfordshire County Council Guide to Developer Contributions 2019](#)

- 4.7 For minor developments, it is therefore unlikely that developer contributions will be sought through S106s for any of these services in addition to the CIL charge associated with the proposal.
- 4.8 For major developments, a decision will need to be made by the planning authority, with input from the infrastructure/service provider, whether a proposed development causes an impact that requires direct mitigation. If that is the case, developer contributions will be sought, however, it is unlikely that the Council will seek to secure developer contributions for these services as standard unless a proposed development can be shown to have an impact that requires specific mitigation to make a proposal acceptable in planning terms. This is in line with Regulation 122 of the CIL Regulations 2010 (as amended).

5.0 Strategic Sites

- 5.1 Strategic sites allocated in the Local Plan have a large number of policy requirements as identified through the Local Plan production and agreed through the Local Plan Examination. The vast majority of these requirements should be provided on-site as part of the development so their delivery will be contained in submitted plans and conditioned by the planning permission.
- 5.2 Some of the requirements will need to be secured as a developer contribution by S106 due to the nature of how they are provided for. This includes, for example, primary education contributions. HCC, the local education authority, requires land to be provided and financial contributions to be made towards the build costs and this would be inappropriate through a planning condition so must be included in a S106.
- 5.3 As a starting point for strategic sites, and likely for large windfall sites, it is expected that the Council will seek to secure developer contributions towards the following infrastructure/services in addition to collecting a CIL charge:
- Affordable Housing
 - Primary Education
 - NHS GP provision
 - Passenger transport
 - Travel plans
 - Fire hydrants

6.0 Viability

Assessments

- 6.1 National policy states that where up-to-date policies set out the contributions required of development, policy compliant planning applications should be assumed to be viable. This puts the onus on developers to demonstrate any change in circumstances since the Local Plan was adopted that justifies the need for a viability assessment.

- 6.2 Where viability issues are used to demonstrate that schemes should provide below policy-compliant levels of developer contributions, the application must be supported by an 'open book' viability assessment and the applicant must fund the Council to appoint third party consultants to appraise the assessment to ensure its findings are appropriate and in line with Planning Practice Guidance and best practice.
- 6.3 Overpayment of land will not be considered a reason for a scheme being considered unviable to reduce developer contributions.

Review Mechanism

- 6.4 When the Council agrees with an applicant's demonstration that a scheme is unviable and developer contributions are reduced on viability grounds as a result, the Council reserves the right to request that the applicant agree to the inclusion of a viability review mechanism in the S106 agreement which will be undertaken at a cost to the applicant.
- 6.5 The Council will consider how many reviews might be appropriate and will consider the timing/s for a review/s on a case-by-case basis. If a development has multiple phases, it may be appropriate to review the viability at a point during each phase for example.
- 6.6 If a viability review concludes that there has been an uplift in viability that produces a surplus, this will trigger a review of the originally agreed contributions prior to the occupation of latter units as specified in the S106 covenant. The Council's preference will first be to seek to ensure policy-compliant levels of affordable housing for the remainder of the scheme, and if possible based on the findings of the viability review, seek above policy-compliant levels of affordable housing on the remainder of the scheme to try and achieve policy compliant provision of affordable housing for the overall scheme.

7.0 Housing

Affordable Housing

- 7.1 The requirements for affordable housing provision are set out in Policies HO7 and HO8 of the Local Plan. Applicants are encouraged to submit demonstration of how they meet the requirements of those policies within one of the following: Design and Access Statement, Planning Statement, or Environmental Statement.
- 7.2 When calculating the number of affordable units required, the appropriate percentage of the total number of units being delivered should be rounded up to the nearest whole number.
- 7.3 The Council's overriding preference is for the provision of affordable housing on-site. However it is accepted that this is not appropriate for all schemes. In these instances, the Council will prefer off-site provision of affordable units if it can be arranged, and a financial contribution in lieu of policy non-compliance if not.

- 7.4 If providing units off-site, the percentage required by Policy HO7 should be applied to the total number of units on- and off-site, not just to the number of units being provided on-site which would result in a non-compliant provision of affordable housing.
- 7.5 If providing financial contributions, the amount should be calculated based on policy-compliant provision for the proposed development, using a cost-per-unit for the type of affordable housing that would likely have been provided on the development site. For example, in a flatted scheme, it would be appropriate to use a cost to provide a 2-bed flat whereas for a housing scheme, it would be more appropriate to use a cost to provide a 2-bed house.
- 7.6 If Vacant Building Credit is sought to reduce the level of affordable housing required, the applicant should provide compelling evidence to demonstrate that the site has been marketed sufficiently and with terms (price and length of lease for example) that are comparable to similar properties on the local market.
- 7.7 Whilst Policies HO8 and HO9 give an indication of the type and tenure of affordable housing units being provided, the Council's Housing Team should be consulted to ensure the affordable housing being provided contains an acceptable range of types and size of unit that suits up to date demand.
- 7.8 As far as practicably possible, all affordable housing should be indistinguishable from market housing and should be distributed evenly around development sites.
- 7.9 The S106 should, at a minimum, include the following details related to the affordable housing provision:
- The number of affordable housing units being provided,
 - The number of each type and tenure of affordable housing units being provided
 - The trigger points for delivery and/or transfer of affordable housing units
 - Any restrictions on the progress of other development/sale/occupation related to the delivery/transfer of affordable housing
- 7.10 If housing is being delivered in phases, affordable housing should be delivered evenly throughout the duration of delivery and not back-loaded onto later phases. In some instances, the viability of a scheme may require that affordable housing is back-loaded, but the Council will resist granting permission to proposals with the provision of no or very low levels of affordable housing in earlier phases where viability is not a consideration.
- 7.11 Developer contributions are often subject to expenditure deadline which state, within the S106 legal agreement, when the contribution must be spent by. After that deadline, developers can request repayment of any unspent funds. Affordable Housing projects are at a particular risk of repayment because schemes can take a significant amount of time to be delivered. Each scheme contains a number of complex stages, including: identification and procurement/disposal of suitable plots of land; design and determination through the planning system; and completing the actual project. To maximise the potential for the

Council to deliver affordable housing units, all financial contributions in-lieu of on-site provision should be subject to long-term expenditure deadlines of at least 10 years.

Aspirational Housing

- 7.12 Strategic Housing policies HO2-HO4 and HO9 require developments to provide at least 5% of units to be aspirational housing. This is in order to address long-standing issues with the town's housing offer, namely the prevalence of small-medium, terraced dwellings and a lack of very large family homes.
- 7.13 Aspirational housing should be secured by condition of appropriate plans and drawings but may be included in the S106 agreement in multi-phase developments to ensure the delivery of aspirational homes is spread as evenly as possible throughout the duration of the scheme and not back-loaded to later phases.

Self-Build or Custom Build

- 7.14 Policy SP7 and HO2-HO4 require 1% of units to be self-build plots. These require outline planning permission prior to them being marketed, firstly to the Council's self-build register and subsequently, if the Self Build Register did not result in a sale, to the open market.
- 7.15 Self-build plots must have permission that permits the purchaser and developer of the site to implement innovative design and methods of construction. However, as the plots are likely to form part of a wider community, it would be appropriate for the permission to set out: the highway layout, the provision of services, intended communal and/or open space, the extent of individual plots and the unit type expected for individual plots, and general design parameters related to sizing, massing, positioning, and facades of material palettes.
- 7.16 It would also be appropriate to include a time limit to commence or complete self-build developments which the Council could subsequently enforce to ensure delivery of units.
- 7.17 The S106 should include details regarding: the number of plots being delivered, the trigger points for their delivery and marketing and/or transfer, the transfer and cost associated with the transfer (if applicable), and a reversion clause giving a minimum 2 year period for marketing of the plots before any unsold plots revert to other forms of housing.
- 7.18 It is the Council's preference that on multi-phase developments, Self-Build plots are completed, marketed and/or transferred evenly throughout the duration of the development and not backloaded to later phases. It would be preferable for Self-Build plots to be grouped together. This can be in small groups if it enables delivery of Self-Build units in each phase of a scheme rather than all at one time.
- 7.19 It is the Council's preference that the developer markets and arranges sale of the freehold to each of the plots. The Council will assist the developer in their efforts by contacting those on the Self Build Register to confirm that they are happy to be contacted by a third party with marketing communication.

7.20 If the developer does not wish to market the plots themselves, they should transfer the freehold of the plots to the Council for a nominal fee which could cover the costs of associated with providing services to the plots, but not including the value of the land.

8.0 Commuted Sums In-Lieu of On-site Provision

8.1 Local Plan policies set out the thresholds and requirements for developers to provide items such as open space or community facilities on-site in addition to the residential or non-residential development being proposed. Ideally, all developments will provide all policy requirements on-site to achieve policy-compliance but either through constraints on-site or viability reasons, this is not always possible.

8.2 In such instances, the Council will seek financial contributions through a S106 agreement in order to provide the requirement elsewhere.

Open space

8.3 Open spaces provide a valuable resource, particularly in an urban environment such as Stevenage which has historically been designed to give residents excellent access to open space. The Local Plan set out the Council's open space standards for various kinds of open space that should be provided by new developments.

8.4 The open space standards are set by expected population of a new development and instructions are given for how to calculate the population. This enables developers to know exactly how much open space they should be providing if they have met the minimum threshold for it to be a requirement.

8.5 Where a development cannot meet the open space standards, they will be expected to agree to provide a developer contribution through a S106 agreement to offset the under-provision on-site. The contribution will be used to provide the equivalent space elsewhere in the borough, or to fund improvements to existing open space to ensure it meets the additional burden on it from the new resident population.

8.6 The Council's internal officers will be able to identify the project for developer contributions to go towards and a cost will be calculated based on the project and level of under-provision on-site.

8.7 Long-term management of new open spaces must be provided for, either by the developer appointing a management company for a suitable period of time, or where sites are transferred to and adopted by the Council, a sum sufficient to ensure maintenance for a period of at least 10 years will be required.

Sports provision

8.8 The Local Plan specifies the requirements for Strategic Sites to provide elements of sport provision identified through the Local Plan Examination process. Where these cannot be met, off-site provision or a financial contribution should be secured through the S106 to ensure that any under-provision on-site is accounted for elsewhere. Negotiations with the

Council's internal officers will be necessary to identify appropriate projects and to calculate a sufficient financial contribution.

- 8.9 In non-strategic sites, it is likely that the Council's CIL receipts will be used to fund sports provision on a borough-wide scale, amongst other forms of funding available, unless Sport England can demonstrate that a development causes a specific impact which requires mitigation. Where this is the case, they will use the latest Sport England facility cost data and will use the latest Council sports strategies to identify appropriate projects.
- 8.10 For sports facilities on school sites, there will be a need to agree to a Community Use Agreement, to be secured by S106 agreement, to ensure that local communities can benefit from the facility and access to it in evening and at weekends.
- 8.11 As with open spaces, long term-management of sports facilities must be provided for, particularly for outdoor facilities, either by the developer appointing a management company for a suitable period of time, or where sites are transferred to and adopted by the Council, a sum sufficient to ensure maintenance for a period of at least 10 years.

Biodiversity net gain

- 8.12 The Government's release of the Environment Bill foretold of a future legal requirement which will be placed on developers to provide a 10% net gain in biodiversity as part of any development.
- 8.13 Due to this being a relatively new concept, and a potentially complex item to quantify, monitor and enforce, the Council has decided to produce a separate Biodiversity SPD, a draft copy of which is being published for consultation at the same time as this Developer Contributions SPD and likely to be adopted at a similar time.
- 8.14 The SPD contains details of the engagement with the Council, how to measure existing levels of biodiversity on-site, how to quantify the additional net gain, how to deliver the net gain, and how to monitor it.
- 8.15 It also explains how to calculate a financial contribution in lieu of under-provision and how the Council would seek, firstly, for the net gain to be provided off-site but in a nearby location, and secondly, what the Council will fund with any financial contributions.

SuDS

- 8.16 The Local Plan requires that Sustainable Drainage Systems (SuDS) are in place, having been agreed with the Lead Local Flood Authority (LLFA) with engagement with the Environment Agency and Internal Drainage Boards as appropriate.
- 8.17 SuDS solution should be provided either on- or off-site, with a preference for on-site but an acceptance that this is not always possible. Financial contributions should not be sought in lieu of under-provision. The applicant must provide the SuDS to make the development acceptable in planning terms or the Council will have a reason to refuse the application.

- 8.18 SuDS schemes should be detailed and secured by planning condition or S106 to ensure their delivery and enforcement if not.

9.0 Site-Specific Mitigation

NHS – GP contributions

- 9.1 The NHS runs GP surgeries throughout the borough, with facilities often a key aspect of the local area. Additional residential development puts specific demand on existing facilities because residents, generally, tend to want to join a GP practice that is close to their home.
- 9.2 As such, although other NHS requirements, such as acute care, would be dealt with by CIL due to their nature of being planned on a wider catchment areas, the Council will continue to seek NHS contributions where there is a clear demand placed on existing GP surgeries from proposed developments.
- 9.3 For strategic sites identified in the Local Plan, provision of new GP surgeries is required although this will be confirmed through engagement with the NHS at the time of an application being submitted. If the NHS confirms the no longer seek a GP surgery on site, a payment in-lieu of provision will be sought to increase/improve capacity elsewhere. For non-strategic sites, the NHS will be consulted as part of the application process and will be able to demonstrate if a proposed development causes an increase in demand for facilities that requires mitigation.
- 9.4 If so, a financial contribution to the expansion, renovation or replacement of a GP surgery will be calculated based on the population of the new development, the likely demand for places at the surgery, the cost of providing GP facilities as demonstrated by the NHS's most up to date data, and the specific project required.

Primary Education

- 9.5 Hertfordshire County Council, as Local Education Authority, has a legal obligation to ensure there are enough education places for the resident population. As such, they often seek developer contributions towards education projects to provide additional spaces.
- 9.6 As discussed earlier, many of the HCC obligations sought are now covered by the Council's CIL Charging Schedule and HCC will be able to bid for CIL funding where they identify projects to increase capacity for the borough.
- 9.7 However, in instances where a development creates an impact that only has one potential mitigation, and that mitigation must be implemented to ensure the proposed scheme is acceptable in planning terms, HCC will request financial contributions to fund that scheme.
- 9.8 This is most likely to occur for developments in and around the town centre where primary education capacity is low due to the historic low levels of residential development and the subsequent lack of need for primary schools there.
- 9.9 With the town centre regeneration and many private schemes being proposed and brought forward in the area, a new demand for education is being created. Land for a 2-

Form Entry primary school is being provided within the Town Centre. This facility will be used to meet the needs of the majority of new developments in the wider area due to the lack of other schools nearby, the lack of future capacity in schools within the HCC school catchment area, and the lack of ability for those schools to expand due to constraints on-site.

- 9.10 As such, it is likely that HCC will seek financial contributions towards build costs and purchasing land for the school from nearby developments where they can demonstrate that pupils arising from those developments will place demand on this new school.
- 9.11 The contributions will be sought in line with the aforementioned HCC Guide to Developer Contributions, or replacement/updated versions.

Sustainable Transport and Passenger Transport

- 9.12 Sustainable Transport is a key priority for the Council and Hertfordshire County Council. The Local Plan identifies development in sustainable locations but there may still be requirements to ensure that developments have sufficient sustainable transport links to be considered acceptable in planning terms.
- 9.13 Sustainable transport links include creating appropriate access for residents or other users to use active modes of transport, such as cycling and walking, as well as public transport such as, buses and trains. Ideally, developments will be designed to ensure that these forms of transport are attractive enough to persuade their use instead of the use of privately-owned cars. This is to match the Policy 1 of HCC's Local Transport Plan to promote a modal shift in transportation.
- 9.14 Developments will therefore be expected to provide excellent links for cycling and walking, and this may require the provision of cycle routes on- and off-site to ensure high quality access to local facilities or to link to Stevenage's existing extensive cycle and walkways. These may be provided directly by the developer and secured through a Section 278 agreement, or by way of a financial contribution secured by a S106 agreement for HCC or a third party to deliver.
- 9.15 Developments should meet the requirements of Local Plan policy for access to bus services. Often, this will involve the provision of new bus stops for existing bus services to use and therefore provide the development's population the public transport service.
- 9.16 In some instances, likely to be edge-of-town extensions, new bus services will be required, or extensions to existing routes will be required. These will be sought through financial contributions in the S106. The level of provision will need to be discussed with the HCC Passenger Transport Unit and this will focus on the number of vehicles and frequency of services on the route. Once these are agreed to ensure that a development meets its sustainable transport needs, the Passenger Transport Unit will demonstrate the financial provision required to implement the new services.

Travel plans

- 9.17 All major developments will require a travel plan. Subsequently, a financial contribution will be required through the S106 towards the cost of evaluating, administering and monitoring the objectives of the Travel Plan and engaging in a Travel Plan Annual Review.
- 9.18 This will be undertaken by HCC Highways. The outcome of monitoring and reviews may lead to additional contributions to be sought if the objectives of the Travel Plan are not being met. The potential for additional contributions should be set out in the S106 and detailed as potential payments based on the findings of HCC's monitoring.

Management of public realm

- 9.19 Contributions towards public realm maintenance and enhancements of town centre or neighbourhood centres will be sought from developments which are likely to cause a significant increase in footfall at these locations. This is likely in town centre developments and strategic sites which provide new neighbourhood facilities at the heart of their development but could also be required from neighbourhood centre regeneration schemes and large sites near to existing neighbourhood centres.
- 9.20 Where new, or significant changes to the public realm are proposed through a development, management will be secured through the S106 agreement either by the developer appointing a management company on a sufficient long-term agreement, or where land is to be transferred to the Council, by providing financial contributions that suffice to expand the Council's existing maintenance regime to the proposed new areas of public realm.
- 9.21 Where new developments are likely to put increased demand on the existing public realm, contributions may be sought to enable the public realm to meet the additional demand. This could be through the provision of public bicycle parking, signage, improvements to public facilities such as toilets, and/or improvements to the design and state of public areas.
- 9.22 In such circumstances, it is considered that the contributions to improving the public realm would create a direct benefit to the development itself, creating a better local environment for users/residents of the proposed development and adding to the vitality of the area as a whole.

