

Public Document Pack



PLANNING AND DEVELOPMENT COMMITTEE

Date: Tuesday, 2 March 2021
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 - 3 FEBRUARY 2021

To approve as a correct record the Minutes of the previous meeting held on 3 February 2021

Pages 3 – 10

3. 20/00599/FP - 14 BRICK KILN ROAD, STEVENAGE

To consider the change of use from single family dwelling (class C3) to 8 bed HMO (sui generis).

Pages 11 – 30

4. 20/00678/FPM - JOHN HENRY NEWMAN SCHOOL, HITCHIN ROAD, STEVENAGE

To consider the re-development of part of the existing school site to include 2 new-build teaching blocks to replace existing blocks, a new entrance for the Sports Hall, the phased demolition of the existing blocks, new landscaped amenity grassland and new service connections to the new buildings and all retained blocks.

Pages 31 – 52

5. 20/00643/RMM - MATALAN - UNIT B-C, DANESTRETE, STEVENAGE

To consider the reserved matters application for access, appearance, layout

landscaping and scale pursuant to outline planning permission reference 14/00559/OPM for residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 drinking establishments and A5 (hot food takeaway) with associated access, parking and landscaping following demolition of existing buildings.

Pages 53 – 94

6. 20/00772/FPM - MBDA UK, SIX HILLS WAY, STEVENAGE

To consider the variation of condition 1 (Approved Plans) attached to planning permission 10/00253/FPM.

Pages 95 – 104

7. THE IMPACT OF DEVELOPMENT ON BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT

To consider the SBC Impact of Development on Biodiversity Supplementary Planning Document 2021

Pages 105 – 154

8. DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENTS

To consider the SBC Developer Contributions Supplementary Planning Document 2021

Pages 155 – 190

9. 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 191 – 204

10. 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 205 – 208

11. URGENT PART I BUSINESS

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

12. 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.

13. URGENT PART II BUSINESS

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

Agenda Published 22 February 2021

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STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Wednesday, 3 February 2021

Time: 6.30pm

Place: Virtual via Zoom

Present: Councillors: Simon Speller (Chair), Maureen McKay (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: 6.30 pm
End Time: 8.12 pm

This meeting was held as a 'remote meeting' under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

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

2 MINUTES - 6 JANUARY 2021

It was **Resolved** that the minutes of the Planning and Development Committee meeting held on Wednesday 06 January 2021 were approved as a correct record and signed by the Chair.

3 20/00672/FP - GARAGES AND FORECOURT AREA TO REAR OF 13 - 19 THE CHACE

Application No:	20/00672/FP
Location:	Garages And Forecourt Area To Rear Of 13-19 The Chace
Proposal:	Erection of 3no. three bed dwellings, parking and amenity space following demolition of garages
Drawing Nos.:	3055.CHAC.100; 3055.CHAC.101 REV D; 3055.CHAC.102 REV C; 3055.CHAC.103 REV D; 3055.CHAC.104 REV B; 3055.CHAC.105 REV A; 3055.CHAC.106 REV A; 3055.CHAC.107
Applicant:	Surfbuid

Date Valid:	10 November 2020
Recommendation:	GRANT PLANNING PERMISSION

The Senior Planning Officer presented the application for erection of 3no. three bedroom dwellings including parking and private amenity space following demolition of garages. The site was located on the southern side of The Chace, which was a looped cul-de-sac off Turpins Rise. The application site comprised a hard surfaced parking area and a block of pre-fabricated garages comprising 6no. garages in total and in part, an area of grassed open space to the south, which was adjacent to a terrace of two story dwellings sited on a north/south axis. The rear facing windows of these dwellings face on to the application site.

The Committee was advised that the main issues for consideration were its acceptability in land use policy terms, impact on the appearance of the area, impact upon residential/neighbouring amenities and means of access/loss of garages and parking.

The Senior Planning Officer explained that the proposal would create three vehicular accesses from The Chace with front driveways offering a tandem parking arrangement for two cars per dwelling.

The Senior Planning Officer advised Members that the Council only delivered 64% percent of the housing requirement in the last three years, and this was below the 75% percent target. This meant that the Council would apply the presumption in favour of sustainable development in its decision making and to give greater weight towards the need to deliver housing.

She advised Members that the Local Plan required a minimum of 15 meters distance between a side and rear elevation of existing and proposed dwellings. The 15 meters distance was required to protect privacy and outlook, in this case the proposed application would be required to have the windows in the southern elevation be glazed with obscured glass and fixed shut. This would ensure the proposed application would not have any impact on the privacy of nearby dwellings.

The Chair then invited the registered Objector, Richard Camp to speak. Mr Camp spoke in opposition to the application. Mr Camp's objections related to loss of parking, loss of light, loss of privacy, loss of trees, natural habitat and green area.

Councillor John Lloyd expressed concern that the planning proposal would impact the privacy of the neighbours and would result in the loss of up to 6 car park places. He was also concerned that the proposed planning application would have impact on the privacy of neighbours and that the side elevation windows directly overlooking the neighbouring houses.