Fire hydrants

- 9.23 Hertfordshire County Council, in its capacity as the Fire and Rescue Authority, has a statutory duty to ensure that all development is provided with adequate water supplies for firefighting. The provision of public fire hydrants is not covered by Building Regulations 2010 and developers are expected to make provision for fire hydrants to adequately protect a development site for firefighting purposes.
- 9.24 The need for hydrants will be determined through consultation with HCC at the time of application and will be secured by S106 agreement. However, the exact location and

delivery of hydrants is frequently determined at the time the water services for the development are planned which is often after permission has been granted. Therefore standard wording is likely to be used in S106 agreements to allow flexibility for delivery.

Remediation of Contaminated Land

- 9.25 The Local Plan states that proposals on brownfield sites will be granted where a Preliminary Risk Assessment (PRA) demonstrates that any necessary remediation and subsequent development poses no risk to the population, environment and groundwater bodies.
- 9.26 Where the PRA states that remediation is necessary, schemes should be detailed and secured by condition or in a S106 agreement to ensure their delivery and enforcement.

Miscellaneous

- 9.27 As previously mentioned, it is not possible for the Council to list every potential example of site-specific mitigation that may be required to enable a proposal for development to be considered acceptable in planning terms.
- 9.28 As such, the Council reserves the right to seek developer contributions either through on- or off-site provision or by financial contribution to items not mentioned in this SPD. However, the Council or any other body requesting S106 contributions meets the three tests included in Regulation 122 of the CIL Regulations 2010 (as amended) .

10.0 Construction Employment Opportunities for Stevenage Residents

- 10.1 The Council has always maintained that it is a pro-development authority, acknowledging that the benefits of development contribute to the economic growth of the town and subsequently benefit the town's residents and workforce. The continued expansion of the town since its first designation as a Mark 1 New Town is testament to this and the planned continuation of this growth through high quality, planned development identified in the Local Plan and recent planning decisions seeks to continue this trend.
- 10.2 However, the Council would like to ensure that a key direct benefit of promoting future growth is safeguarded for its residents. This SPD therefore introduces a new requirement that developers of major development⁸ will sign a S106 agreement with the Council to:
- attempt to fill 5% to 10% of construction jobs on-site associated with their development with Stevenage residents,

⁸ The threshold for a major development is any application that involves mineral extraction, waste development, the provision of 10+ residential dwellings / a site area over 0.5 Hectares or a floorspace of over 1,000sqm / an area of 1 hectare. For Stevenage, it is most likely that the relevant major developments will be those that provide 10+ dwellings or over 1,000 sqm of non-residential floorspace.

- attempt to fill one apprenticeship position per 10 construction jobs on-site associated with their development with a Stevenage resident or student (with a cap for requirement of 10 apprenticeships),
- report whether or not they met these requirements, and
- provide a financial contribution in lieu of not achieving either or both targets.

10.3 To do this, the developer must provide a Local Employment Strategy at the application stage which shows:

- an estimate of how many construction jobs their scheme will create,
- how many jobs should therefore be filled with Stevenage residents,
- how many apprenticeships positions should therefore be filled with Stevenage residents or students,
- how they will target local residents/students for these positions,
- how they will record and report the employment, and
- the potential in-lieu payments required to be paid to the Council for non-compliance with the targets.

10.4 The Local Employment Strategy might include targeting recognised local initiatives or partnerships, or the use of in-house schemes. It is advised that the Local Employment Strategy involves engagement with the North Hertfordshire College whose campus within Stevenage provides training and seeks to provide apprenticeship opportunities for construction industries amongst many others.

10.5 The report, to be submitted once construction has commenced, should be submitted to the Council showing how the developer/contractor has met or failed to meet the targets.

10.6 If the report shows that local recruitment targets have not been met by the developer or contractor, payments in lieu should be made to the Council in line with the following:

- £4,000 per number of targeted jobs not filled by Stevenage residents, and
- £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students.
- If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, they should automatically pay £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.

10.7 This money will go towards a new Local Training Fund, managed by the Council, to allow for the promotion of employment opportunities elsewhere in the borough. The Fund would be open to an annual round of applications to fund either:

- Stevenage residents to help fund training opportunities, and/or

- Local micro-businesses⁹ to fund short term employment opportunities for Stevenage residents.

10.8 Developers are encouraged to engage with the Stevenage Works partnership which is an agreement between the Council and North Hertfordshire College to provide training and job opportunities including apprenticeships for young and unemployed people with local candidates identified by Jobcentre Plus.

10.9 The fees are considered appropriate so as not to affect the viability of a scheme, but to provide potentially significant funds to those wanting to undertake training or provide jobs for local residents. See below for a worked example:

Worked example

A major development estimates it will have 30 construction workers on site.

5% Local Employment Target:

5% of 30 = 1.5

Round up 1.5 = a target of 2 Stevenage residents to be employed in construction jobs on-site

The report shows 1 Stevenage resident was employed

This is a shortfall of 1 local employee

1 x £4,000 = **£4,000** in lieu contribution.

1 apprenticeship per 10 construction workers target:

30 / 10 = 3

3 = a target of 3 apprenticeships on-site to be filled by Stevenage residents or students

The report shows that 2 of the apprenticeships were filled with Stevenage residents or students

This is a shortfall of 1 local apprentice

1 x £2,000 = **£2,000** in lieu payment.

Overall:

£4,000 + £2,000 = £6,000 in lieu payment towards the Local Training Fund

10.10 The targets do not add a requirement for additional jobs that add financial burden to the developer or contractor. The targets merely add a requirement that a portion of the jobs will be targeted for local residents.

⁹ As defined by the European Union and UK Government, a micro business is one with 0-9 employees (or Full time equivalent) and an annual turnover under £2million

- 10.11 The in lieu payments do not add a significant financial burden to the developer or contractor. The in-lieu payment will only be required if the developer or contractor does not meet the employment targets.

11.0 Parking and Sustainable Transport

Parking controls

- 11.1 Sustainable transport remains a significant priority of the Council and the issue of car parking is closely related. The Council recently adopted a new Parking Provision and Sustainable Transport SPD which sets lower parking requirements than previous requirements to promote the use of other forms of transport in the most accessible locations in Stevenage.
- 11.2 Parking continues to be an emotive and important aspect of development and it is important that reduced levels of parking provision within new developments do not lead to overspill parking, and other parking issues in nearby locations.
- 11.3 As such, the Council will seek developer contributions towards the management of parking in nearby locations, particularly for developments which have provided parking at a level lower than stated within the Parking Provision and Sustainable Transport SPD. Historically, the Council has requested payments for parking monitoring and parking studies but with the quantity of development coming forward in the coming years, it is considered important to seek contributions towards the prevention of such parking which effects residents other than those at the development causing the issue.
- 11.4 Depending on the projected or recorded issues, the Council may request contributions towards increased parking controls by wardens or the funding the pursuit of formal Restrictive Parking Zones. The most appropriate solution and the sought contributions towards the solution will be determined on a case-by-case basis based on the size of the development, the findings of any relevant parking studies and the size of the affected area.

Car clubs

- 11.5 Another way of reducing overspill parking in developments with low levels of parking provision, is the provision of alternative forms of transport that reduce the perceived need of its residents for their own car.
- 11.6 The Council will support the provision and ongoing management of car clubs through S106 agreements, particularly those that use electric vehicles. Communal car schemes can offer residents or employees the confidence that on the odd occurrence they need a car, one will be available to them at a fraction of the cost of owning and running their own vehicle.
- 11.7 Communal car share clubs also offer the ability to reduce alternative non-shared car parking provision, enabling a better and more attractive design and a more financially viable scheme. A sufficient car-club could be used to reduce the overall parking provision of a development.

12.0 Processes and Procedures

Pre-application

- 12.1 It would not be possible for the Council to give details regarding the likely S106 agreement at this early stage of a development. However, pre-application discussions enable the Council to clarify policy requirements and key considerations which will be prudent to the negotiations and inclusions of any future S106 agreement.
- 12.2 It is likely to be possible to outline draft heads of terms at the stage, at the very least to give an indication of the amount of contributions that may be requested, and to aid viability studies to be submitted with the planning application if the applicant raises viability as a potential issue. However, where details are not known, particularly if an outline application is to be submitted, the Council reserves the right to base expected developer contributions on policy-compliant schemes.
- 12.3 Where the Council identifies that contributions may be sought by other bodies, such as Hertfordshire County Council or the NHS for example, the applicants should consult those bodies themselves and be aware that this may incur further pre-application fees. Alternatively, the Council can provide estimates but these would be heavily caveated and could not be used by the applicant in later viability assessments to argue that a scheme is unviable and that contributions should be reduced accordingly.

Application

- 12.4 Once an application has been submitted to the Council, it will be the Council's obligation to coordinate and compile all information related to requests for developer contributions between the applicant and those seeking the contribution, and how they meet three tests of Regulation 122 of the CIL Regulations 2010.
- 12.5 This approach, rather than the applicant contacting infrastructure/service providers themselves, ensures that the Council and applicant both have a full picture of all the contributions being sought and can progress discussions with a holistic approach.
- 12.6 If the applicant does not agree with the need or the calculation of developer contributions, they will feed their arguments to the relevant infrastructure/service provider via the Council's appointed case officer.
- 12.7 Where applicants and infrastructure/service providers cannot agree developer contributions cannot agree to sign a S106 agreement, the Council could consider that a reason to refuse the application based on Policy SP5: Infrastructure of the Local Plan.
- 12.8 If the contents of a S106 can be agreed, the costs for drafting and checking legal agreements will be met by the applicant and the Council will work diligently to ensure the S106 can be signed without undue delay.

Planning and Development Committee

- 12.9 Where proposals are to be presented to Committee for Councillors to determine whether or not to approve the scheme following a recommendation by the case officer, S106 Heads of Terms should be agreed prior to the Committee meeting to ensure that Councillors involved in decision making have sufficient information to make a decision of whether the scheme is mitigating its impacts sufficiently.

Monitoring

- 12.10 The Council will monitor and seek collection of developer contributions on behalf of all bodies who contributions were secured for in the S106. This might include chasing payments for Hertfordshire County Council, the NHS or Sport England for example.
- 12.11 If the Council has collected money for other bodies, it will transfer the money expediently and demonstrate to the applicant that it has transferred the money.

Deeds of variation – cost to applicant

- 12.12 If a Deed of Variation is required by the applicant, the Deed of Variation must be agreed by the Council and any other bodies affected by the amendment. The cost of implementing the Deed of Variation will lie with the applicant.

13.0 Monitoring fees

- 13.1 The Council will reserve the right to request monitoring fees for chasing payments, ensuring transfer and/or expenditure of money and keeping/publishing records of developer contributions in line with the regulations. Monitoring of S106 can be a time consuming tasks that is ongoing for the best part of a decade in many instances.
- 13.2 The Council will seek 2.5% of the value of the contributions being monitoring with a minimum of £750 and a cap of £25,000. This is considered a fair cost that will reflect the value of the S106 agreement and will not affect the viability of a scheme.

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The impact of development on Biodiversity SPD

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Introduction

1 Introduction

This Supplementary Planning Document (SPD) relates to policies concerning biodiversity net gain in the [Stevenage Borough Local Plan](#) and the [National Planning and Policy Framework \(NPPF\)](#). It applies to all categories of development for which planning permission is required and includes a framework for assessing impacts to biodiversity using a biodiversity accounting system (a metric). This guidance is intended as a transparent and auditable mechanism for assessing the impact of applications on biodiversity and meeting the requirements of NPPF to achieve measurable net gains to biodiversity through development.

This SPD outlines:

- How the Council will assess planning applications, which will have an impact on biodiversity.
- The information applicants will need to provide to enable the Council to apply the government metric to quantify and assess impacts.
- The standards expected for impact calculations and any offset delivery.

The UK government supports the use of SPD to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances. The Government is also supportive of Local Planning Authorities introducing a biodiversity accounting system (using the government biodiversity metric) as a way of measuring impacts to biodiversity. SPD must be consistent with development plan policies and national planning policy guidance and may be taken into account as a material planning consideration in planning decisions.

Shephalbury Park





Policy context

2 Policy Context

The policies and frameworks that support the introduction and application of a net gain compensation strategy using a biodiversity accounting system, or 'biodiversity offsetting' (the government metric) are:

[EU Biodiversity Strategy 2020](#);

[NERC Act 2006](#);

[Making Space for Nature 2010](#);

[25 year Environment Plan 2018](#);

[The Draft Environment Bill 2018](#);

[National Planning Policy Framework 2019](#);

[Biodiversity Net Gain. Good Practice principles for development 2019](#);

[Planning Practice Guidance, Natural Environment, July 2019](#);

[The Environment Bill 2019 \(not yet approved\)](#)

For further details and context of these policies and guidance please see 16 'Appendix 7 - Planning policy, legislation and guidance references to measurable net gain'.

2.1 Other relevant guidance and standards

['The National Design Guide' \(MHCLG 2019\)](#);

['British Standard for biodiversity in planning' \(BS 42020:2013\)](#);

[Guidelines for Ecological Impact Assessment in the UK and Ireland' \(CIEEM 2018\)](#);

[Stevenage Biodiversity Action Plan 2017 - 2022](#).

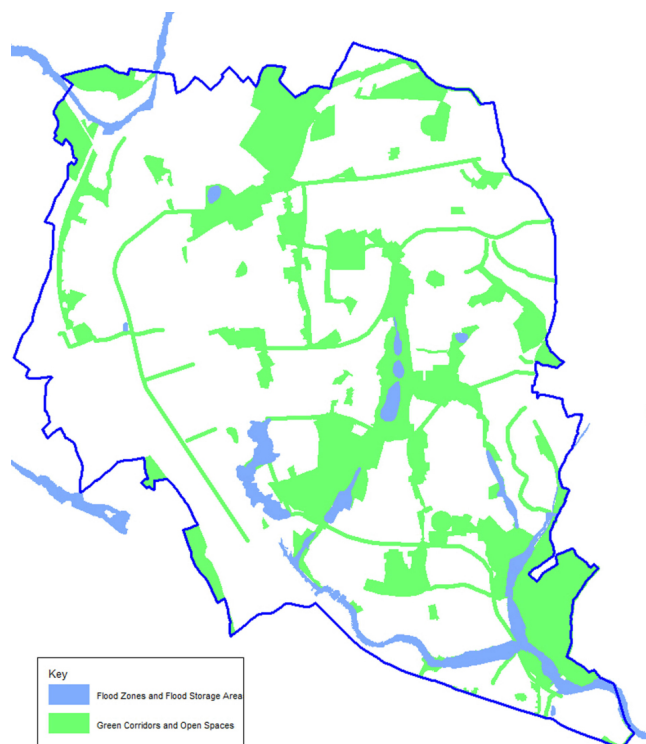
All these recommend this system of biodiversity accounting ('offsetting') as an appropriate mechanism for delivering biodiversity compensation.

This approach is supported within Stevenage Borough by The Herts and Middlesex Wildlife Trust, Natural England, Environment Agency and the RSPB.

2.2 Local Development Plan Policies

The Policy in the [Stevenage Borough Local Plan](#) relating to nature conservation and biodiversity is set out below.

Blue and Green Spaces in Stevenage



Policy SP12: Green Infrastructure and the natural environment

The green infrastructure, natural environment and landscape of Stevenage will be protected, enhanced and managed, and we will positively acknowledge its influence on Knebworth Woods SSSI and Lea Valley SPA. We will:

- a. Create, protect and enhance key areas of open space and biodiversity value including:
 - i. parks, recreation grounds, amenity spaces and woodlands which are integral to the open space structure of Stevenage as Principal Open Spaces. This will include Fairlands Valley Park;
 - ii. locally important wildlife sites; and
 - iii. a series of ten green links around the town. These will be collections of spaces that are worthy of protection for their connectivity and their recreation, amenity or wildlife value.
- b. Preserve, create, protect and enhance locally important linear features including:
 - i. the historic lanes and hedgerows which pre-date the New Town; and
 - ii. structural green spaces along major routes within the town.
- c. Create and protect multi-functional green space and sports facilities as an integral part of new developments in accordance with the latest standards and permit the creation of other new open spaces where they will meet an identified deficit;
- d. Mitigate or, as a last resort, compensate for the loss of green infrastructure or assets of biodiversity importance resulting from development; and
- e. Only grant planning permission if an adequate assessment of priority habitats and species has been undertaken. Any identified impact on these habitats and/or species will need to be avoided, mitigated or compensated.

- *5.146. Identifying and conserving a network of green spaces is a vital part of the planning process. Government guidance recognises the importance of providing access to high quality open spaces. It recognises that the planning system should contribute to and enhance the natural and local environment. We should plan positively for the creation, protection, enhancement and management of networks of biodiversity.*
- *5.152. New developments will be required to make reasonable provision of open space to cater for the additional demand they will create. The balance between on-site and off-site provision and contributions will be assessed on a site-by-site basis and will be commensurate with the size of the proposed development. Opportunities for biodiversity offsetting should be considered in determining the most appropriate green infrastructure strategy.*

Ridlins Wood

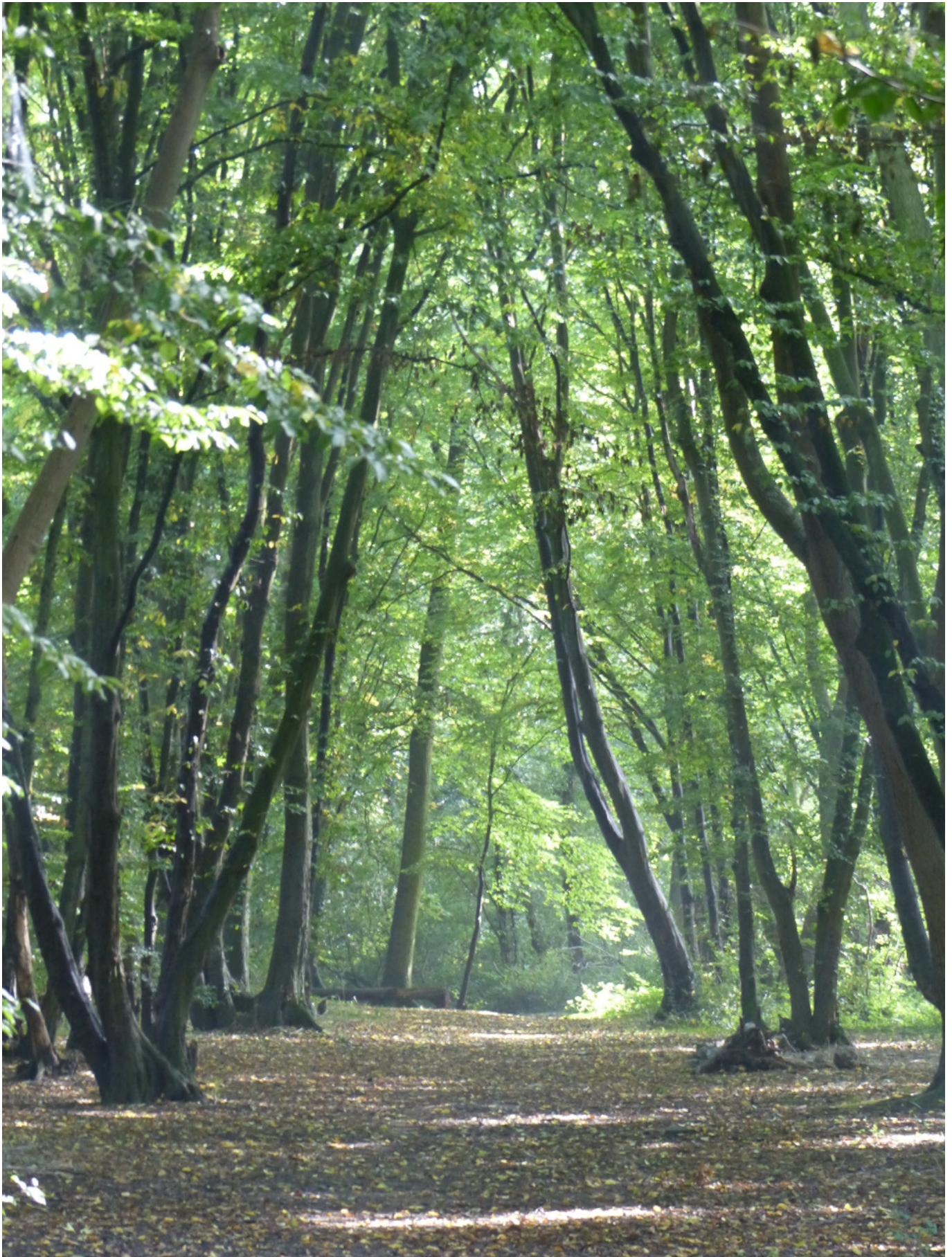


Figure 1 Ancient Lanes and Hedgerows in Stevenage

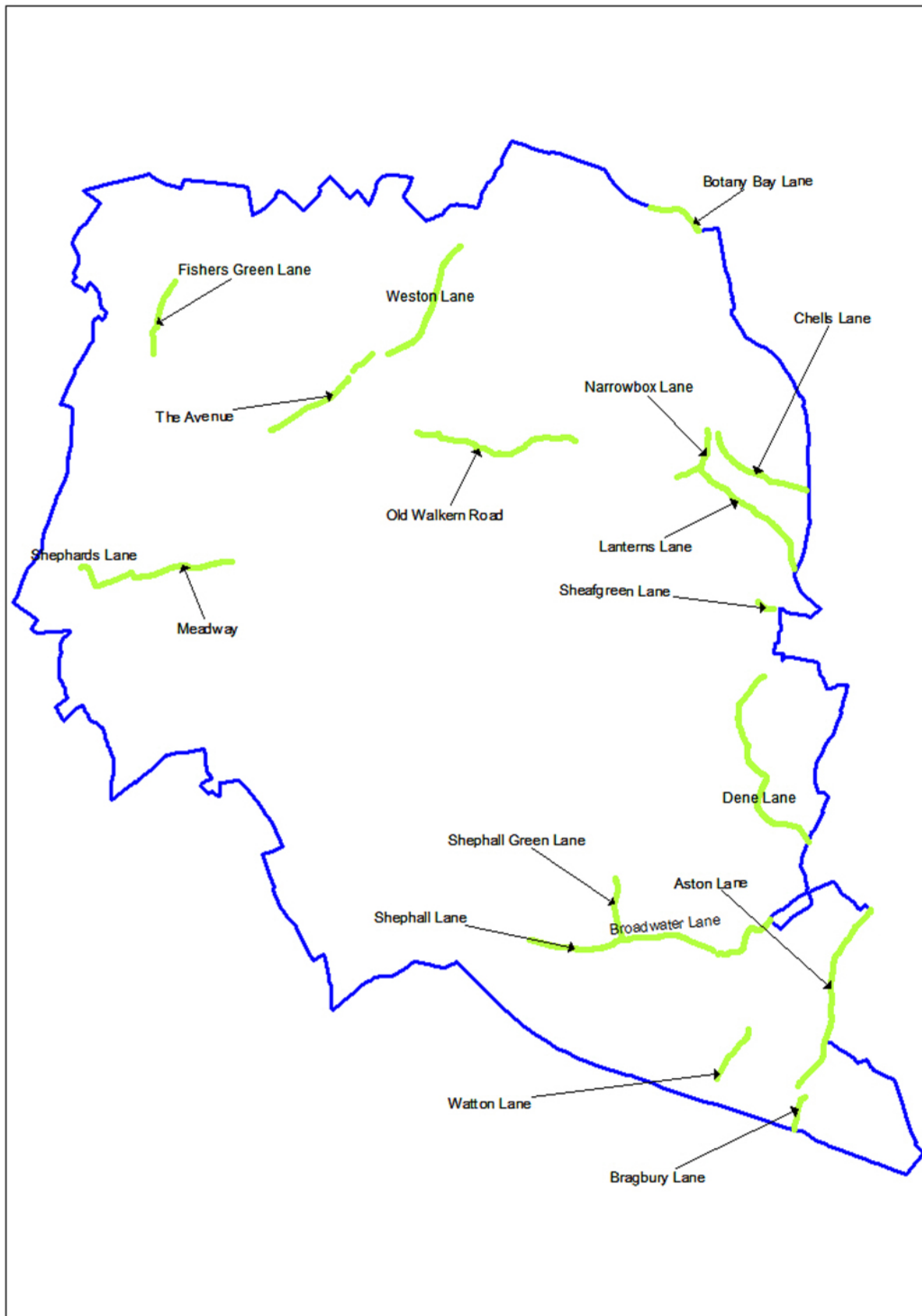


Figure 2 Wildlife Sites in Stevenage

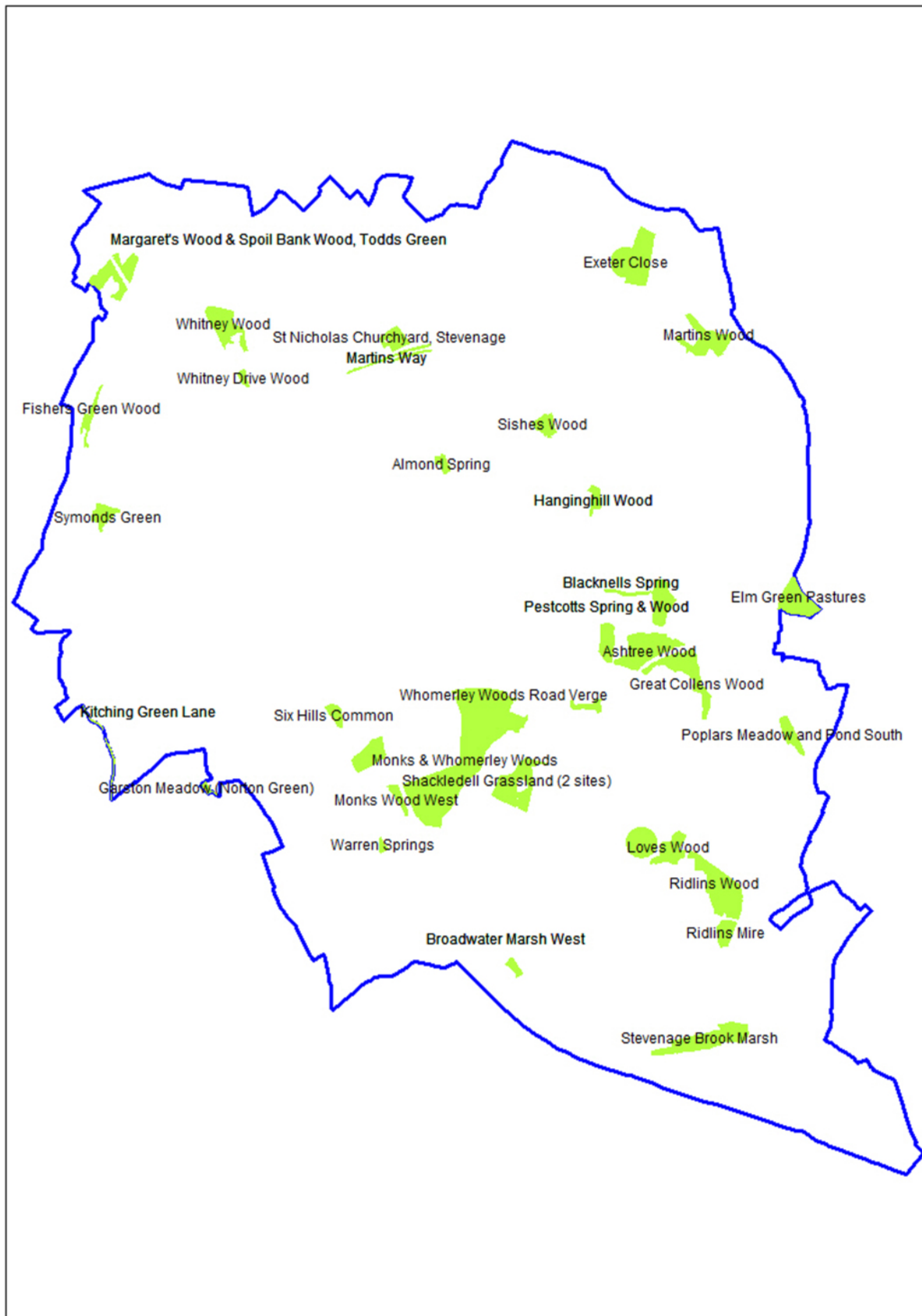
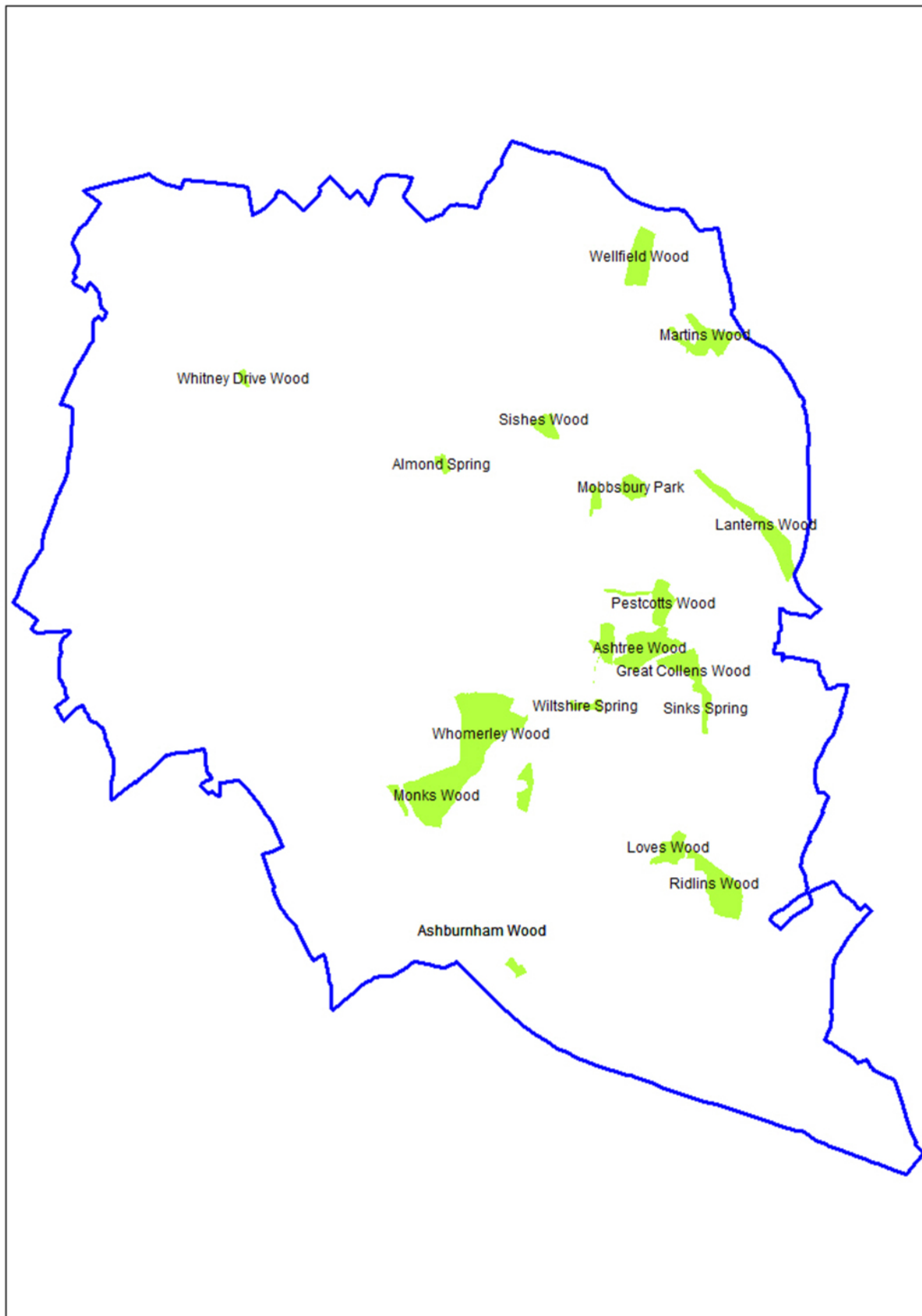


Figure 3 Woodlands in Stevenage



2.3 National Planning Policies

Policies in the [National Planning and Policy Framework](#) relating to net gain are:

8. *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity

170. *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

174. *To protect and enhance biodiversity and geodiversity, plans should:*

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. *When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.





Climate Change and the benefits of biodiversity

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3 Climate Change and the benefits of biodiversity

3.0.1 The [Councils Climate Strategy](#) identifies biodiversity and its role in reducing carbon measures and ensure that we have a holistic approach to the wider sustainability impacts we as humans are having on our local ecology. Using nature's way of addressing the human impact of climate change is the most effective method of taking action.

3.0.2 It is now widely recognised that climate change and biodiversity are interconnected. Biodiversity is affected by climate change, with negative consequences for human well-being, but biodiversity, through the ecosystem services it supports, also makes an important contribution to both climate-change mitigation and adaptation. Consequently, conserving and sustainably managing biodiversity is critical to addressing climate change.

3.0.3 Conserving natural terrestrial, freshwater and marine ecosystems and restoring degraded ecosystems (including their genetic and species diversity) is essential. Ecosystems play a key role in the global carbon cycle and in adapting to climate change, while also providing a wide range of ecosystem services that are essential for human well-being.

3.0.4 Biodiversity can support efforts to reduce the negative effects of climate change. Conserved or restored habitats can remove carbon dioxide from the atmosphere, thus helping to address climate change by storing carbon.

3.0.5 Stevenage Borough Council is extremely proud to have a longstanding commitment to preserving and enhancing biodiversity in the borough. The vision has always been to increase Stevenage's biodiversity by conserving, restoring, recreating and reconnecting wildlife habitats; to increase awareness and appreciation of Stevenage's wildlife; to encourage participation in conserving its biodiversity; and to ensure that nature is close to everyone's doorstep. The Council has worked closely with the Herts and Middlesex Wildlife trust for many years and continues to work in partnership with this organisation to improve our green spaces. As The Council looks to tackle the issues presented by the changing climate, there is an opportunity to continue to prioritise the town's natural environment, while being mindful of what species and ecosystems already exist, when considering projects such as tree planting.

3.0.6 A link to The Councils [Biodiversity Action Plan 2017-2020](#) details actions being taken for wetlands, grasslands, woodlands, and ancient hedgerows. The woodland action plan, stressing the importance of the borough's woodlands as a carbon dioxide store. The Council reaffirms its commitment to biodiversity in the town and will strive to protect and enhance woodlands.



Assessing impacts - biodiversity accounting

4 Assessing impacts - biodiversity accounting

As required by the NPPF and accompanying Planning Practice Guidance, the Council must achieve measurable net gains in biodiversity at development sites and across the Borough. The relative weight given to biodiversity factors will depend on the particular circumstances of the site and proposal, but can be more easily assessed if impacts (losses) to biodiversity, along with any gains (via mitigation and enhancement) are quantified.

To do this, the [DEFRA biodiversity metric](#) must be applied by to all minor and major planning applications when requested to do so (described further below).

The DEFRA biodiversity metric V2 (or as subsequently amended) allows efficient and standardised calculation of impacts. To enable a standardised approach in assessment, other calculators or tools will not be accepted.

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.

4.1 What triggers the use of the biodiversity metric?

Delivering biodiversity net gain will be mandated for proposed developments within the scope of the Town and Country Planning Act 1990. This includes buildings and structures for any use, including:

- commercial;
- industrial;
- institutional;
- leisure; and
- housing or other accommodation, where permission from local planning authorities is required.