Members discussed the application in detail, taking into account the considerations of the impact on neighbouring properties and on trees and landscaping and car parking. Members thanked Officers for their detailed explanations in relation to

principle of development and guidance as set out in the Stevenage Borough Council Local Plan 2011-2031.

Members raised concerns over privacy impact overlooking neighbours. The Senior Planning Officer clarified that the condition would be amended to add windows in southern elevation to be glazed with obscured glass and fixed shut.

It was **RESOLVED** that planning permission be granted subject to conditions as per the recommendation in the report and the following amended condition:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
3055.CHAC.100; 3055.CHAC.101 REV D; 3055.CHAC.102 REV C;
3055.CHAC.103 REV D; 3055.CHAC.104 REV B; 3055.CHAC.105 REV A;
3055.CHAC.106 REV A; 3055.CHAC.107;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 08.00 and 18.00 on Mondays to Fridays and between the hours of 08.00 and 13.00 on Saturdays.
- 4 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
- 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.
- 6 All hard surfacing comprised in the approved details of landscaping shall be carried out within 3 months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
- 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.
- 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.

- 9 The ground and first floor flank windows in the eastern elevation of the dwelling in plot 3 shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened and shall be retained in that form thereafter.
- 10 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed before the use hereby permitted is commenced or before the building(s) is occupied.
- 11 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The local planning authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.
- 12 No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
- 13 Prior to the occupation of the dwellings hereby permitted, the development shall include provision for each dwelling to be served by an active electric vehicle charging point.

INFORMATIVE

1 Community Infrastructure Levy

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

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

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

2 Hertfordshire County Council as Highways Authority

Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

- 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/business-and-developer-information/business-licences/business-licences.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 Hertfordshire County Council as Highways Authority

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain

their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

4 **STEVENAGE CONNECTION AREA ACTION PLAN: ISSUES AND OPTIONS REPORT FOR PUBLIC CONSULTATION**

The Planning Policy Manager presented the report on Stevenage Connection Area Action Plan. He explained that this was an early stage of preparation of the Area Action Plan. The options proposed were to improve environment, maximise density of space and economic opportunities around Stevenage Railway Station. He clarified that the Issues and Options Report contains key concepts at this early stage and did not suggest specific proposal for the Railway Station and Lytton Way.

The Planning Policy Manager advised Members that the Local Plan regulation required the Area Action Plan (AAP) to be consulted with public for at least six weeks. Once public consultation was completed, the Council would consider the preferred Options for the Station Gateway AAP. The Final version would be submitted to the Secretary of State for Public Examination.

Members raised concerns on pedestrians crossing safety and hygiene on passenger lift. The Assistant Director for Planning clarified that the Council was not considering the layout of the Leisure Centre under Stevenage Connection Area Action Plan.

Members expressed views on the report before submission to Executive on Wednesday 10 February 2021.

It was **RESOLVED** that the report be noted.

5 **PARKING STRATEGY CONSULTATION**

The Committee received a report on draft Parking Strategy Consultation. The Traffic and Enforcement Manager presented the report. He advised Members that the current Parking Strategy was in place since 2004. He explained that the new draft Parking Strategy included privatisation for sustainable transport for walking, cycling and public transport and introduced the concept of Parking User Hierarchy. The Consultation would be available on the Council's website, social media, and the Chronicle along with a questionnaire.

Members noted that the Scrutiny Committee views were taken on board for a comprehensive consultation.

It was **RESOLVED** that the Council carry out consultation in line with the consultation plan.

6 **INFORMATION REPORT - DELEGATED DECISIONS**

It was **RESOLVED** that the report be noted.

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

It was **RESOLVED** that the report be noted.

8 **URGENT PART I BUSINESS**

The Chair updated the Committee on the future work of the sub-groups of the Committee.

9 **EXCLUSION OF THE PRESS AND PUBLIC**

Note required.