This guidance document applies to all major and minor applications other than the following exemptions currently suggested by The Government:

- Permitted development;
- Householder development, including extensions;
- Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- 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
- Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building

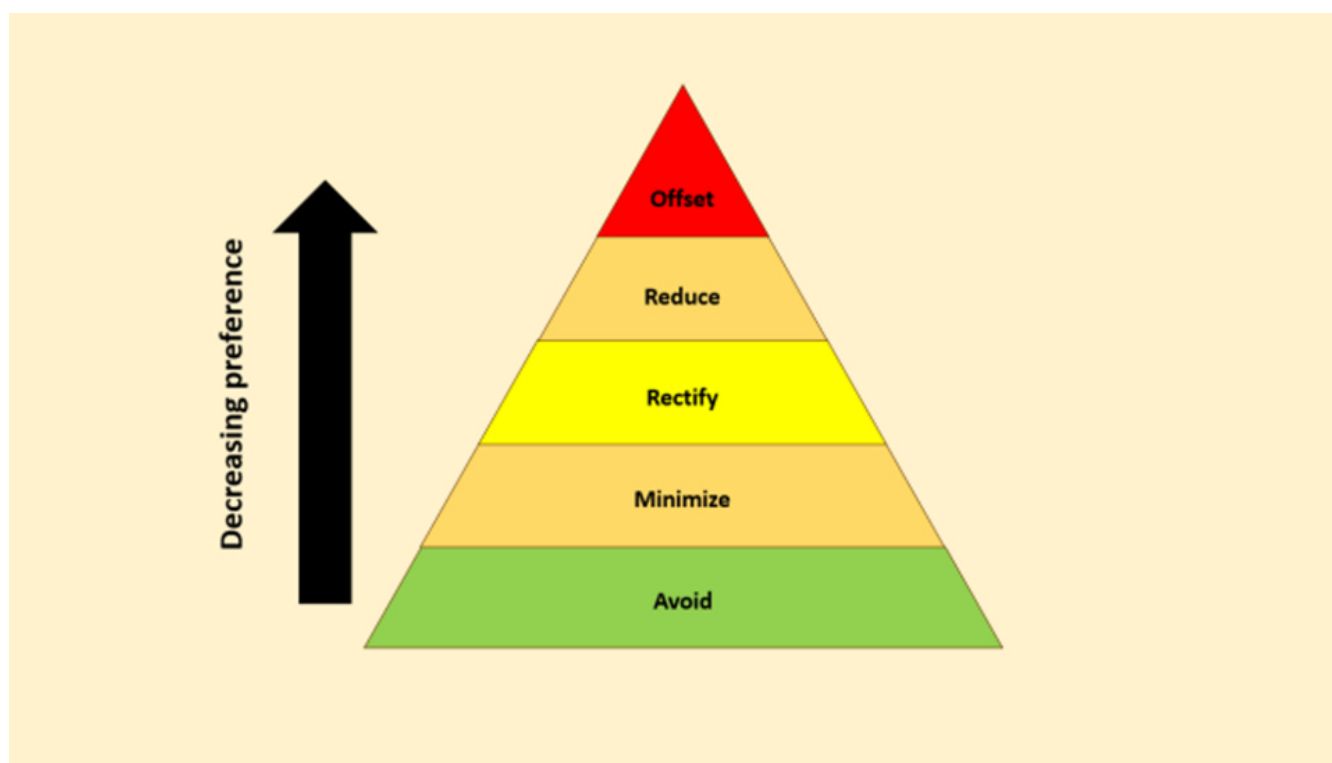
Stevenage Borough Council will follow these exemptions, until such time as exemptions are set out in primary or secondary legislation, at which point those exemptions will be followed.

The delivery of biodiversity net gain involves the use of the biodiversity metric, which is used to calculate the 'habitat units' of biodiversity gained or lost as a result of development on a site. **SBC or their ecological advisors should be contacted to assess whether a biodiversity metric assessment is required on a development proposal. It is recommended that this advice is sought at the pre-application stage.**

4.2 The mitigation hierarchy

Planning applicants must demonstrate the following mitigation hierarchy has been followed;

- impacts to biodiversity have been avoided, then,
- minimised, before,
- any compensation is considered; first onsite and then offsite.



National and local planning policy contains strong direction that development should not be permitted on statutory and non-statutorily designated sites for biodiversity (e.g. SSSI, LWS), unless there are exceptional circumstances present. Similarly, impacts on species and habitats of principle importance for nature conservation are strictly discouraged. Impacts on habitats falling within these categories should always be avoided if possible. If impacts cannot be avoided or mitigated then they must be compensated in a measurable way to achieve net gain.

Biodiversity is not limited to designated sites or priority habitats. In fact most of our biodiversity occurs on non-priority habitat. NPPF requires that planning delivers a measurable net gain to all biodiversity. In order to achieve this, a standard method of measuring impacts on all habitats (not just priority habitat) must be applied to planning decisions.

The metric is not designed to measure impacts on species. Separate species surveys will be required where appropriate. The results of these surveys will have a material influence on habitat provision because the habitat requirements of the species revealed must be reflected in the mitigation or compensation proposals.

The metric described below will be used by the Council in consideration of adherence to the mitigation hierarchy, and to inform compensation on all habitats.

4.3 The biodiversity metric

The biodiversity metric was designed by Natural England and introduced by Defra in 2012 as the main component in Government pilot schemes set up to test 'biodiversity offsetting' delivery systems. Following the review of the pilots the metric was reviewed and version 2 was released in 2019, to support the aims of the Governments 25 year environment plan for measurable net gain.

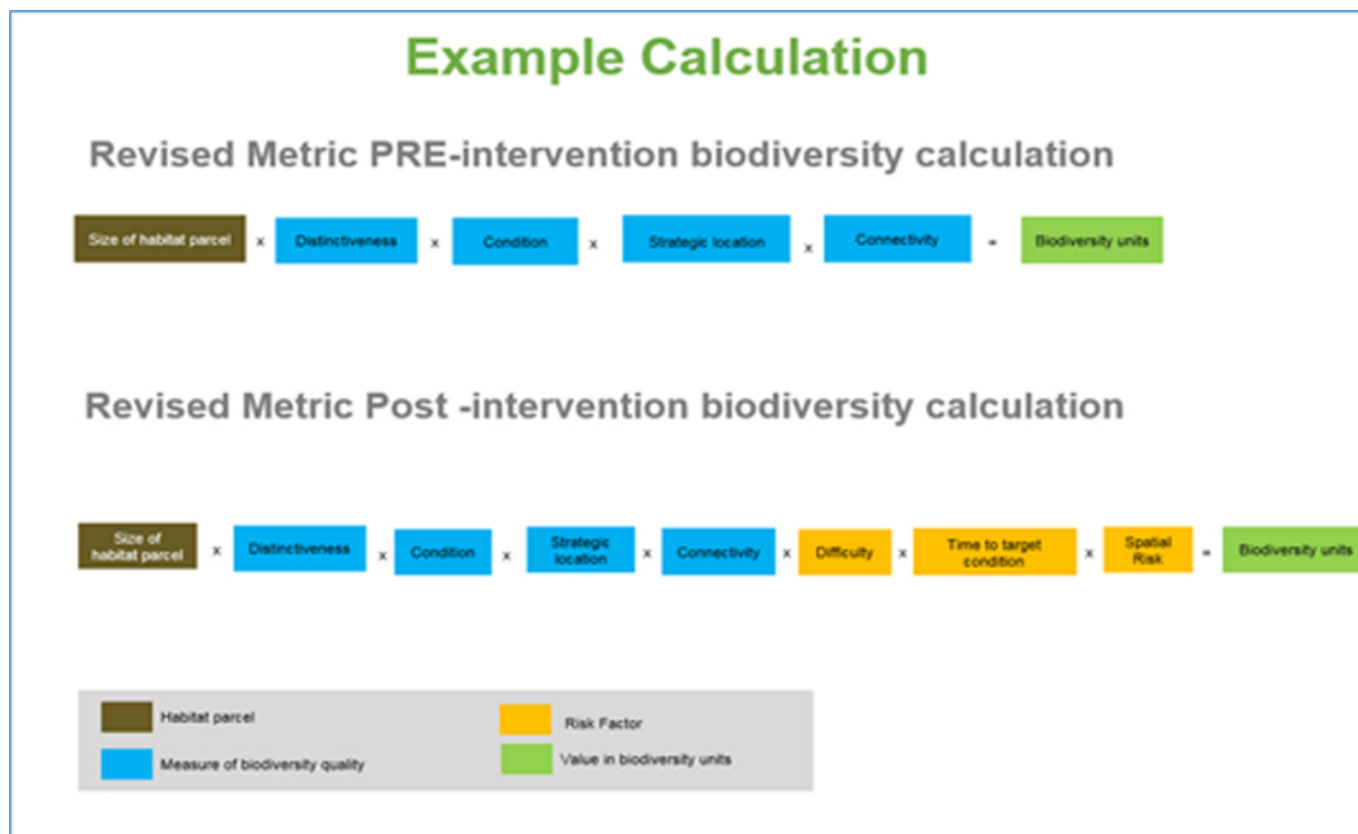
The metric does *not* assume compensatory sites will be required and can, in fact, demonstrate on-site biodiversity gain has been achieved. If an offset is required, the same metric is used to evaluate the predicted gains at compensation sites so that measurable net gain, of biodiversity is achieved.

All habitats are important, but some e.g. ancient woodland, limestone pavement, are irreplaceable and their loss cannot ever be fully compensated for. The metric evaluates impacts for a wide range of habitats, but it does not override existing law or policy that protects nationally important sites and species. In essence, the higher the biodiversity value of a habitat the higher the metric score. Therefore, compensation for impacts to unprotected, but ecologically high value habitats, will be greater compared to arable farmland, for example.

The metric calculates the scale of a habitat impact or enhancement by multiplying the area (hectares), distinctiveness (habitat type) and condition (quality) of each habitat parcel (Fig.1).

When losses are assessed – where impacts to habitats will occur - the calculation provides a negative score as habitat is being lost to development. This provides an evidence base for discussions regarding on-site mitigation and off-site compensation requirements, as per the mitigation hierarchy.

Figure 4 Example of pre-intervention and post-intervention elements included in calculating habitat units



When gains are assessed – where habitats are enhanced or created on-site, or off-site – a similar calculation is made but risk factors that account for difficulty and temporal delays are also applied (Fig. 1). The score will be positive where gains are being delivered. Habitats that are more difficult to restore or that will take a long time to reach a set target condition will score lower, these generate fewer credits and therefore a larger area is required to deliver sufficient mitigation or compensation.

The baseline habitat unit score should be used to inform development layouts, to maximise ecological gains on-site.

4.4 Residual loss

When on-site gains do not outweigh on-site losses by 10% and a net biodiversity loss is calculated, this negative biodiversity loss will become an offset requirement, if approved by the Council.

There is a ‘no down-trading’ policy within the metric, whereby habitat loss must be compensated for with habitat of the same value or higher - loss of high distinctiveness habitats such as lowland meadow and broad-leaved woodland must be compensated for like-for-like.

In addition to the difficulty and temporal factors applied to any gain calculations (on and off-site), a spatial factor is also applied to account for the location of a compensation receptor site in the local landscape.

This is accounted in the metric as:

- Compensation inside LPA/NCA, or deemed to be sufficiently local to site or biodiversity loss.

- Compensation outside of LPA/NCA of impact site but within neighbouring LPA/NCA.
- Compensation outside of LPA/NCA and beyond neighbouring LPA/NCA.

Strategic significance is also applied to account for the local areas strategic delivery plans and ambitions. In this context if a site is not within an area identified in the [Herts Ecological Networks Map](#) as a site with a high priority for habitat restoration or creation (categories 2 and 3a), the credit value of the site is reduced and, again, a larger area will be required to deliver the appropriate compensation (in conservation credits).

Strategic factors, dependant on development location (e.g. contribution to landscape connectivity) are as follows:

- Within area formally identified in local strategy. **Strategic: x 1 – category 1,2, 3a**
- Location ecologically desirable but not in local strategy. **Semi-strategic: 1.5 – category 3b**
- Area/compensation not in local strategy/ no local strategy. **Non-strategic: 2 – category 3c**

Offset compensation schemes within a strategic area are preferred. Non-strategic schemes are permitted but the conservation credits generated by sites must be reduced by a factor of 2. For rivers and streams, strategic plans include the [river basin management plan](#) and actions identified with [local catchment plans](#).

4.5 Thresholds

Whilst there is no minimum size of development or impact for which this system applies, applicants should contact the Council to confirm if the following information is required if they are unsure. Householder applications or applications on sites devoid of biodiversity interest, such as areas of hardstanding, are unlikely to require a biodiversity metric assessment. Applications which do not require an Environmental Statement may still require the information below, unless the Council has advised otherwise.



Information required

The impact of development on Biodiversity SDG Page 158

5 Information required

So that impacts on biodiversity interests can be properly assessed using the biodiversity metric, applicants are required to submit the following information to the Council:

5.1 Purpose of ecological report

The purpose of the ecological report is to demonstrate compliance with national planning policy, local planning policy and legislation regarding planning and biodiversity. It should not be an ecological inventory followed by a series of recommendations. It must clearly and definitively show; what is there, how it will be affected by the development, how the development is compatible with policy, how any negative impacts will be avoided, mitigated or compensated so that a measurable net gain to biodiversity can be demonstrated.

N.B. Only definitively stated mitigation, compensation and enhancement measures to achieve net gain are acceptable – in accordance with BS 42020. Only statements that detail what ‘will’ be provided will be allowed.

5.2 Habitats and Species

Identification of all habitat types present at the site, including non-priority habitats, such as agricultural land, together with species of local distinctiveness will be required. A short description of the habitat will be necessary for the Council to confirm the habitat type (for example; to distinguish between modified grassland and other neutral grassland).

Detail regarding any statutory or non-statutory nature conservation designations. Descriptions of the habitat must be consistent with the guidance provided to accompany the biodiversity metric (as amended). The location and size of each habitat parcel (pre and post development) must be clearly marked on maps. GIS layers are preferable if available

Figure 5

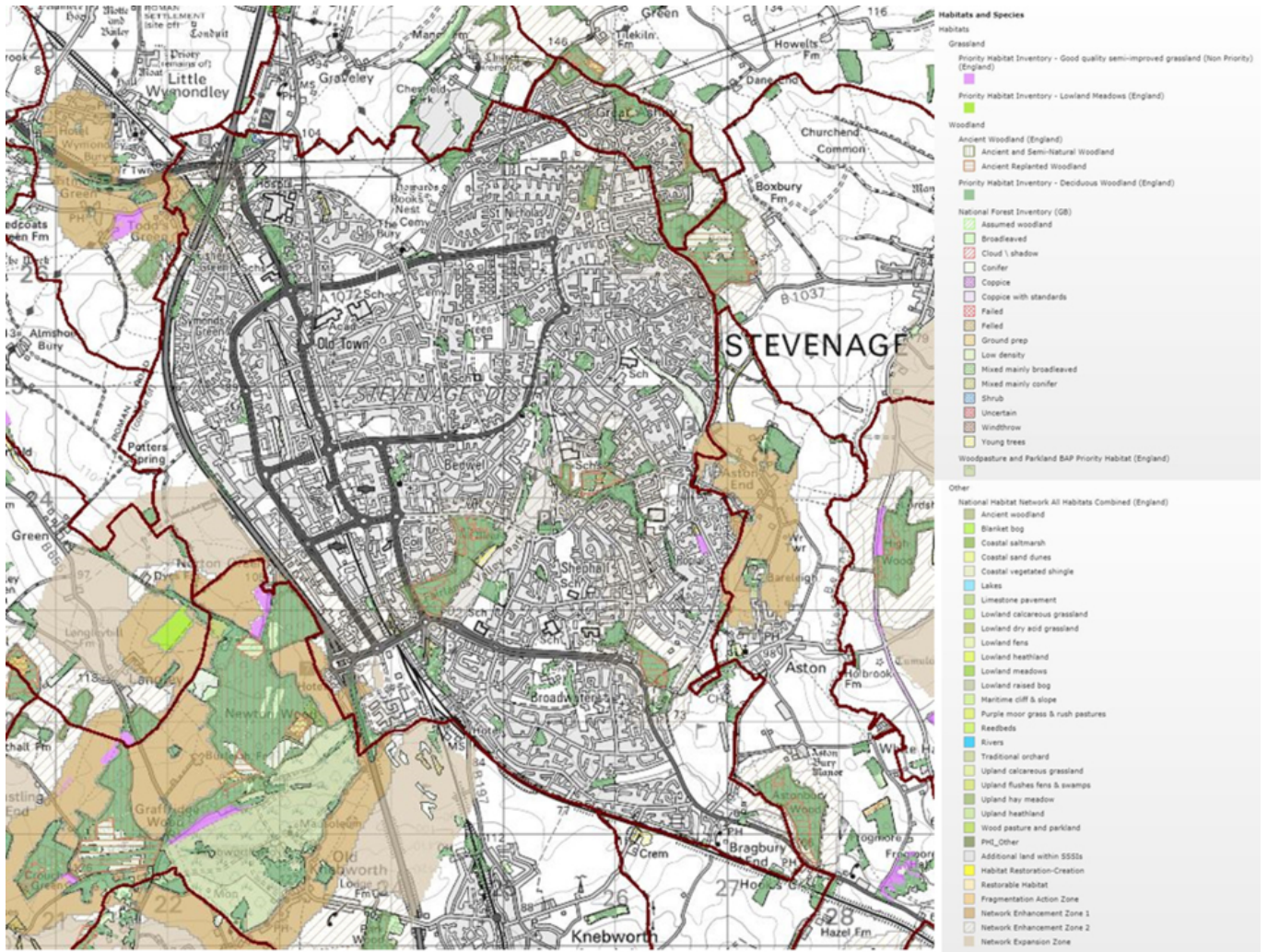
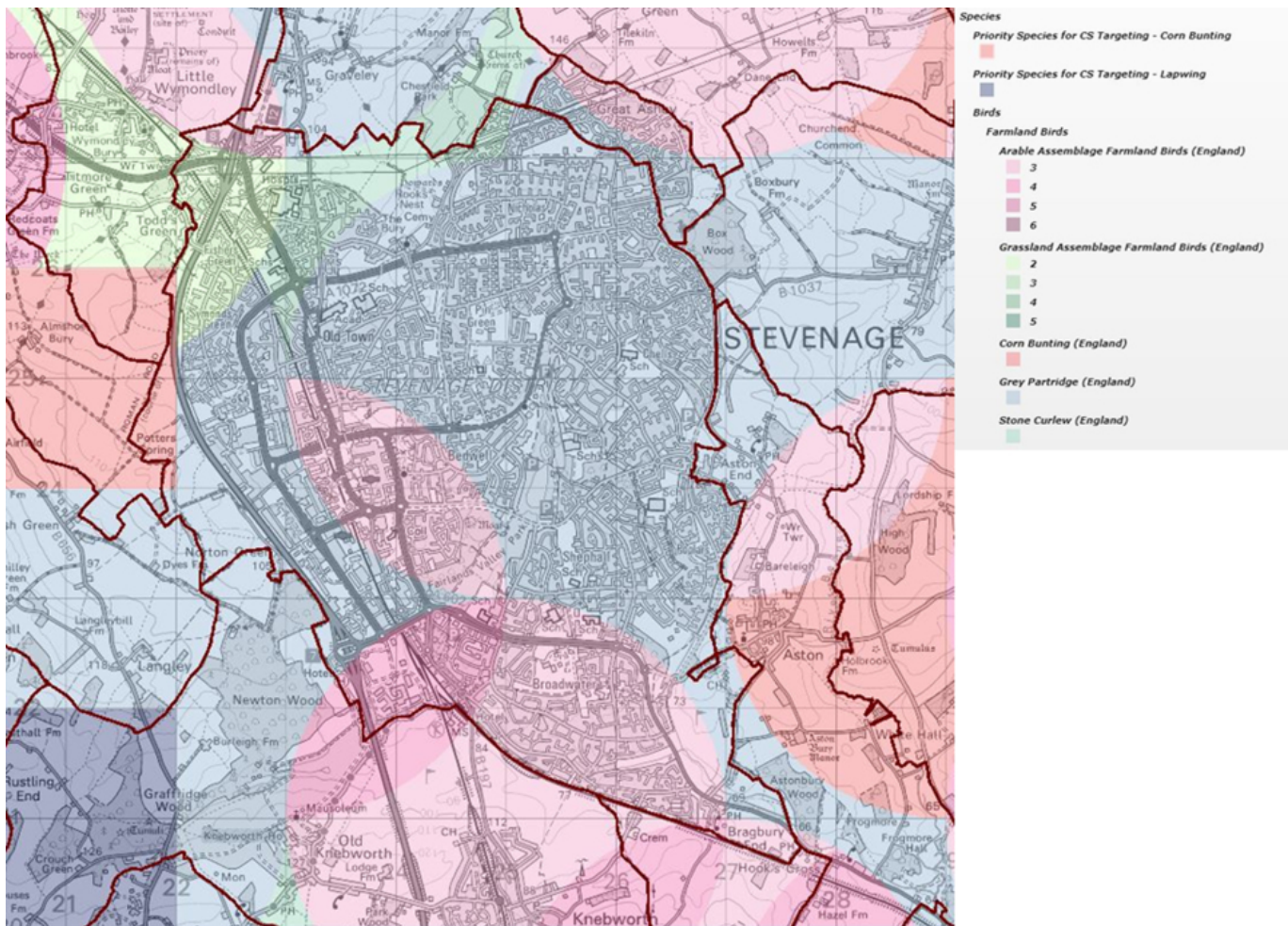