10 **URGENT PART II BUSINESS**

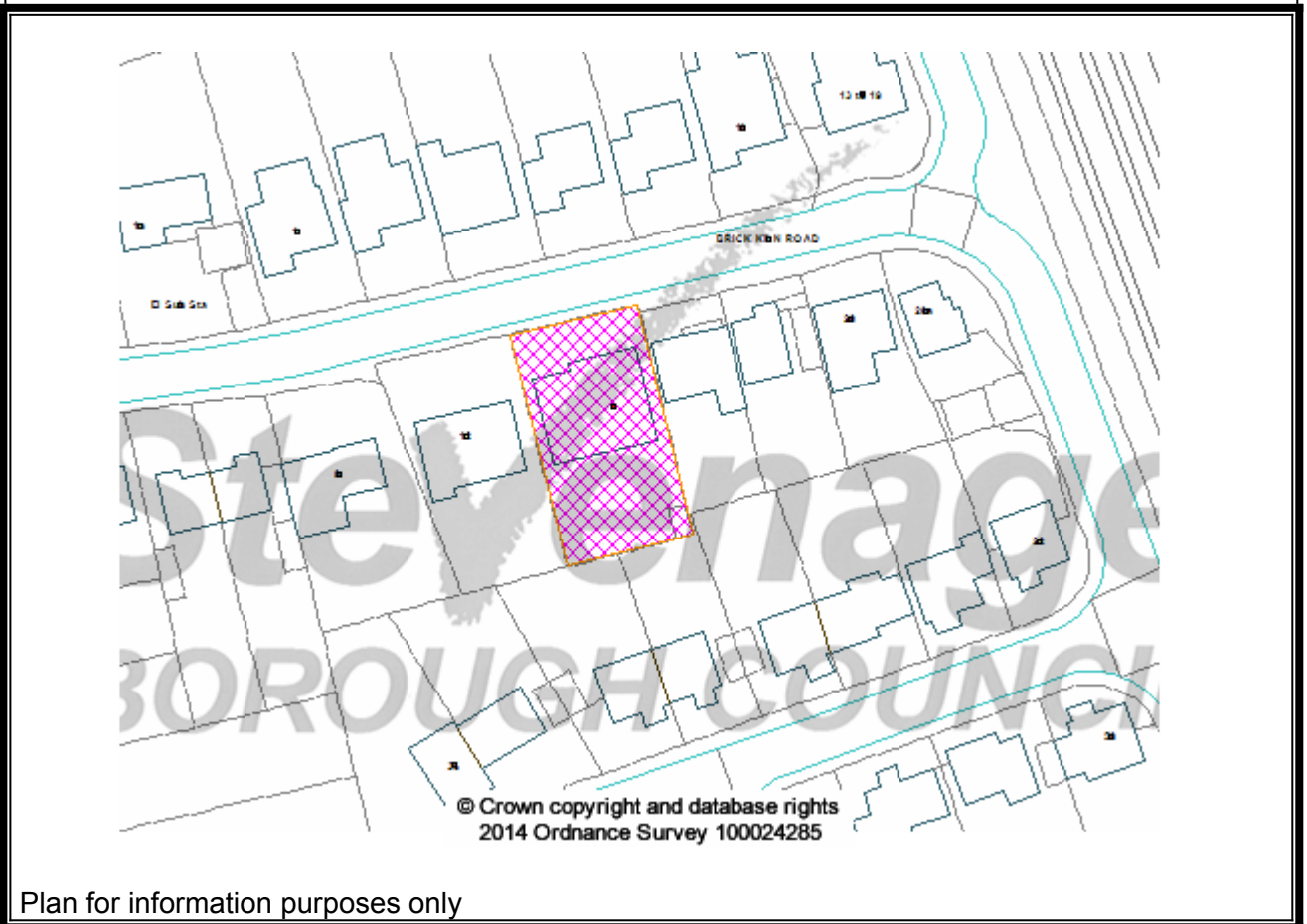
None.

CHAIR

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	2 March 2021	
Author:	Ailsa Davis	01438 242747
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	01438 242747

Application No:	20/00599/FP
Location:	14 Brick Kiln Road, Stevenage
Proposal:	Change of use from single family dwelling (C3) into 8 bedroom HMO (sui generis)
Drawing Nos.:	2020/32/01 rev F; 2020/32/02; 2020/32/03
Applicant:	Stevenage Borough Council
Date Valid:	16 October 2020
Recommendation:	GRANT PLANNING PERMISSION.



1. SITE DESCRIPTION

- 1.1 The application site comprises a detached property located on the south side of Brick Kiln Road. The neighbouring property, to the west, is 12 Brick Kiln Road and to the east lies 16 Brick Kiln Road. To the north, the property fronts onto and takes access from Brick Kiln Road via two crossovers. To the south, the rear garden directly abuts the rear gardens of nos. 30 and 32 Brick Kiln Road.
- 1.2 Brick Kiln Road is a residential cul-de-sac, lying between Fairview Road and the railway line. The oldest houses are to the west of the road and comprise detached and semi-detached properties, although the road has subsequently been extended with further residential properties constructed to the north and south, including some flats. The frontage of the property is hard surfaced, finished in block paving. Parking provision for 4 cars is available on this area served by the 2 dropped kerbs, each serving two spaces. A wall is located centrally to the front of the property between the two points of access.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning permission granted under ref 2/0442/94 in January 1995 for change of use from dwellinghouse (Class C3) to residential home for the elderly (Class C2) and alterations to front elevation.
- 2.2 Planning permission granted under ref 10/00584/FP in February 2011 for single storey rear extension.
- 2.3 Planning permission granted under ref 13/00014/FP in March 2013 for change of use from elderly persons home (Use Class C2) to family dwelling (Use Class C3). It has been established through records of correspondence from SBC Environmental Health that this permission was implemented and therefore the existing lawful use of the property is a single family dwelling.
- 2.4 Planning permission refused under ref 13/00246/FP on 20 January 2014 for change of use from an existing care home into a ten bedroom HMO. The reason for refusal was:-

“The proposal would fail to make adequate provision for car parking as set out in the Parking Provision Supplementary Planning Document January 2012 and would, therefore, be likely to result in the worsening of on-street parking in the locality to the detriment of highway and pedestrian safety contrary to Policy T15 of the Stevenage District Plan Second Review 1991-2011.”