Figure 6



5.3 Area

Survey material showing the location and area (in hectares) covered by each habitat type. If possible this should be provided as a GIS layer to enable verification.

5.4 Condition

A description of the condition of each habitat type. If different 'patches' of one habitat type exist between which the condition of the habitat varies significantly, then these should be identified (for example; lowland meadow A – 1.2 ha - moderate condition; other neutral grassland B – 4ha - poor condition).

Condition should be assessed using the condition assessment criteria as outlined in the Natural England Biodiversity Metric Technical Supplement JP029. **Each condition assessment should be accompanied by a brief description, or reasoning, to support the assessment made.** If a habitat condition assessment is not found in the Technical Supplement, another method of assessing condition should be employed, with supporting reasoning included. Discussion with the ecological advisors of the council is advised to determine difficult or contentious condition assessments.

High quality quadrat photographs to justify habitat condition assessments are encouraged.



Losses vs. gains

The impact of development on Biodiversity SDG Page 162

6 Losses vs. gains

How each of the habitats (and habitat patches) described above will be affected by the proposal must be identified – i.e. will they be lost, retained, or enhanced in some way. Any on-site mitigation or enhancements (gains) proposed must be accompanied by further information regarding the target habitat type and condition to be achieved through management, the time period within which this target will be achieved, and a supporting outline (or full) management plan. The Council will not consider any gains (credits) to balance losses calculated without this information.

Any offset proposals where biodiversity gains are proposed will be dealt with in the same way as the point above.

The above information may also be required for indirect impacts to habitats adjacent to the site.

Results from the assessments above should be summarised in a table, with an accompanying map with each habitat parcel clearly marked on it (pre and post development) and referenced to the excel spreadsheet generated by the biodiversity metric.

Early pre-application discussions with Stevenage Borough Council ecological advisors are recommended to clarify the information required above. All surveys will be expected to be accompanied by an ecological records search from the [Herts Environmental Records Centre](#)

Ecological assessments should be carried out by qualified, suitable experienced environmental consultants using recognised methodology and at an appropriate time of year. All surveys must be compliant with BS 42020: 2013. Biodiversity Code of Practice for Planning and Development.

Any deviation from these standards must be justified and agreed with the LPA before it can be admitted. All avoidance, mitigation, compensation or enhancement measures must be definitively stated. Reports must only refer to what will be delivered. 'Recommendations' or proposals which 'could', or 'may' be undertaken are not acceptable.



Standards for offsets

7 Standards for offsets

In addition to the standards set above for assessing impacts using the Biodiversity Metric, if compensation is required, any offset schemes will be required to adhere to the following set of standards.

7.1 Site selection

For each offset receptor site put forward by an applicant, Stevenage Borough Council will approve the site selection by considering the following:

Required

- Minimum ecological unit credit gain of 10% is achieved. This applies to both terrestrial and linear units. Linear and terrestrial units cannot be summed together to achieve Net Gain.
- Any like-for-like requirements for high distinctiveness habitat loss have been met
- That additionality can be demonstrated (where biodiversity gain and proposed management at a site is additional to that which is already in place with secure funding under, for example, an agri-environment scheme).

Potential considerations

- Target habitats are appropriate (if a like-for-like requirement is needed or to meet local targets)
- Sites within categories 1 to 3a will be selected in preference to lower value categories as identified by the Herts Ecological Networks Map.
- Site is within the Stevenage Borough boundary.
- Site is within 10km distance of the development

7.2 Delivery

In approving an offset Stevenage Borough Council will also need to be satisfied that delivery will be assured, such that the following are appropriate:

- Management period, i.e. 30 years;
- Site survey information, biodiversity gain (credit) calculations and management plan have been approved;
- Sufficient funds have been allocated to deliver management long-term, anticipating costs such as legal, administration, monitoring, reporting, foreseeable risks, insurance and inflation;
- A delivery mechanism is available – e.g. enforceable legal agreements to ensure management is undertaken and required condition is achieved in accordance with the management plan;
- Annual monitoring and reporting arrangements have been made, to ensure management is being delivered as per the legal agreements.
- **Biodiversity net gains should be secured for the lifetime of the impacts of the development.** Therefore, the priority for offsets will be on land owned by local authorities, nature conservation organisations, or land managed by nature conservation organisations.



Biodiversity Financial Contribution

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8 Biodiversity Financial Contribution

Should a developer wish not to arrange their own biodiversity offset project(s), either on their own site or on a brokered site, then the Local Authority can offer a **financial payment option - known as a Biodiversity Financial Contribution**.

In this model, developers pay a contribution, under full cost recovery, for the LPA to organise the required biodiversity accounting scheme within a set period of time (usually 5 years), monitor their progress towards meeting the required units of biodiversity gain, take action where necessary to ensure the gains are achieved, and to formally report on their progress.

8.1 Components of a Biodiversity Financial Contribution

The Biodiversity Financial Contribution is index-linked and is the sum total of the following three components:

Biodiversity Accounting Payment (BAP) ~ (this is the cost of the offset)

$$\text{Set-up Cost} + \text{Habitat Creation Cost} + (\text{Management Cost})^{(1)} = \text{BAP}$$

Contingency Payment (CP) ~ at 10% of the Biodiversity Accounting Payment (Insurance Fund)

$$\text{Biodiversity Accounting Payment} \times 0.1 = \text{CP}$$

Index linked Management Payment (MP) ~ at 20% of the Biodiversity Accounting Payment (Management and Monitoring Fund)

$$\text{Biodiversity Accounting Payment} \times 0.2 = \text{MP}$$

So, overall,

$$\text{BAP} + \text{CP} + \text{MP} = \text{Biodiversity Financial Contribution}$$

A financial calculator that shows the average unit cost for a Biodiversity Financial Contribution is included in 12 'Appendix 3'.

8.2 Payable to

This Biodiversity **Financial Contribution** will be made payable to Stevenage Borough Council in accordance with the planning condition or legal agreement. On receipt of the agreed sum, monies will be distributed into three funds, based on full cost recovery principles. These funds will be spent as set out below.

Biodiversity Accounting Fund

SBC will use this fund to arrange one or more providers to compensate for the loss associated with the development. This could be arranged through a broker, or a separate legal agreement arranged by a lead Local Authority. These arrangements will be detailed within a legal agreement, in accordance with an approved Biodiversity Accounting Management and Monitoring Plan.

¹ Cumulative indexation for a 30-year management period

Contingency Fund

This fund will be formed from the pooling of the individual contingency payments and will be used to secure additional biodiversity enhancements or other ecological projects that enhance biodiversity. These enhancements will compensate for Biodiversity Accounting Schemes that do not fulfil their ecological objectives.

Management and Monitoring Fund

This fund will cover the costs of the Herts Environmental Records Centre associated with collecting data, managing databases, strategic mapping, to be used to determine where best to locate offsets based on supply of units and meeting agreed biodiversity priorities, for sample on-site monitoring and formal reporting of scheme progress. It will also cover distribution of all three funds where necessary.



Assessing and achieving measurable biodiversity gain on a development site

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9 Assessing and achieving measurable biodiversity gain on a development site

Stage 1: Check with LPA if a biodiversity metric assessment is required

Stage 2: If required, engage an ecological consultant to undertake a biodiversity metric calculation on the site to give a baseline ecological unit score.

Stage 3: Identify all priority habitats and species to be avoided and buffered in accordance with local plan policy. Undertake species surveys, informed by environmental records search.

Stage 4: Design development within the parameters of existing habitats of value, minimum ecological unit requirement to achieve net gain, and species impact mitigation requirements. Use landscaping to maximise net gain potential, e.g. native trees, wildflower verges, SUDs. Ensure all habitats have appropriate management regimes, funding and monitoring specified. All avoidance, mitigation or compensation measures must be definitively stated and marked on maps.

Stage 5: Ensure enhancement features for wildlife as required by local plan are specified and marked on plans, e.g. integrated bird and bat boxes, hedgehog highways.

Stage 6: If impact on priority habitat cannot be avoided or if net gain cannot be achieved onsite, seek a legitimately quantified biodiversity offset, engage a biodiversity offset broker to provide an offsetting agreement, or seek a biodiversity financial agreement with the LPA to provide an offset.

Stage 7: Submit planning application

Stage 8: Permission granted, biodiversity offset or biodiversity financial agreement secured by 106 agreement



Appendix 1 – Ecological Networks Map for Hertfordshire

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The impact of development on Biodiversity SPD

10 Appendix 1 – Ecological Networks Map for Hertfordshire

[Link to Hertfordshire Ecological Networks Map](#)



Appendix 2 – Sample condition wording for outline and full planning decisions:

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11 Appendix 2 – Sample condition wording for outline and full planning decisions:

Definitions:

“Biodiversity Impact Assessment”	means the use of the most current Defra Biodiversity Metric to calculate the biodiversity impact of the scheme measured in Biodiversity Units.
“Biodiversity Loss”	means a negative Biodiversity Unit score.
“Defra Biodiversity Offsetting Metric”	means the Defra mechanism to quantify impacts on biodiversity that allows biodiversity losses and gains affecting different habitats to be compared and ensure offsets were sufficient to compensate for residual losses of biodiversity
“Financial Contribution Calculator”	means the mechanism used to calculate the fixed sum contribution.
“Biodiversity Offsetting Scheme”	means a scheme which will deliver biodiversity enhancements which shall not be less than the Biodiversity Impact Assessment score
“Biodiversity Unit”	means the product of the size of an area, and the distinctiveness and condition of the habitat it comprises to provide a measure of ecological value
“Reserved Matters”	means the details to be approved by the Council in relation to the means of access to the building(s) and the site, the appearance of the building(s), the landscaping of the site, the layout of the site and its relationship with adjoining development, and the scale of building(s)

The Owner covenants:

Commencement of Development which for the purposes of this schedule shall include operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the erection of a site office, the creation of a site compound, the creation of temporary means of access shall not take place until the Reserved Matters have been approved by the Council.

The approved Reserved Matters shall not result in a Biodiversity Impact Assessment score less than – **XX Biodiversity Units** or such other number as may be agreed with the Council.

Commencement of Development, which for the purpose of this schedule shall include operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the erection of a site office, the creation of a site compound, the creation of temporary means of access, shall not take place unless approved by the Council until a Biodiversity Offsetting Scheme has been submitted to and approved in writing by the Council (“the Approved Scheme”). The Approved Scheme shall be approved with the purpose of ensuring that the Development shall result in a biodiversity net gain of 10% in accordance with the National Planning Policy Framework.

The Approved Scheme shall either include:

- the identity an appropriate receptor site or sites;

- a management plan for the provision and maintenance of such offsetting measures for not less than 30 years from the date of implementation of the Scheme;
- the provision of contractual terms to secure the delivery of the offsetting measures; or
- provide for a fixed sum contribution to be paid to Stevenage Borough Council based on using the Financial Contribution Calculator. The Biodiversity Contribution shall not exceed £xxx exclusive of indexation calculated in accordance with the Relevant Index. The Council shall use the biodiversity contribution to enhance and secure long term management of biodiversity within the vicinity of the Application Site.

11.0.1 If the above applies to implement the Approved Scheme, no changes shall be carried out to the Approved Scheme without the written consent of the Council.

11.1 Full application provisions

Biodiversity Offsetting

"Biodiversity Impact Assessment"	means the use of the most current Defra Biodiversity Metric to calculate the biodiversity impact of the scheme measured in Biodiversity Units.
"Biodiversity Loss"	means a negative Biodiversity Unit score.
"Defra Biodiversity Offsetting Metric"	means the Defra mechanism to quantify impacts on biodiversity that allows biodiversity losses and gains affecting different habitats to be compared and ensure offsets were sufficient to compensate for residual losses of biodiversity
"Financial Contribution Calculator"	means the mechanism used to calculate the fixed sum contribution.
"Biodiversity Offsetting Scheme"	means a scheme which will deliver biodiversity enhancements which shall not be less than the Biodiversity Impact Assessment score
"Biodiversity Unit"	means the product of the size of an area, and the distinctiveness and condition of the habitat it comprises to provide a measure of ecological value
"Reserved Matters"	means the details to be approved by the Council in relation to the means of access to the building(s) and the site, the appearance of the building(s), the landscaping of the site, the layout of the site and its relationship with adjoining development, and the scale of building(s)

The Owner covenants:

The Commencement of Development, which shall include operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the erection of a site office, the creation of a site compound, the creation of temporary means of access, shall not take place unless approved by the Council until a Biodiversity Offsetting Scheme appropriate to compensate for a Biodiversity Impact Assessment score of xx.xx Biodiversity Units has been submitted to and approved in writing by the Council ("the Approved Scheme"). The Approved Scheme shall be approved with the purpose of ensuring that the Development shall result in a Biodiversity Net Gain in accordance with the National Planning Policy Framework.

The Approved Scheme shall either include:

- the identity an appropriate receptor site or sites;

- a management plan for the provision and maintenance of such offsetting measures for not less than 30 years from the date of implementation of the Scheme;
- the provision of contractual terms to secure the delivery of the offsetting measures; or
- provide for a fixed sum contribution to be paid to Stevenage Borough Council based on using the Financial Contribution Calculator. The fixed sum shall not exceed £..... The District Council shall use the contribution to enhance and secure long term management of biodiversity within the vicinity of the Application Site.

11.1.1 If the above applies to implement the Approved Scheme no changes shall be carried out to the Approved Scheme without the written consent of the Council.

11.2 S106 payment for Broker secured scheme

Biodiversity Offsetting

"Biodiversity Impact Assessment"	means the use of the most current Defra Biodiversity Metric to calculate the biodiversity impact of the scheme measured in Biodiversity Units.
"Biodiversity Loss"	means a negative Biodiversity Unit score.
"Biodiversity Offsetting Scheme"	means a scheme which will deliver biodiversity enhancements which shall not be less than the Biodiversity Impact Assessment score.
"Biodiversity Units"	means the product of the size of an area, and the distinctiveness and condition of the habitat it comprises to provide a measure of ecological value. <i>Note: Based on / extracted from Defra's guidance documents</i>
"Defra Biodiversity Offsetting Metric"	the Defra mechanism to quantify impacts on biodiversity that allows biodiversity losses and gains affecting different habitats to be compared and ensure offsets were sufficient to compensate for residual losses of biodiversity. <i>Note: Based on / extracted from Defra's guidance documents</i>

The Owner covenants:

Within 1 month of signed permission and prior to the Commencement of Development, which shall include operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the erection of a site office, the creation of a site compound, the creation of temporary means of access, or as agreed by the Council a fixed sum of £xxxx excluding VAT shall be paid to [Name of selected Biodiversity Offset Broker] to enact the approved Biodiversity Offsetting Scheme for [Offset Broker] site xxxxx that has been previously approved by the Council and will appropriately compensate for a Biodiversity Impact Assessment score of xxxxx Biodiversity Units ensuring that the Development shall result in a Biodiversity net gain in accordance with the National Planning Policy Framework, in the form of the Conservation Offset Purchase Agreement annexed hereto.



Appendix 3 - Biodiversity offsetting payment template

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12 Appendix 3

Stevenage Borough Council are offering applicants the option to make a financial payment instead of securing an offset provider through either a broker or other means. The Biodiversity Offsetting Payment will be based on the following precautionary principles.

Should a developer wish not to arrange their own biodiversity offset project(s), either on their own site or on a brokered site, then the Local Authority, on the advice of their ecological advisors, operate an alternative option - a **financial payment option - known as a Biodiversity Financial Contribution**.

This is where developers pay a contribution, under full cost recovery, for the ecological advisors of the LPA to organise the required biodiversity accounting schemes, monitor their progress towards meeting the required units of biodiversity gain, take action where necessary to ensure the gains are achieved, and to formally report on their progress.

The Biodiversity Financial Contribution is index-linked and is *the sum total of the following three components*:

Biodiversity Accounting Payment (BAP) ~ (this is the cost of the offset)

$$\text{Set-up Cost} + \text{Habitat Creation Cost} + (\text{Management Cost})^{(2)} = \text{BAP}$$

Contingency Payment (CP) ~ at 10% of the Biodiversity Accounting Payment (Insurance Fund)

$$\text{Biodiversity Accounting Payment} \times 0.1 = \text{CP}$$

Index linked Management Payment (MP) ~ at 20% of the Biodiversity Accounting Payment (Management and Monitoring Fund)

$$\text{Biodiversity Accounting Payment} \times 0.2 = \text{MP}$$

So, overall,

$$\text{BAP} + \text{CP} + \text{MP} = \text{Biodiversity Financial Contribution}$$

This **Biodiversity Financial Contribution** will be made payable to the LPA in accordance with the planning condition or legal agreement. On receipt of the agreed sum, monies will be held by the LPA, which will distribute them into three funds, based on full cost recovery principles. These funds will be spent as set out below.

Biodiversity Accounting Fund

SBC will use this fund to arrange one or more providers to compensate for the loss associated with the development. This could be arranged through a broker, or a separate legal agreement arranged by a lead Local Authority. These arrangements will be detailed within a legal agreement, in accordance with an approved Biodiversity Accounting Management and Monitoring Plan.

Contingency Fund

² Cumulative indexation for a 30-year management period

This fund will be formed from the pooling of the individual contingency payments and will be used to secure additional biodiversity enhancements or other ecological projects that enhance biodiversity. These enhancements will compensate for Biodiversity Accounting Schemes that do not fulfil their ecological objectives.

Management and Monitoring Fund

This fund will cover the costs of the Herts Environmental Records Centre associated with collecting data, managing databases, strategic mapping, to be used to determine where best to locate offsets based on supply of units and meeting agreed biodiversity priorities, for sample on-site monitoring and formal reporting of scheme progress. It will also cover distribution of all three funds where necessary.

The average cost of creation/restoration of habitat will be:

Habitat Type	Set up costs	Create (per ha)	Maintain (per ha per yr)
Grassland	£7,000	£1686	£227
Woodland	£7,000	£1584	£184
Wetland	£7,000	£1212	£70



Appendix 4 - Biodiversity Offsetting Management Plan Guidance

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The impact of development on Biodiversity SPD

13 Appendix 4 - Biodiversity Offsetting Management Plan Guidance

This guidance sets out what Stevenage Borough Council expects to see in a Biodiversity Offset Management Plan

Introduction

The preparation of a management plan is an essential component in the development of a biodiversity offset scheme. The plan should outline the management prescriptions that will be carried out in order to achieve the requisite habitat creation/restoration and for the long-term management (specified in the s106) of the newly created/restored habitat(s).

Evaluation of management plans

The Biodiversity Offset Management Plan needs to be approved by Stevenage Borough Council planning authority and their ecological advisors, who will need to be assured that the scheme is capable of delivering the proposed biodiversity benefits. The assessment will be based on information provided in the BOMP, so it is important that the plan provides adequate information. SBC may request further information from the offset provider, if necessary. In some cases, it may be necessary for an ecologist from the local authority to carry out an on-site visit to confirm the assessment of the initial condition of the site.

We expect that best practice will be followed in managing offset schemes, and this should be reflected in the management plans. A large amount of published advice is available on habitat management for delivering conservation outcomes.

Management plan format and content

Guidance on management plan writing, recommended format and contents is available from several sources. A standard management plan format provides factual information on the site including location, tenure, physical and biological features; an evaluation of the existing site habitats, objectives of management e.g. what is proposed including target condition and timescale to reach target condition; detailed management prescriptions, and the process for monitoring and reporting on the sites progress towards meeting its targets.

The level of detail provided in the management plan will depend on the complexity of the offset site, existing habitat(s) and proposed habitats. Many offset schemes will be small e.g. a single field and the proposed enhancements and management relatively simple (at least in theory). The amount of information provided e.g. site description, should reflect this. However, it is important that all management plans provide adequate information to enable the local planning authority to assess the proposed offset schemes ability to deliver and sustain the proposed biodiversity gains in the long-term.

13.1 The Management Plan

The management plan is likely to require the following information:

Location and description of site

Essentially a collation of information about the site, including general points such as location, tenure, site designations, environmental information, biological information, archaeological & historical information, past uses of the site. The first stage in this process is a desk study of available information. Sources of information must include the Herts Environmental Record Centre. Not all types of information will be relevant or available for all sites. Types of information will include:

Location

A map showing the location and boundaries of the receptor site should be provided together with a grid reference. Basic site statistics such as area (ha) should be provided.

Land tenure

Provide details of land ownership and occupation.

Access and public interest

Provide details and map of access to the site including any public rights of way, access required for management e.g. machinery

Site designation and notable interest

Provide details of any statutory designation (e.g. NNR, SSSI, LNR etc) and non-statutory designations (LWS, Ecosites) within or near to the site (give distances to the site).

Environmental information

This section should provide information geology & soils, hydrology, biological information, habitats & vegetation communities and cultural information. Concentrate on factors which are of importance to the habitats being created or restored e.g. grassland soils.

Geology and Soils

Include information on geology and soils which help in understanding the ecology of the site and which might influence site management. For example, information on geology and soil type will determine whether the site is suitable for grassland creation or restoration and inform decisions on target community (e.g. low available phosphorus and appropriate pH).

Geological information can be obtained from the British Geological Survey (BGS) (<http://mapapps.bgs.ac.uk/geologyofbritain/home.html>). Information on soils can be obtained from the UK Soil Observatory/Natural Environment Research Council (<http://www.ukso.org/>) and the National Soil Resources Institute at Cranfield University (<http://www.landis.org.uk/soilscapes/>). These will indicate general soil types in the area but laboratory analysis are required to determine soil properties at the site. See field assessment section below for guidance on soil analysis.

Topography

The topography of a site can influence habitats and possibly management. Briefly describe the topography of the site e.g. slope, aspect, features of importance for management etc.

Hydrology

An understanding of the hydrology of sites is essential for wetlands but can also influence other habitat types e.g. grasslands, and may also affect management. Describe the hydrology of the site e.g. the type of watercourse or water body, directions of flow, water sources, water quality, evidence of inundation etc. Again, concentrate on features that influence habitats to be created or enhanced, and management.

For wetlands including ponds, water quality is the most important factor influencing the wildlife value of a pond. This generally means clean, unpolluted, water with low levels of nutrients (like nitrates and phosphates).

13.2 Biological information

Flora and fauna

It is important to know what existing flora and fauna is present within or the near site. Particular attention should be given to protected and notable species and any other species which will influence or be affected by management e.g. invasive species. Information on the site and its surroundings should be obtained from [The Herts Environmental Records Centre](#)

Habitats and vegetation communities

Provide details of the habitats and, where relevant, vegetation communities found on the site, with distribution extent of each habitat shown on a map. The level of detail will vary from site to site but in most cases the broad habitat type will be sufficient. However, if detailed information exists or there are particular habitats or habitat features of high conservation importance, either in their own right or for key species, this should be provided.

13.3 Cultural information

Land use

Information on past land use and management (if available) is valuable for understanding how the site/habitat has changed over time. The reinstatement of traditional management is often prescribed for the restoration of priority habitats. Please give details of past (especially traditional management e.g. hay meadow, coppicing etc) where known and also present/recent management, especially where this may have influenced the current condition of the site, e.g. intensive agricultural management. Also give brief details of any land use in the area immediately bordering the site if these may have an impact on the site, for example pollution, fertiliser drift or disturbance.

Archaeological, cultural or historical interest

Provide details of any features on the site which are of archaeological, cultural or historical importance. Please consult [The Herts Historic Environment Advisory Service](#)

13.4 Field Assessment

Ecological Survey

The offset site should be surveyed by a competent botanist at an appropriate time of year for the habitat(s) present at the site. Surveys should record and map Phase 1 habitat types, UK habitats or NVC communities. Habitat description categories should be supported by UK habitat descriptions. Phase 1 and NVC habitats should be converted into UK habitats descriptions. Details of grassland conversion from NVC to UK habitats is provided in table 1 below.

Table 1 Stevenage specific conversion of grassland habitats from NVC to UK habitats descriptions used in metric

Habitat type – from metric	NVC equivalent
Lowland calcareous grassland	CG2, CG3, CG6, CG7
Lowland meadow	MG5, MG4
Modified grassland	MG7
Other neutral grassland	MG1, MG6, MG9, MG10, MG11, MG12, MG13
Tall herb communities	OV22, OV23, OV24, OV25

Full details of the survey should be provided in the Management Plan. This will provide information for the local planning authority to assess the suitability of the offset proposal. It also establishes the baseline of the offset site before creation or restoration management has started and against which the success of the scheme in meeting its target(s) can be assessed.

Site Survey results

The survey results should include:

- A description of the site including habitat(s), dominant/characteristic species, notable species etc; topography, aspect, hydrology, soil (see section below)
- A habitat map should be provided based on the Phase 1 Habitat Survey Handbook (JNCC 2010);
- A full species list;
- Photographs of the site, for example, that highlight the condition of the site e.g. rank grassland, scrub encroachment etc;
- Any factors affecting condition and/or management e.g. is the site suitable for grazing, recreational pressure etc

Baseline condition assessment

The current condition of the different habitats covered by the offset site need to be assessed to establish the baseline unit value of the site. The Biodiversity Metric 2.0 Technical Supplement contains condition assessment tables for most habitats (1.12).

The Technical Supplement does not contain condition assessment for all habitats. In this case, the ecologist should use their professional judgment and experience to determine condition, using attributes such as species-richness, the presence of indicator species (positive and negative), structural and age diversity etc. in relation to the NVC habitat type that the habitat is most similar to.

The field survey and condition assessment should be undertaken under suitable conditions e.g. appropriate time of year. Where conditions are not ideal e.g. grass is tightly grazed, the condition assessment should be carried out at a later date when conditions are suitable, otherwise a precautionary approach should be taken in assigning condition i.e. if it is difficult to determine if the habitat is in poor or moderate condition, the habitat should be assigned to the higher condition category.

When using the Technical Supplement to assess condition, count the number of failed criteria to determine the condition. Habitats are in good condition when all criteria are met, moderate condition where it fails on just one criteria and poor condition when it fails on 2 or more criteria.

Details of the condition assessment should be provided. For example, a condition assessment for grasslands should be based on the Technical Supplement methodology i.e. carry out a structured walk (see also monitoring section below). Photographs showing condition of habitat e.g. rank grassland, scrub encroachment etc should also be provided. Community representative, high resolution quadrat photographs rather than landscape photographs are particularly useful to verify botanical assessments and will be expected.

Table 2 Grassland condition assessment from Technical Supplement (adapted for Stevenage)

Habitat Description		
<ul style="list-style-type: none"> ● Includes both agricultural, recreational, amenity, road verges and semi-natural grassland types including Priority Habitat Grasslands on all soil types ● Will be dominated by grassland species with very little (is any) dwarf shrub, wetland or wooded species within the sward ● Will exist above and below the level of enclosure at all altitudes 		
Condition Assessment Criteria		
<ol style="list-style-type: none"> 1. The area is clearly and easily recognisable as a good example of the grassland type and there is little difference between what is described in the relevant habitat classifications and what is visible on site 2. The appearance and composition of the vegetation on site should very closely match the characteristics for the specific habitat (i.e. as described by the UK Habitat Classification or NVC community), with species typical of the habitat representing a significant majority of the vegetation 3. Wildflowers, sedges and indicator species for the specific grassland habitat are very clearly and easily visible throughout the sward and occur at high densities in high frequency. See relevant Habitat Classification for details of indicator species for specific habitat 4. Undesirable species and physical damage is below 5% cover 5. Cover of bare ground less than 10% (including localised areas, for example, rabbit warrens) 6. Cover of Bracken less than 20% and cover of scrub and bramble less than 5% 		
Condition Assessment Criteria Score		
Good	<ul style="list-style-type: none"> ● Wildflower and sedges listed for the habitat type above 30% excluding White Clover (<i>Trifolium repens</i>), Creeping Buttercup (<i>Ranunculus repens</i>) and injurious weeds ● Meets all the condition criteria with only minor variation ● None of the indicators of poor condition are present (4, 5 & 6) ● Newly created grassland cannot reach this level because of invertebrate impoverishment due to colonisation limitations 	3
Fairly good	<ul style="list-style-type: none"> ● Slightly lower forb ratio than above ● Newly created grassland cannot reach this level because of invertebrate impoverishment due to colonisation limitations 	2.5
Moderate	<ul style="list-style-type: none"> ● Total cover of wildflowers and sedges less than 30%, excluding White Clover, Creeping Buttercup and injurious weeds ● OR clearly fails at least 1 of the condition criteria ● OR the grassland type has some differences between what is described in the relevant habitat classifications and what is visible on site. It is a lower quality example of the habitat, but clearly recognisable as such 	2

	<ul style="list-style-type: none"> Potentially restorable to grassland Priority Habitat with improved management Cover of undesirable species at 5-15% Newly created meadow grassland can achieve this condition in time frame available 	
Fairly Poor	<ul style="list-style-type: none"> Poorer examples of above with lower forb ratio Proposed wildflower grassland with only one cut, or cuts in Spring and Autumn can only achieve this condition because they will be subject to net nutrient enrichment 	1.5
Poor	<ul style="list-style-type: none"> Most of the condition criteria are being failed Cover of undesirable species above 15% 	1
Undesirable species		
<ul style="list-style-type: none"> Creeping Thistle (<i>Cirsium arvense</i>) Spear Thistle (<i>Cirsium vulgare</i>) Curled Dock (<i>Rumex crispus</i>) Broad-leaved Dock (<i>Rumex obtusifolius</i>) Common Ragwort (<i>Senecio jacobaea</i>) Common Nettle (<i>Urtica dioica</i>) Creeping Buttercup (<i>Ranunculus repens</i>) White Clover (<i>Trifolium repens</i>) Cow Parsley (<i>Anthriscus sylvestris</i>) Marsh Thistle (<i>Cirsium palustre</i>) Marsh Ragwort (<i>Senecio aquaticus</i>) 		
Notes		
Physical damage to the vegetation from excessive poaching, damage from machinery use or storage, or any other damaging management activities		

Soil analysis

It is important that soil surveys and analysis are carried out where soil is an important factor in habitat creation and management. Advice on how to undertake a soil survey can be found in Natural England Technical Information Note TIN035. The laboratory analysis should include pH, available phosphorus, available potassium, available magnesium, total nitrogen, and hand soil texture. Natural England Technical Advice Note TIN036 gives advice on the interpretation of soil analysis. The results of the soil analysis should be presented in the management plan.

Site evaluation

The results of the field survey and soil analysis should be used to assess site suitability for habitat creation or restoration. Present the results of this assessment in the Biodiversity Offset Management Plan.

It is important that the right site is chosen for the proposed habitat. If site conditions are unsuitable e.g. nutrient levels too high, it is unlikely the scheme will succeed. The local authority has to have confidence that the scheme can deliver the proposed improvements in habitat condition. Where it is not confident that the scheme can deliver, it will request further information or may reject the scheme and request that an alternative site is found.

Calculating the offset biodiversity baseline

The baseline biodiversity unit value of the offset site should be calculated by entering the Phase 1 habitat type, current condition and area into the Biodiversity Calculator.

13.5 The Offset and Proposal Delivery

The habitat creation/restoration proposals must be described in detail. To be acceptable to the local planning authority, the following general principles should be applied to development schemes involving habitat creation and proposals must include descriptions of:

- The location, size and physical characteristics of the receptor site and presented on site plans.
- Details of the habitats/conservation features to be created/enhanced.
- Details of the offset provider (e.g. their resources, skills, experience) to deliver the offset.
- The methodology to be used to create the habitat/features
- Details of the long-term management proposed for the establishment and maintenance of the habitat/nature conservation feature.
- Future ecological monitoring of the habitat.

The appropriateness of all biodiversity offsetting schemes will be assessed by the SBC ecological advisors. Should the scheme be deemed as inappropriate, e.g. the proposed habitat, management prescriptions, target condition or timescales are considered unsuitable/unrealistic, and the scheme is considered unlikely to succeed, then the scheme will need to be amended or a biodiversity offsetting scheme on an alternative site put forward.

Calculating the biodiversity value of the proposed biodiversity offset

The biodiversity gain produced by the proposed offset scheme should be calculated using the biodiversity metric. The following data are required:

- Proposed Phase 1 habitat(s)
- Area of habitat to be created or enhanced
- Target condition
- Time to target condition
- Spatial multiplier e.g. is this offset in a strategically important area

Setting target condition and time to condition

Guidance from the Defra Biodiversity Metric supporting documents (2019) suggested that offset providers should only offer biodiversity units generated from a one step-change in condition (e.g. to improve the condition of the habitat from poor to moderate) to minimise the risks of the conservation action failing to deliver. As management actions are undertaken and the habitat improves then in due course the project can be re-valued and further units released for sale (e.g. a further improvement in condition from moderate to good). We support this precautionary approach. However, under the right conditions (e.g. low soil fertility) and management, for certain habitats, it should be possible to achieve more than a one-step change in condition e.g. poor to good condition. However, evidence will need to be presented in the management plan to justify this.