An appeal against the refusal of permission was lodged and subsequently dismissed in July 2014.
- 2.5 Planning permission granted under ref 14/00532/FP on 16 February 2015 for change of use from an existing care home into an 8 bedroom HMO. This permission was never implemented and has now expired.
- 2.6 Planning permission was originally sought under this current application ref. 20/00599/FP for a change of use from care home (C2) to an 8 bed HMO (sui generis) and this proposal was considered at planning committee on the 8 December 2020. The case was deferred at the meeting for reasons discussed below, however following this meeting, evidence came to light that in 2015 SBC Environmental Health investigated an alleged use of the property as an HMO, without compliance with the Environmental Health licence where it was confirmed by

an EHO that the property was in use as a single dwelling. This evidence supports the assertion by neighbour representations that planning permission ref. 13/00014/FP was implemented and the existing lawful use of the application property is as a single family dwelling (C3) and not a care home (C2). The description of development has been amended and further consultation undertaken, details of which are discussed below.

3. THE CURRENT APPLICATION

3.1 The current application seeks the change of use of the property from a single family dwelling (use class C3) to a large house in multiple occupation (HMO) for up to 8 people, which is classified as a sui generis use. The only external changes proposed to the premises comprise the following:

- New DDA compliant front door;
- Removal of front boundary wall to improve disabled access;
- Replace block paving on front driveway to form a ramped approach to front door to create level access;
- Two replacement side doors and new window at ground floor level;
- Replacement rear patio door;
- Rear garden to be cleared of vegetation and paving to be grouted where required.

3.2 The remainder of the alterations will be internal. The application drawings show a large, communal kitchen, a dining area and entrance hall with an office at the rear. Also on the ground floor will be three bedrooms and the conservatory allocated as a leisure area. Upstairs will be a further five bedrooms. There is also a basement area which is to remain as a leisure/storage area. All of the bedrooms have their own en-suite bathroom facilities, except bedrooms 2 and 3 on the ground floor which will share a bathroom.

3.3 To the front of the property the existing driveway provides 4 parking spaces, two either side of the wall (to be removed). The parking spaces are served by the existing dropped kerbs. A recycling / refuse storage area is identified to the side of the property. Finally, the existing shed in the rear garden would be refurbished to provide secure cycle storage facilities.

3.4 Stevenage Borough Council has bought the application property to use as part of the Council's Housing Service.

3.5 The application comes before Committee for consideration as it has been "called in" at the request of Councillor Loraine Rossati and due to the fact the applicant is Stevenage Borough Council.

4. COMMUNITY CONSULTATION

First planning application consultation (16 October – 6 November 2020)

4.1 The planning application was publicised by way of a site notice and neighbour notification letter. Thirty two objections were received from the occupiers of Nos. 1, 1A, 3, 5, 7, 8, 11, 16, 18, 20, 22, 26, 28, 30, 32, 34, 36, 37, 39, 43, 44, 50, 52, 54, 56, 58 and 60 Brick Kiln Road, 132 Bude Crescent and 12 Newlyn Close on the following grounds:

- Plans and application form are inaccurate, incomplete and fail to show sufficient detail;
 - Inadequate consultation;
 - Property has been used as a dwelling since the care home closed;
 - Lack of information on how the property will be used;
 - Insufficient provision for on-site car parking will lead to increased parking on road;
 - 8 bedrooms is too many for this property;
 - Not enough shared living space would lead to cramped conditions;
 - Property too far from a supermarket and other amenities given most tenants will not own a car and the local bus service is infrequent;
 - The front brick wall prevents all four parking spaces being used;
 - Increased noise and disturbance;
 - Increase in anti-social behaviour and concern over safety of existing residents;
 - Concern over who will be living in the property;
 - Work is being carried out before planning permission has been granted;
 - Unsuitable use of property in a road comprising mainly families and older people;
 - Why is 24 hour security required?
 - Highway safety concerns, especially emergency vehicle access.
 - Design not compliant with HMO Licensing Requirements;
 - No details of fire safety measures
 - Property not DDA compliant
- 4.2 The application was deferred at planning committee on the 8 December 2020, as Members expressed concern regarding consultation and engagement with local residents. Members felt a more comprehensive and direct consultation with residents in the area by the Council's Housing Development team (the applicant) would allow people to fully understand the proposals and make representations.
- 4.3 Following consideration of the application, it was RESOLVED that determination of the application be deferred to allow further extensive consultation to be undertaken within the neighbourhood and brought back to a future meeting of the Committee.
- 4.4 Since the meeting on the 8 December 2020, the Council's Housing Development team (the applicant) has undertaken an additional consultation exercise with all properties on Brick Kiln Road. The consultation was carried out on Friday 17 December where officers from the Housing team visited every property on Brick Kiln Road and delivered a letter outlining the Councils' proposals for No.14, with a summary of the main objections received to date together with a response where appropriate. Local Members were sent a copy of the consultation letter in advance.
- 4.5 The information letter gave residents an opportunity to telephone, email or write to the Housing Development team with their views on the proposals. Opportunity was also given to talk to officers when the letters were hand delivered on the doorstep, whilst adhering to Covid-19 safety measures. The letter allowed comments and questions to be submitted to the Housing Development team from the 17 December 2020 – 4 January 2021.
- 4.6 The Housing Development team has submitted a response dated 5 February 2021 summarising the steps they have taken to consult with the local community, together with a table of the responses they have received and their comments. This can be seen in **Appendix 1** at the end of this report.

Second planning application consultation (8 – 28 January 2021)

4.7 Following the change to the application description referred to in paragraph 2.6 above, a new site notice was displayed on the lamppost opposite the application property and new neighbour consultation letters were sent out to every household that had submitted a representation to the first consultation. Sixteen objections were received from the occupiers of Nos. 1, 3, 20, 22, 24, 37, 39, 44 and 50 Brick Kiln Road, 154 Fairview Road and 12 Newlyn Close on the following grounds:

- Existing lawful use is a single family dwelling (C3);
- Work being carried out before planning permission is granted;
- Council removing single family dwelling from housing stock;
- Proposed development not suitable for disabled tenants;
- Security concerns;
- Adverse impact on character of area;
- Adverse impact on residential amenity;
- Too densely occupied resulting in cramped living conditions;
- Inadequate car parking;
- Lack of disabled parking;
- How will tenants be assessed to qualify for a room in the HMO?
- Concern that tenants will be drug addicts;
- Concern over increase in crime and anti-social behaviour;
- Question whether the planning committee can be impartial as the applicant is the Council;
- Planning application is incorrect and proper process has not been followed;
- Inadequate consultation of residents;
- CCTV will be inadequate;
- HMO not Covid-19 secure.

Representations from the MP for Stevenage

4.8 Two objections have been received from the MP for Stevenage dated 30 November 2020 and 5 February 2021 raising the following concerns:

- Lack of transparency and community engagement;
- Inadequate sized living accommodation;
- Process not impartial as SBC are the applicant;
- Transient residents leads to weakened community cohesion;
- Council refused planning permission for a 10 bedroom HMO;
- Existing parking difficulties will be made worse;
- HMO is not fully accessible to wheelchair users.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highways Authority

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

5.2 SBC Environmental Health

5.2.1 No objection, subject to informatives and advice on HMO licensing requirements.

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 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP6: Sustainable transport;
Policy SP8: Good design;
Policy IT5: Parking and access;
Policy GD1: High quality design;
Policy HO5: Windfall Sites
Policy HO9: Housing Types and Sizes

6.4 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2020.

6.5 Community Infrastructure Levy Charging Schedule

6.5.1 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. This proposal is CIL liable.

7. APPRAISAL

7.1 The determining issues relate to the acceptability of the application in land use policy terms, the impact of the development on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the provision of appropriate parking to serve the property.

7.2 Land Use Policy Considerations

7.2.1 The principle of residential development within urban areas is set out in both national and local policy. Paragraph 61 of the National Planning Policy Framework (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.

7.2.2 Policy HO5 of the adopted Local Plan (2019) is for windfall housing sites and states that permission will be granted where: the site is on previously developed land or is a small, underused urban site; there is good access to local facilities; there will be no detrimental impact on the environment and the surrounding properties; proposals will not prejudice the Council's ability to deliver residential development on allocated sites; and, the proposed development would not overburden existing infrastructure.

7.2.3 The application property comprises previously developed land and therefore the principle of the change of use from single dwelling (last lawful use) to a large HMO (8 bedrooms) is considered acceptable. In regards to criterion (d) of Policy HO5, due to the siting of the proposed development, it would not prejudice the delivery of residential development on allocated sites. In terms of criterion (e) of the aforementioned policy, due to the limited scale of the development, it would not overburden existing infrastructure. Additionally, the site has good access to the Old Town shops and services via Bridge Road to the north and Tesco Extra on the A602 roundabout to the south. There is also a local bus service on Fairview Road. Accordingly, the site is considered to have sufficient access to local facilities.

7.2.4 With regards to the loss of the single family dwelling, there is no policy in the Local Plan which prevents the conversion of single family dwellings to HMOs or flats. Policy HO5 'windfall sites' provides guidance on this issue in para 9.46 of the Local Plan:

7.2.5 The conversion of larger houses into smaller homes or flats or shared accommodation can be a useful means of providing additional dwelling stock, which meets the small property demand. However, an increase in residents can result in a need for additional parking and open space provision, can increase traffic, and can add to pressures on existing services and facilities. The conversion of larger houses will be permitted where any negative impacts can be successfully mitigated against.

7.2.6 The principle of the conversion of the property from a single dwelling to a large HMO is therefore acceptable in land use policy terms, subject to successfully mitigating against any negative impacts.