13.6 Objectives & Management

Objectives

Objectives should identify and describe what will be done i.e. expand (i.e. create) or restore habitat to deliver a change in habitat condition.

Habitat management prescriptions

Provide details of the management activities that are proposed to be carried out during the life time of the management plan in order to achieve the management plan objectives. Details of location (e.g. management plan compartment), timing and methodology should be given for each activity. This will include details of the establishment method e.g. grassland creation and a detailed work programme for the lifetime of the offset (specified in the s106), identifying when works are programmed to take place.

N.B. management prescriptions and habitat creation must be sensitive of the structure required to sustain invertebrate populations. Homogenous and simplistic management to achieve purely botanical aims are not acceptable. For example, rotationally uncut strips within hay meadows will be expected together with features such as permanent bare ground and managed scrub interface. Complex habitat interactions are encouraged such as ponds and wetlands within hay meadows or woodland. For more information on invertebrate habitat management see: Kirby, P. (1992), *Habitat Management for Invertebrates: A Practical Handbook*, Royal Society for the Protection of Birds

Features Influencing Management of the site

Give details of any features which may influence the management of the site. This may include management constraints e.g. access for machinery or livestock, or legal constraints such as the presence the presence of protected or invasive species.

13.7 Monitoring and reporting

The BOMP should set out the monitoring that will be undertaken to measure the success of the scheme in meeting its objectives.

Ecological Monitoring

Monitoring is an essential element of the management plan. It is required to ensure the successful establishment/restoration of the habitat, evaluating the success of management activities and provide feedback for management.

Any area of the site that is managed as part of an Offset agreement will need to conform to any agreed timetable. This is likely to be the first year of commencement and years 2, 5, 10, 15, 20 and 30 thereafter to evidence that management of the Offset Site is being successfully implemented.

Field assessment

The field assessment should be carried out by a competent botanist at an appropriate time of year. Standard habitat condition assessment methodologies should be followed e.g. structured walks through the habitat stopping at regular intervals to record condition attributes. For example, for grasslands follow the methodology set out in the Technical Supplement i.e. take a representative walk (e.g. a W route) through the grassland, recording species and other required features at a minimum of 10 stops. Site condition should be assessed using standard criteria where available (in most cases this will be based on criteria used in the Technical Supplement). The assessment methodology and the condition assessment criteria to be used should be set out in the BOMP.

Management Plan Review

The Management Plan should be subject to a review every 10 years. The review should include an appraisal of the habitats present at the site (based on the monitoring surveys), assessment of the success of the management plan to date and any required revisions to the plan. The first Plan review will need to cover:

- Success of initial habitat establishment;
- Problems and experience;
- Establish which management techniques have been successful and those that have not;
- An assessment of whether overall management has been effective.

Offset scheme schedule of costs

The management plan should give details of the offsetting scheme cost. The total cost of the scheme will be a combination of the habitat creation costs and ongoing maintenance costs. For example, for grasslands, creation costs might include seed purchase and sowing, ground preparation, weed control, installing stock proof fencing etc. Maintenance costs will include annual management e.g. haymaking and grazing for the duration of the scheme (e.g. 30 years). The schedule of costs should also include the production of the management plan, management plan reviews and ecological monitoring of the offset scheme. All costings should allow for inflation (using an index rate of 3.61% per annum).



Appendix 5 - The Defra Biodiversity Metric with supporting documents

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14 Appendix 5 - The Defra Biodiversity Metric with supporting documents

14.0.1 <http://publications.naturalengland.org.uk/publication/5850908674228224>



Appendix 6 - Scientific evidence for habitat creation and restoration

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15 Appendix 6 - Scientific evidence for habitat creation and restoration

15.0.1 <https://apps.warwickshire.gov.uk/api/documents/WCCC-863-794>



Appendix 7 - Planning policy, legislation and guidance references to measurable net gain

16 Appendix 7 - Planning policy, legislation and guidance references to measurable net gain

EU Biodiversity Strategy 2020;

Paragraph 2 of the National Planning Policy Framework (NPPF) (DCLG 2019) states that:

"Planning policies and decisions must also reflect relevant international obligations and statutory requirements"

This infers a due regard for the EU Biodiversity Strategy 2020 which states:

"Target 2: Maintain and restore ecosystems and their services...ensuring no net loss of biodiversity. This will be achieved ... by ensuring that any unavoidable residual impacts are compensated for or offset."

NERC Act 2006;

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of all their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its Biodiversity 2020 strategy.

Making Space for Nature 2010;

"Biodiversity offsets established through the planning process are another mechanism that could be used to enhance ecological networks."

"The operation of a system of biodiversity offsets could deliver net gains for wildlife.."

25 year Environment Plan 2018;

"We will embed an 'environmental net gain' principle for development, including housing and infrastructure"

"We want to establish strategic, flexible and locally tailored approaches that recognise the relationship between the quality of the environment and development. That will enable us to achieve measurable improvements for the environment – 'environmental net gains' – while ensuring economic growth and reducing costs, complexity and delays for developers."

"Our immediate ambition is to work in partnership with other Government bodies, local planning authorities and developers to mainstream the use of existing biodiversity net gain approaches within the planning system,"

"Actions we will take include making sure that existing requirements for net gain for biodiversity in national planning policy are strengthened,"

The Draft Environment (Principles and Governance) Bill 2018 policy paper;

“Subject to consultation, we intend to legislate on mandatory biodiversity net gain to ensure that new developments enhance biodiversity and help deliver thriving natural spaces for communities”

National Planning Policy Framework 2019;

“Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains)”

“Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity,”

“To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Planning Practise Guidance, Natural Environment, July 2019

“Plans, and particularly those containing strategic policies, can be used to set out a suitable approach to both biodiversity and wider environmental net gain, how it will be achieved, and which areas present the best opportunities to deliver gains.”

“The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006.”

“Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity”

“Benefits could be achieved entirely on-site or by using off-site gains where necessary. Off-site measures can sometimes be secured from ‘habitat banks’, which comprise areas of enhanced or created habitats which generate biodiversity unit ‘credits’”

“Tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net gain outcome is expected to be achieved”

“Using a metric is a pragmatic way to calculate the impact of a development and the net gain that can be achieved. The biodiversity metric can be used to demonstrate whether or not biodiversity net gain will be achieved. It enables calculation of losses and gains by assessing habitat:

- distinctiveness: whether the type of habitat is of high, medium or low value to wildlife.
- condition: whether the habitat is a good example of its type.
- extent: the area that the habitat occupies.

To achieve net gain, a development must have a sufficiently higher biodiversity unit score after development than before development.”

“It is good practice to establish a detailed management plan to ensure appropriate management of the habitat in the long term, and to arrange for regular but proportionate monitoring on how the habitat creation or enhancement is progressing, indicating any remedial action necessary. Planning authorities may consider recording where habitat compensation has been established, and how relevant survey and monitoring data can best be utilised to strengthen the local biodiversity evidence base; for example by working with Local Environmental Record Centres.”

National Design Code, Ministry of Housing, Communities, and Local Government, 2019

“93 Open spaces are designed to be high quality, robust and adaptable over time so that they remain fit for purpose and are managed and maintained for continual use.

94 Open spaces include public, shared and private outdoor spaces with:

- well-integrated drainage, ecology, shading, recreation and food production that achieve a biodiversity net gain as required by the 25-year Environment Plan

98 Well-designed developments include site-specific enhancements to achieve biodiversity net gains at neighbourhood, street and household level.”

Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Gemma Fitzpatrick 01438 242270

The Assistant Director of Planning and Regulation has issued decisions in respect of the following applications in accordance with his delegated authority:-

1. Application No : 19/00461/FP
Date Received : 02.08.19
Location : Units A & B Mindenhall Court High Street Stevenage
Proposal : Conversion of office use to residential use comprising of 8no 1 bed flats and 1 no 2 bed flat, proposed bin store, bike racks, 7no. parking spaces & amenity area
Date of Decision : 12.10.20
Decision : **Planning Permission is GRANTED**

2. Application No : 19/00721/FP
Date Received : 09.12.19
Location : 19 Made Feld Stevenage Herts SG1 1PQ
Proposal : Change of use of amenity land to private residential land, erection of part single-storey, part two-storey side extension, single-storey rear extension and conversion of existing dwellinghouse into 3 no. one bedroom apartments.
Date of Decision : 16.10.20
Decision : **Planning Permission is GRANTED**

3. Application No : 20/00198/FPH
Date Received : 11.04.20
Location : 55A Whitney Drive Stevenage Herts SG1 4BH
Proposal : Single storey front garage
Date of Decision : 05.10.20
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed single storey front garage extension, by virtue of its scale and depth of projection, would be a large and prominent feature in the existing openness along this southern side of the spur arm of Whitney Drive, detrimentally impacting the character of the area and the street scene. If approved the proposal would be contrary to adopted Policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), Chapter 6 of the Council's adopted Supplementary Planning Document 'Stevenage Design Guide' (2012) and the general high quality design principles of the National Planning Policy Framework (2019) and National Planning Practice Guidance (2014).

The proposed single storey front garage extension, by virtue of its depth of projection, height in comparison to and proximity to No.53A Whitney Drive to the west would result in an adverse outlook from the neighbouring property, creating a tunneling effect because of the existing projection and form of No.53A. If approved the proposal would be contrary to adopted Policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019), Chapter 6 of the Council's adopted Supplementary Planning Document 'Stevenage Design Guide' (2012) and the general high quality design principles of the National Planning Policy Framework (2019) and National Planning Practice Guidance (2014).

4. Application No : 20/00384/FP
Date Received : 14.07.20
Location : 8A Magellan Close Stevenage Herts SG2 0NF
Proposal : Variation of condition 11 (no new windows and doors) attached to planning permission 16/00791/FP to allow insertion of a roof light and gable window to be added to the dwellings
Date of Decision : 14.10.20
Decision : **Planning Permission is REFUSED**
For the following reason(s);
The proposed development could result in the creation of a bedroom in the loft space which would require additional parking provision which cannot be adequately provided on-site in accordance with the Council's adopted standards. The proposal would, therefore, be likely to result in an increase in on-street parking that would be prejudicial to highway safety and the free flow of traffic and is contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019), the Council's Car Parking Standards SPD (2020), the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).
5. Application No : 20/00408/FPH
Date Received : 23.07.20
Location : 168 Fairview Road Stevenage Herts SG1 2NE
Proposal : First floor rear extension
Date of Decision : 25.09.20
Decision : **Planning Permission is GRANTED**
6. Application No : 20/00418/FP
Date Received : 28.07.20
Location : Sala Thong 112 High Street Stevenage Herts
Proposal : Two storey rear extension to provide larger kitchen to facilitate ancillary take away service and 1no. single residential unit above.
Date of Decision : 16.10.20
Decision : **Planning Permission is GRANTED**

7. Application No : 20/00419/LB
Date Received : 28.07.20
Location : Sala Thong 112 High Street Stevenage Herts
Proposal : Two storey rear extension to provide larger kitchen to facilitate ancillary take away service and 1no. single residential unit
Date of Decision : 16.10.20
Decision : **Listed Building Consent is GRANTED**
8. Application No : 20/00424/FPH
Date Received : 30.07.20
Location : 7 Chestnut Walk Stevenage Herts SG1 4DD
Proposal : Conversion of existing flat roof into a Balcony.
Date of Decision : 20.10.20
Decision : **Planning Permission is GRANTED**
9. Application No : 20/00429/FPH
Date Received : 05.08.20
Location : 4 Mathews Close Stevenage Herts SG1 4XB
Proposal : Part two storey, part single storey front extension and installation of 2no. rear dormer windows and 2no. roof lights in front roof slope.
Date of Decision : 25.09.20
Decision : **Planning Permission is GRANTED**
10. Application No : 20/00441/FPH
Date Received : 10.08.20
Location : 7 Hastings Close Stevenage Herts SG1 2JG
Proposal : Raising of roof over garage and garage conversion
Date of Decision : 28.09.20
Decision : **Planning Permission is GRANTED**

11. Application No : 20/00446/FP
Date Received : 10.08.20
Location : Land Adjacent To 552 And 554 Canterbury Way Stevenage
Herts SG1 4EF
Proposal : Change of use from public amenity land to residential land at
Nos. 552 and 554 and retention of fence at No. 552.
Date of Decision : 24.09.20
Decision : **Planning Permission is GRANTED**
12. Application No : 20/00445/FP
Date Received : 11.08.20
Location : Land Bordered By Ashdown Road, Malvern Close And Hertford
Road Stevenage Herts SG2 8BG
Proposal : Variation of conditions 1(approved plans), 3 (materials), 8
(contamination), 10 (remediation scheme), 11 (verification
report), 15 (bird boxes), 16 (bat boxes), 26 (climate change),
31(construction management plan) 32 (ecological method
statement) and removal of condition 33 (geotechnical report)
attached to planning permission reference number 18/00401/FP
Date of Decision : 14.10.20
Decision : **Planning Permission is GRANTED**
13. Application No : 20/00447/FPH
Date Received : 11.08.20
Location : 8 Foster Close Stevenage Herts SG1 4SA
Proposal : Single storey rear infill extension with new glass roof
Date of Decision : 30.09.20
Decision : **Planning Permission is GRANTED**

14. Application No : 20/00449/FPH
Date Received : 11.08.20
Location : 7 Hyde Green Stevenage Herts SG2 9XU
Proposal : Single storey front extension
Date of Decision : 28.09.20
Decision : **Planning Permission is GRANTED**
15. Application No : 20/00450/FPH
Date Received : 11.08.20
Location : 18 St. Margarets Stevenage Herts SG2 8RG
Proposal : Single storey front porch
Date of Decision : 30.09.20
Decision : **Planning Permission is GRANTED**
16. Application No : 20/00451/TPTPO
Date Received : 12.08.20
Location : 37 Fishers Green Road Stevenage Herts SG1 2PD
Proposal : Reduction of 1no. Oak tree by 25% (2m - 2.5m) protected by Tree Preservation Order 78
Date of Decision : 05.10.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
17. Application No : 20/00453/FP
Date Received : 12.08.20
Location : 10 Windsor Close Stevenage Herts SG2 8UD
Proposal : Change of use from public amenity land to residential land to create driveway
Date of Decision : 29.09.20
Decision : **Planning Permission is GRANTED**

18. Application No : 20/00455/CLPD
Date Received : 14.08.20
Location : 14 Park Close Stevenage Herts SG2 8PX
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 29.09.20
Decision : **Certificate of Lawfulness is APPROVED**
19. Application No : 20/00456/CLPD
Date Received : 17.08.20
Location : 23 Barham Road Stevenage Herts SG2 9HX
Proposal : Certificate of Lawfulness for a proposed single storey rear extension
Date of Decision : 30.09.20
Decision : **Certificate of Lawfulness is APPROVED**
20. Application No : 20/00458/FP
Date Received : 18.08.20
Location : 60 Peartree Way Stevenage Herts SG2 9EA
Proposal : Change of use from public amenity land and highway land to private amenity land and creation of hardstand
Date of Decision : 29.09.20
Decision : **Planning Permission is GRANTED**
21. Application No : 20/00459/FPH
Date Received : 18.08.20
Location : 14 Sheringham Avenue Stevenage Herts SG1 2JU
Proposal : Single storey front extension
Date of Decision : 05.10.20
Decision : **Planning Permission is GRANTED**

22. Application No : 20/00461/TPTPO
Date Received : 20.08.20
Location : 69 Downlands Stevenage Herts SG2 7BJ
Proposal : Removal of 3.6 metre limb on 1no. Field Maple (A2) protected by TPO 33.
Date of Decision : 14.10.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
23. Application No : 20/00462/FPH
Date Received : 20.08.20
Location : 64 Longfields Stevenage Herts SG2 8QA
Proposal : Single storey rear extension
Date of Decision : 01.10.20
Decision : **Planning Permission is GRANTED**
24. Application No : 20/00463/FP
Date Received : 20.08.20
Location : 1 Trafford Close Stevenage Herts SG1 3RY
Proposal : Two storey side extension and part two storey, part single storey rear extension including garage conversion
Date of Decision : 06.10.20
Decision : **Planning Permission is GRANTED**
25. Application No : 20/00464/FPH
Date Received : 21.08.20
Location : 574 Ripon Road Stevenage Herts SG1 4NL
Proposal : Single storey front extension
Date of Decision : 06.10.20
Decision : **Planning Permission is GRANTED**

26. Application No : 20/00465/CLPD
Date Received : 21.08.20
Location : 574 Ripon Road Stevenage Herts SG1 4NL
Proposal : Single storey rear extension
Date of Decision : 06.10.20
Decision : **Certificate of Lawfulness is APPROVED**

27. Application No : 20/00467/FP
Date Received : 22.08.20
Location : 73 Whitney Drive Stevenage Herts SG1 4BL
Proposal : Erection of 1no. 3 bedroom detached dwelling
Date of Decision : 13.10.20
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed dwellinghouse due to its location within a private residential garden would not constitute development on previously developed land as defined by the National Planning Policy Framework (NPPF) (2019). The proposal is therefore contrary to Policy HO5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) and is unacceptable in principle.

The proposed dwellinghouse by virtue of its narrow plot width and its proximity with No.73 Whitney Drive would cause it to appear cramped and incongruous in the street scene, harmful to the visual amenity of the area. The proposal is therefore contrary to Policies SP8, HO5 and GD1 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019).

The proposed dwellinghouse, due to its siting and proximity to No.73 Whitney Drive would appear overbearing and harmful to the outlook of the occupiers of this property, contrary to Policies SP8, GD1 and HO5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) and Chapter 5 of the Council's Design Guide SPD (2009).