7.2.7 In respect to Policy HO9 (House types and sizes) of the adopted Local Plan (2019), as the proposed development seeks to deliver smaller accommodation, it would be in accordance with this policy as it would help to balance the structural imbalances in the existing housing stock, whereby there is a lack of smaller properties in the Borough. The proposal would accord with this by providing smaller units in the form of additional HMO tenancy units.

- 7.2.8 Paragraph 73 of the NPPF stipulates that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 7.2.9 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development.
- 7.2.10 The latest HDT results, published by MHCLG in January 2021, identifies that Stevenage only delivered 64% of its housing requirement. This is significantly below the 75% target and renders the adopted Local Plan housing policies as out of date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing.
- 7.2.11 Additionally, Policy SP7 of the adopted local plan identifies that there is a need to provide 7,600 new homes within Stevenage and this policy allocates 1,950 new homes to be provided elsewhere in the Borough. Taking this into consideration, the proposed development would support the Council's ambition in delivering a number of homes which fall outside the designated sites.
- 7.2.12 Planning permission was granted in February 2015 (ref. 14/00532/FP) for a change of use from a care home into an 8 bedroom HMO. This permission was never implemented and has now expired. This is also a material consideration in the determination of this application. The principle of subdivision was established under the previous planning permission and the subdivision under this proposal continues to be considered acceptable under the current Development Plan.
- 7.2.13 The fact the property will be used by Stevenage Borough Council as part of its housing service is not, however, a material planning consideration. The proposed use of the property falls within the definition of a House of Multiple Occupation and therefore the application should be assessed solely on that basis.

7.3 Impact on the Character and Appearance of the Area

7.3.1 In relation to the impact on the character and appearance of the area, only minor external changes are proposed to the property, with the main noticeable change amounting to the removal of the front boundary wall and replacement block paved driveway to facilitate level access to the front entrance. It is considered this change would not unduly impact on the character and appearance of the area and would improve the usability of the driveway for off street parking. The internal alterations would not be readily perceived and the car parking and access arrangements would remain similar to the existing arrangement. In view of this, it is not considered that the change of use of the property would have an adverse impact upon the character and appearance of the area.

7.4 Impact upon Neighbouring Amenities

7.4.1 With regard to the impact on residential amenity, the last lawful use of the property was as a single dwelling. Therefore, the key is to assess if the use of the property as a large HMO would result in a significant detrimental impact on residential amenity over and above its previous lawful use. The fact planning permission was granted in 2015 for the use of the property as an 8 bedroom HMO is also a material consideration.

7.4.2 Given the previous use, it is not considered that the conversion of the property to an 8 bedroom HMO would be likely to worsen this. The comparison being that as a large, detached dwelling, it would be reasonable to assume it could be occupied by a large family with multiple cars. The difference in terms of impact on residential amenity by reason of noise and pedestrian / vehicular movements compared to an 8 bed HMO would be negligible and not so severe as to justify a refusal of planning permission.

7.4.3 In considering this issue, it is noted that Environmental Health has commented on the application and consider the property to be suitable to accommodate this number of bedrooms. Subject to appropriate licencing of the premises and fire protection measures being undertaken, Environmental Health are raising no objection to the use of the property as a large HMO. Furthermore, they have raised no concerns from a noise perspective. On assessment of this issue, it is not considered that there would be additional noise and disturbance over and above the previous use of the premises as a single dwelling. Any noise attenuation required internally would be dealt with at the building regulations stage.

7.4.4 In relation to the appropriateness of the accommodation for future occupants, the rooms and accommodation are all of an acceptable size. With regard to amenity space, the property has a private rear garden area of approximately 180sq.m, which is considered to be sufficient for a property of this size. Under the Stevenage Design Guide (2009) a flatted development of eight units would require 80sq.m of amenity space and therefore the proposal exceeds that which would be required under the Supplementary Planning Document.

7.5 Access and Car Parking

7.5.1 With regard to car parking, the applicant has provided a drawing which shows that four cars can be parked on the existing driveway to the front of the property, which would be served by two existing dropped kerbs. The Council's Parking Provision Supplementary Planning Document adopted October 2020 (SPD) sets out that houses in multiple occupation require 0.5 spaces per tenancy unit, resulting in a requirement for four spaces. However, as the site is in Accessibility Zone 2, the Council's standards allow for a relaxation to between 50% and 75% of the

maximum, which means that the Council could consider a reduction of the number of spaces to between 2 and 3. However, the SPD also goes on to state that where it can be demonstrated that parking problems exist within, or around, the proposed development site the zonal reductions may not apply and that this will be determined on a case by case basis.