The proposed dwellinghouse, due to its siting, height and proximity to Nos.71 and 73 Whitney Drive, would adversely impact on the amount of sunlight and daylight entering the east facing ground floor bedroom of No.71 and rear habitable rooms of No.73 to the detriment of the amenity of the occupiers of these dwellings. The proposal is therefore contrary to Policies SP8, HO5 and GD1 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019) and Chapter 5 of the Council's Design Guide SPD (2009).

28. Application No : 20/00468/FPH
Date Received : 22.08.20
Location : 45 Sish Lane Stevenage Herts SG1 3LS
Proposal : Part two-storey, part single storey rear extension and single storey front and side extension
Date of Decision : 08.10.20
Decision : **Planning Permission is GRANTED**
29. Application No : 20/00469/FPH
Date Received : 22.08.20
Location : 15 Frobisher Drive Stevenage Herts SG2 0HJ
Proposal : Single storey side and rear extension
Date of Decision : 13.10.20
Decision : **Planning Permission is GRANTED**

30. Application No : 20/00470/FPH
Date Received : 23.08.20
Location : 2 Whitney Drive Stevenage Herts SG1 4BG
Proposal : Two storey side extension and part first floor, part two-storey side and rear extension.
Date of Decision : 19.10.20
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed southern two storey side extension and northern first floor side extension would, by virtue of their scale, widths, mass and resultant total width of the dwelling, be excessively wide and out-of-keeping in the street scene. At over approximately 160% the width of the original two storey dwelling the proposal would result in an obtrusive addition to the parent property and to this prominent corner position. The proposal would see the loss of the characteristic spacing between No.4 and if approved the proposal would be harmful to the character and visual amenity of the area, and the property itself. The development would not be in accordance with Policies SP8 and GD1 of the Local Plan 2011-2031 (2019), Chapter 6 of the Council's supplementary planning document Stevenage Design Guide 2009 and the principles of good design within the National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

31. Application No : 20/00471/FP
Date Received : 24.08.20
Location : 79 Rockingham Way Stevenage Herts SG1 1SJ
Proposal : Conversion of 1no. 3 bed terraced house into 2no. 1 bed flats and erection of rear external staircase.
Date of Decision : 13.10.20
Decision : **Planning Permission is GRANTED**

32. Application No : 20/00473/FP
Date Received : 24.08.20
Location : Nefs 25 Queensway Town Centre Stevenage
Proposal : Variation of condition 5 (Delivery Hours) attached to planning permission reference 06/00196/FP to extend takeaway delivery hours from 22:00PM to 12:00AM Midnight Monday to Sunday (including Bank Holidays)
Date of Decision : 16.10.20
Decision : **Planning Permission is GRANTED**
33. Application No : 20/00475/FP
Date Received : 26.08.20
Location : 120A Oaks Cross To 130A Oaks Cross Stevenage Herts SG2 8LU
Proposal : Replacement of balustrades to private balconies
Date of Decision : 16.10.20
Decision : **Planning Permission is GRANTED**
34. Application No : 20/00476/FP
Date Received : 26.08.20
Location : 239A Broadwater Crescent To 259A Broadwater Crescent Stevenage Herts SG2 8ET
Proposal : Replacement of balustrades to private balconies and communal walkways
Date of Decision : 08.10.20
Decision : **Planning Permission is GRANTED**

35. Application No : 20/00477/TPTPO
Date Received : 26.08.20
Location : 8 Cameron Close Stevenage Herts SG2 0HG
Proposal : Reduction by 30% on 1no. Horse Chestnut (T11) protected by TPO 74
Date of Decision : 21.10.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
36. Application No : 20/00478/CLPD
Date Received : 26.08.20
Location : 20 Greydells Road Stevenage Herts SG1 3NL
Proposal : Certificate of lawfulness (Proposed) for a rear dormer and 3 no. roof lights
Date of Decision : 05.10.20
Decision : **Certificate of Lawfulness is APPROVED**

37. Application No : 20/00480/FP
Date Received : 26.08.20
Location : 40 Burymead Stevenage Herts SG1 4AY
Proposal : Erection of 1no. one bed end of terrace dwelling
Date of Decision : 15.10.20
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed development in order to create a 1 bedroom dwelling, combined with the proposed hard surfaced areas, 1.8m high close board fence to demarcate the private garden areas, would result in an over development of the site which would erode the open and spacious character of the site within the context of a heavily urbanised area. Consequently, the development is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).

The internal amenity space of the proposed dwelling is below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (2019) and would thus be contrary to Policy GD1 of the Stevenage Borough Local Plan 2011-2031 which requires proposals to at least meet the nationally described space standards. This would lead to unsatisfactory living conditions for future occupiers of the proposed residential accommodation.

The proposed dwelling, by virtue of its proximity to the side elevation of No. 42 Burymead fails to meet the required minimum back to side separation distance as laid out in Chapter 5 of the Council's adopted Design Guide (2009) and would therefore likely result in an unacceptable outlook for the occupiers of this neighbouring property, having a harmful and overbearing impact on the habitable room windows. The development is, therefore, contrary to Policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2019) and the Planning Practice Guidance (2014).

38. Application No : 20/00484/AD
Date Received : 02.09.20
Location : Mecca Bingo Danestrete Stevenage Herts
Proposal : New electronic hoarding sign and LED monitor (within housing)
Date of Decision : 20.10.20
Decision : **Advertisement Consent is GRANTED**
39. Application No : 20/00488/CLPD
Date Received : 02.09.20
Location : 493 Scarborough Avenue Stevenage Herts SG1 2QF
Proposal : Certificate of lawfulness for proposed single storey rear extension
Date of Decision : 06.10.20
Decision : **Certificate of Lawfulness is APPROVED**
40. Application No : 20/00505/TPCA
Date Received : 09.09.20
Location : Medbury Rectory Lane Stevenage Herts
Proposal : Works to 4no. Sycamore in G1 - Make new pollard 10m from ground level and fell to ground 1no. sycamore, T1 - Crack Willow - Re-pollard back to previous pollard points, T2 - Ash - Reduce overhanging branches back by up to 5m and clear around the phone line, T3 - Sycamore - Crown reduction - reducing height and spread of tree by up to 5m
Date of Decision : 20.10.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

41. Application No : 20/00506/TPCA
Date Received : 09.09.20
Location : 135 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Works to 1No: Oak tree (T1) - Fell the dead stump to ground level
Date of Decision : 21.10.20
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
42. Application No : 20/00531/PADEMO
Date Received : 22.09.20
Location : Swingate House Danestrete Stevenage Herts
Proposal : Prior approval for the demolition of Swingate House and associated parking
Date of Decision : 14.10.20
Decision : **Prior Approval is NOT REQUIRED**
43. Application No : 20/00535/COND
Date Received : 23.09.20
Location : 85 - 103 Queensway Town Centre Stevenage Herts
Proposal : Discharge of condition 6 (Ventilation and ducting) attached to planning permission reference 18/00268/FPM
Date of Decision : 14.10.20
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

44. Application No : 20/00537/NMA
Date Received : 23.09.20
Location : Bunyan Baptist Church Basils Road Stevenage Herts
Proposal : Non Material Amendment to planning application 19/00271/FP to reduce height of infill extension at front with roof of overhang, minor alteration to roof light and front glazing, step reduction and additional handrail front entrance, ramp west side exit.
Date of Decision : 16.10.20
Decision : **Non Material Amendment AGREED**

BACKGROUND PAPERS

1. The application files, forms, plans and supporting documents having the reference number relating to these items.
2. Stevenage Borough Local Plan 2011-2031 adopted May 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012 and the Stevenage Design Guide adopted October 2009.
4. Responses to consultations with statutory undertakers and other interested parties.
5. Central Government advice contained in the National Planning Policy Framework February 2019 and National Planning Practice Guidance 2014 (as amended).
6. Letters received containing representations.

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Meeting: Planning and Development
Committee

Agenda Item:

Date: Wednesday 4 November 2020

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Gemma Fitzpatrick 01438 242270

1. APPEALS RECEIVED

- 1.1 20/00175/FPH, 86 Marlborough Road. Appeal against refusal of permission for the construction of a garage to the front of the property.

2. DECISIONS AWAITED

- 2.1 17/00730/ENF, 18b Boulton Road. Appeal against serving of Enforcement Notice relating to an unauthorised gym operating from the premises.

This appeal for Boulton Road has been re-started as of 18 February 2020 to allow for the procedure to be changed from written representations to a hearing.

- 2.2 19/00529/FPH. 2 Whitney Drive. Appeal against refusal of permission for a prt two storey, part first floor side extension.

3. DECISIONS RECEIVED

- 3.1 20/00102/ENF, Land between Watercress Close, Coopers Close and Walnut Tree Close. Appeal against serving of Enforcement Notice relating to the unauthorised erection of 2m high hoarding enclosing open space between all three roads.

3.1.1 Enforcement Notice

The notice states a breach of planning control under Section 171(1)(a) of the Act that development was carried out without consent. However, paragraph 3 of the notice refers to a contravention of the original planning consent (Ref. 87/2/0053/87). The Council confirmed the notice is directed solely at operational development and no material change of use or breach of condition is alleged. For the purposes of clarity, the Inspector deleted the second sentence of paragraph 3 which references the original planning permission and included information contained in paragraph 4. She noted that the correction would not alter the purpose of the notice and subsequently there be no injustice to either the Council or the appellant.

3.1.2 Appeal on Ground (c)

The appeal alleges that the matters in the notice, the erection of 2m high hoarding at the site entrances do not constitute a breach of planning control. The appellants case was that the fencing is not adjacent to a highway and is therefore Permitted Development under Class A, Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Further,

the land is in private ownership and there are no planning conditions which restrict the use of the land, or that require it to be accessible to the public. The Council confirmed this to be the case.

The Council considers the hoarding to have been erected adjacent to a vehicular highway and that it is not permitted development as it is over 1m high when adjacent to said vehicular highway.

The Inspector visited the site and noted the hoarding had been removed from the land, however the posts to which it had been attached were still in place and she was able to see clearly where it had been located. She confirmed there was no dispute over the fact the hoarding was over 1m in height and that the issue turns to the interpretation of the term "adjacent to".

The appeal documents describe the hoarding as being within 5.1m of the highway edge. The Council's Planning Officer report states between 1.5m and 2m from the highway verge on Watercress Close and Coopers Close whilst the appellants statement of case gives distances of 6.2m and 5.1m respectively. The appellant states case law establishes a distance of 2m from the highway as being "adjacent to" and the Council stated case law and appeal decisions take the view that if the boundary treatment or enclosure in question to the first line of boundary on a site would be classed as being adjacent to a highway.

The Inspector pointed out that the GPDO does not define "adjacent to" and that the normal everyday dictionary definition is "being near or close". It is therefore a matter of fact and degree and is case dependant.

The Inspector determined, from her site visit, that the hoarding at the site entrance of Watercress Close was at least 3m from the highway edge. Taking account of the position of the hoarding and its relationship to adjacent soft landscaping boundary enclosures of neighbouring dwellings, she concluded that the hoarding was sufficiently distanced from the highway that it was not adjacent to a highway and is therefore permitted development. She concluded the same in relation to the hoarding at the entrance of Coopers Close as it was evidenced to be more than 2m from the highway edge.

Whilst she noted the representations from local residents and the Council, planning matters are not relevant to, and cannot be considered, in an appeal on ground (c).

3.1.3 Conclusion

For the reasons given above, the Inspector concluded that the appeal on ground (c) should succeed in respect of those matters which, following the correction of the notice, are stated as constituting a breach of planning control. Subsequently, the enforcement notice will be corrected and quashed. In these circumstances, the appeal on grounds (f) and (g) do not need to be considered.

Appeal decision attached.



Appeal Decision

Site visit made on 22 September 2020

by **Elizabeth Pleasant BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/K1935/C/20/3251206

Land at Watercress Close, Coopers Close and Walnut Tree Close, Stevenage SG2 9TN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by SER Homes Ltd against an enforcement notice issued by Stevenage Borough Council.
 - The enforcement notice was issued on 1 April 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of 2m high hoarding (approximate) at the entrances of the site from Watercress Close and Coopers Close within at least 5.1m approximately of the highway edge, and considered by the Local Planning Authority as being adjacent to a vehicular highway. Furthermore, the total enclosure of the land by hoarding at the three entrances, including off Walnut Tree Close, restricting access by members of the public to an area of privately owned public open space, as expressed in the original planning consent for the residential estate (ref: 87/2/0053/87) and contrary to Policy NH6 of the Stevenage Borough Local Plan 2011-2031 (July 2019) for the general protection for open space.
 - The requirements of the notice are: Remove all elements of the three areas of hoarding and open up all entrances/exits, namely off Watercress Close, Coopers Close and Walnut Tree Close to allow full access to the open space by members of the public.
 - The period for compliance with the requirements is 2 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice be corrected by the deletion of the second sentence in paragraph 3 of the notice. Subject to this correction the appeal is allowed and the enforcement notice is quashed.

Enforcement Notice

2. The first paragraph of the notice states that it appears to the Council that there has been a breach of planning control under section 171(1)(a) of the Act. In other words, the alleged breach is carrying out development without the required planning permission. However, the alleged breach in paragraph 3 also refers to a contravention of the original planning consent for the residential estate (ref: 87/2/0053/87). The Council has subsequently confirmed that the notice is directed solely at operational development and no material change of use or breach of condition is alleged. In the interests of clarity, I shall correct the notice by deleting the second sentence of paragraph 3 which references the original planning consent and includes information which more relates to the reasons for issuing the notice, and which have also been included in paragraph

4 of the notice. I have taken into consideration the Council's comments relating to this matter. However, the correction would not alter the purpose of the notice and there would not therefore be any injustice to either the Council or the appellant by my making that correction.

Appeal on ground (c)

3. The ground of appeal is that the matters alleged in the notice, namely the erection of 2m high hoarding at site entrances at Land at Watercress Close and Coopers Close, do not constitute a breach of planning control. The appellant's case is that the fencing is not adjacent to a highway and is therefore permitted development under the provisions of Class A, Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 as amended (GPDO). Furthermore, the Land is in private ownership and there are no planning conditions which restrict the use of the Land, or that require it to be accessible to the public.
4. The Council has confirmed that there are no planning conditions restricting the use of the Land. However, they consider the 2m high hoardings that have been erected to be adjacent to a highway used by vehicular traffic. The Council do not consider the hoardings to be permitted development as they would conflict with Class A.1 (a) (ii) of the Part 2, Schedule 2, Article 3 of the GPDO.
5. Class A, Part 2, Schedule 2, Article 3 of the GPDO provides for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. Class A.1 states that development is not permitted by Class A if:
 - (a) The height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after carrying out the development, exceed-
 - (i) For a school,
 - (ii) In any other case, 1 metre above ground level.
6. At the time of my visit the hoarding panels had been removed from the Land. However, the posts upon which they had been affixed were still in place and I was clearly able to see where the hoardings had been sited. There is no dispute between the main parties that the hoardings the subject of the alleged breach were over one metre in height. Therefore, in order to benefit from any planning permission granted by the GPDO as set out above, the hoarding must not be constructed adjacent to a highway used by vehicular traffic, and the issue turns of an interpretation of the term 'adjacent to'.
7. The description of the alleged breach of planning control states that the hoardings are within at least 5.1m of the highway edge. The Council Officer's Report states that the hoardings are between 1.5m and 2m in distance from the highway verge on Watercress Close and Coopers Close, whilst the appellant's statement of case gives distances of 6.2m and 5.1m respectively. The appellant states that case law has established that a reasonable approach to what 'adjacent to' means is being 2 metres of the said highway, whilst the Council state that case law and appeal decisions have generally taken a view point that if the boundary treatment or enclosure in question to the first line of boundary on a site it would be classed as being adjacent to a highway. That

- said, neither party has directed me to any specific appeal decision or judgement.
8. The GPDO gives no definition of 'adjacent to' and leaving this to be decided having regard to its normal meaning. The normal everyday dictionary definition of adjacent is 'being near or close'. What constitutes 'adjacent to' is therefore a matter of fact and degree and is dependent upon the circumstances of the case.
 9. In the case of the hoarding that had been erected at the site entrance to the Land at Watercress Close, from the evidence of the posts still in the ground, the hoarding that had been erected was at least three metres away from the highway edge (the kerb line). In this location, at the head of a residential cul-de-sac, there is no pavement. There is a lamppost situated approximately a metre away from the kerb, whilst hedgerows and planting delineate and partially enclose the frontages of the neighbouring properties and extend well beyond of the line of hoarding. Taking into account the distance of the hoarding from the kerb and its relationship to the adjacent means of enclosure formed by hedges and planting, the hoarding in this location is sufficiently distant from the highway that as a matter of fact and degree it is not adjacent to a highway used by vehicular traffic. It is therefore permitted development for the purposes of Class A, Part 2, Schedule 2 and is granted planning permission by Article 3 of the GPDO.
 10. In the case of the hoarding that had been erected at the site entrance to the Land at Coopers Close, although the hoarding itself had been removed, I was able to see the position of the two posts that had been constructed to support it. Again, at the head of this cul-de-sac there is no pavement and the highway which used by vehicular traffic is delineated by the kerb line. The posts are set back more than 2m from the kerb and the neighbouring properties have hedges, at least 2m high, which partially enclose their frontage and extend up to the kerb line and beyond the line of the hoarding. Therefore, taking into account the distance of the hoarding from the kerb and its relationship to the adjacent means of enclosure formed by hedges and planting, the hoarding is sufficiently distant from the highway that as a matter of fact and degree it is not adjacent to a highway which is used by vehicular traffic. It is therefore permitted development for the purposes of Class A, Part 2, Schedule 2, Article 3 of the GPDO.
 11. I note the representations made by local residents and the Council, but planning merits are not relevant to and cannot be considered in an appeal on ground (c), which is concerned only with whether the matters alleged constitute a breach of planning control.

Conclusion

12. For the reasons given above, I conclude that the appeal on ground (c) should succeed in respect of those matters which, following the correction of the notice, are stated as constituting a breach of planning control. The enforcement notice will be corrected and quashed. In these circumstances, the appeal on grounds (f) and (g) do not need to be considered.

Elizabeth Pleasant

INSPECTOR

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