- 7.5.2 Four existing off street parking spaces are available on site, therefore the proposal meets the Council's maximum adopted standards. Furthermore, the parking arrangement has been assessed by the County Council as highway authority who considers this to be acceptable and, similarly, is raising no objection on highway safety grounds. Following the demolition of the front boundary wall, an additional space will be available for a fifth car to park on the driveway should that be required.
- 7.5.3 With regards to disabled parking, there is no policy requirement to provide disabled parking spaces for houses in multiple occupation, nor is there a requirement to provide off street visitor parking. On this basis, it is considered the provision of four off street parking spaces meets the Council's maximum adopted standards and is acceptable.
- 7.5.4 Whilst the concerns of the objectors in respect of parking provision and access to the site are noted, it is clear from the above that the scheme is in accordance with the Council's adopted parking standards. Furthermore, the access arrangements are considered to be acceptable by the County Council as highway authority.
- 7.5.5 Secured and covered cycle parking is to be provided in the existing shed in the rear garden and is therefore considered acceptable in this regard.

7.6 Proposed Occupancy

- 7.6.1 Concerns have been raised by objectors to the application that given the size of some of the bedrooms, there is the potential for more than 8 people to live at the property. The HMO will need to be licenced by Environmental Health, who would consider the maximum number of people who could occupy the premises. Under the 2015 application for an 8 bed HMO, Environmental Health advised the property was not suitable for more than 10 people, however they have not commented on this as part of this application.
- 7.6.2 Whilst Town Planning legislation is unable to control the number of occupants at the property, Environmental Health legislation can limit occupancy via the licence which will be required prior to occupation. The Council's Housing Development team has been advised of this. However, Town Planning legislation is able to control the number of bedrooms by the imposition of a condition attached to any grant of planning permission. With this condition in place, it would ensure that any increase in accommodation would need further planning permission and thus any implications for parking requirements would again come under the control by the Local Planning Authority.

7.7 Human Rights and Equalities

- 7.7.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.7.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.

- 7.7.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.7.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.7.5 In terms of inclusive access, the application property will be adapted both externally and internally to ensure it is DDA (Disability Discrimination Act) compliant. The following is proposed:
- New DDA compliant front door;
 - Removal of front boundary wall to improve disabled access;
 - Replace block paving on front driveway to form a ramped approach to front door to create level access;
 - Provision of a wet room;
 - Ground floor bedrooms;
 - Provision of a height-appropriate kitchenette.
- 7.7.6 Separately, the applicant has advised Stevenage Borough Council has a number of suitable properties for those with various disabilities and Council managed housing stock is utilised to best meet the needs of the residents being accommodated.

7.8 Other Considerations

- 7.8.1 Concerns have been raised that the development would be out of keeping and change the character of the area; lead to an increase in crime and result in anti-social behaviour. The need for the HMO and issues of anti-social behaviour are not matters that are controlled by the planning legislation, whilst the impact upon the character and appearance of the area are addressed elsewhere in this report. Finally, with regard to the issue of crime the rear garden of the property will be enclosed and secured by fencing and replacement external doors are to be installed.
- 7.8.2 It is also worth noting that the property will be managed by Stevenage Borough Council, which has to meet regulations in terms of managing issues such as anti-social behaviour. Management of the HMO will be delivered by an existing 24 hour security provision that is currently in operation at various Council managed sites across the town, which will be expanded to cover this property. The office will be staffed to meet support requirements.
- 7.8.3 The existing arrangements for the storage and collection of waste and recycling will remain and therefore the proposal is acceptable in this regard. Refuse / recycling storage is shown at the side of the property.
- 7.8.4 In terms of neighbour consultation, this is addressed in section 4 above. The Planning Authority has met its statutory duty in terms of the level of consultation which has been undertaken. Additional consultation has been carried out by the

applicant at the request of Members. Details of this are discussed in section 4 above and Appendix 1 at the end of the report.

- 7.8.5 With regards to the information submitted with the application, national validation requirements were met with the submission of the application form, site location plan, existing and proposed plans. Other required supporting information is at the discretion of the Local Planning Authority. In this instance, additional background information was sought from the Council's Housing Development team and published on the website. The applicant has also been carrying out separate consultation and information sharing outside of the planning application process in the form of hand delivered written information and online webinars.
- 7.8.6 The Planning Authority was made aware that works were taking place inside the property prior to the determination of the application. On investigation, it was established with the Housing Development team (the applicant) that the works did not constitute development requiring planning permission and as such, could be carried out without the consent of the Planning Authority.
- 7.8.7 In terms of determination of the application, it is being considered by Members of the Planning Committee due to the fact the Council is the applicant. This is in accordance with The Town and Country Planning General Regulations 1992.

Community Infrastructure Levy

- 7.8.8 As indicated above, the Council adopted CIL on 1 April 2020 and the CIL Charging Schedule specifies a payment for new floor space in line with the following rates (plus appropriate indexation):

Development Type	CIL Rate (£ per square meter)	
	Zone 1: Stevenage Central, Stevenage West Urban Extension and North of Stevenage Extension	Zone 2: Everywhere else
Residential		
Market housing	£40/m 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	

- 7.8.9 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.8.10 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted with the application. This proposal would be CIL liable.

8. CONCLUSIONS

- 8.1 Additional community consultation has been carried out by both the applicant and the Planning Authority as requested by Members. The proposed change of use is considered to be acceptable in land use policy terms and would not harm the character and appearance of the area or the amenities of adjoining premises. Furthermore, the development would accord with the Council's adopted car parking standards and is considered to be acceptable in highway safety terms. As such, it has been sufficiently demonstrated that any negative impacts of the conversion can be successfully mitigated against in accordance with Local Plan policy HO5. Accordingly, it is recommended that planning permission be granted.
- 8.2 As such, the proposed development is in accordance with the Policies specified in the adopted Local Plan (2019), the Council's Car Parking Standards SPD (2020), the NPPF (2019) and PPG (2014).

9. RECOMMENDATIONS

- 9.1 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:

2020/32/01 rev F; 2020/32/02; 2020/32/03
- 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 building works required to implement this permission shall be carried out only between the following times:

0800 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.
REASON:- To satisfactorily protect the residential amenities of nearby occupiers and the operation of adjoining businesses.
4. The on-site parking spaces indicated on the approved drawing 2020/32/01 rev F shall be provided prior to the first use of the premises hereby permitted and permanently maintained thereafter.
REASON:- To ensure that adequate parking provision is made to serve the proposed development in the interests of highway safety.
5. The use of the premises shall be as an 8 bed House in Multiple Occupation only.
REASON:- To ensure that there is no intensification of the use of the premises leading to additional parking pressures in the locality to the detriment of pedestrian and highway safety.

- 6 Prior to the first occupation arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

INFORMATIVES

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 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 3 Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 4 You are advised to contact the Council's Environmental Health department on env.health@stevenage.gov.uk or 01438 242908 / 242916 with regards to obtaining the relevant HMO licence.
- 5 To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

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

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

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

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

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

Pro-active statement

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

APPENDIX 1 SBC HOUSING DEVELOPMENT CONSULTATION

05/02/21 – Update received from SBC Housing Development on community consultation undertaken to date

Letters were hand delivered to residents through a door knocking exercise to be able to respond to any immediate queries they may have. In completing the exercise, a total of 83 letters were hand delivered, and the team were able to speak to 29 residents in person on the day.

In addition, eight residents also took the opportunity to follow up on our correspondence either by email or by telephone, some of whom had already registered their comments on the doorstep during the initial letter drop exercise.

Adding all these together; 33 residents, out of a possible 83 households across both the letter drop and follow up correspondence expressed their views to the Council. The table below outlines a summary of the concerns. It should be noted that despite the continued offer of engagement, 50 households did not feel compelled to offer an opinion or concern over the scheme but that 18 of these 50 were thankful to receive the further information and advised they would read it and contact us if necessary.

Despite the difficulties presented by the lockdown, it is clear that colleagues in the Housing teams have reached out to residents so that they can express the views, learn more about the scheme and in some cases suggest alternative solutions to the housing crisis Stevenage is facing. Whilst we sympathise with many of the views that were expressed, we are pleased to note that some residents indicated that they felt reassured about the extent to which the scheme will be managed and that any future concerns they have can be notified to the council as a landlord for the property. We are not in a position to sympathise with every concern as a limited number of residents offered extreme views that these homeless criminals or drug users should be housed in the slums of Stevenage new town and not here in the old town. Or that these residents all have drug and alcohol dependencies that they will never shift.

It would be justified in saying that the overwhelming majority of the 33 residents that engaged with us still would prefer if this scheme did not go ahead, they would instead prefer if provision was made elsewhere in Stevenage that was, in their opinion, a more suitable location. However, it would also be wrong to note that all 33 of these residents were firmly against the delivery of this scheme as 6 of them noted positive comments and others made general enquires about the scheme.

In presenting these findings, it is not our purpose to keep a score or tally of the responses as to who is in favour of the scheme and who is against the scheme. Instead what we are trying to indicate is that we did reach out to residents, and in some cases were able to allay fears and concerns, but in other cases we were not. Overall, we feel that the consultation process was a positive one as residents were able to arrive at informed opinions. In quoting the number of deliveries made, people spoken to and listened to, we are attempting to highlight the scale of the consultation only.

Two Zoom webinars are taking place on the 18th February for residents to hear more about our plans for the property and discuss the opinions that were expressed. We will shortly be issuing a letter to residents inviting them to attend either the daytime or evening session. Using the Q&A chat function, residents will be able to ask questions live and members of the Housing Development team can respond there and then.

Whilst the Housing service has plans to deliver further housing schemes throughout the town in the future, given the high levels of demand right now, we are not in a position to withdraw this application. However as demand eases in future years and other schemes become available, we may be in a position to review the long term use of this scheme as a HMO (subject to planning) and perhaps convert it into self-contained family residences, which would once again be subject to future consultation and planning permission.

A summary of the responses and comments shared with residents is given below:

Comment Received	Total No. residents	Housing Team Update
Ongoing management concerns as a result of potential client group e.g. concerns over violent behaviour, drug use in public with drug smells and discarding drug paraphernalia as well as accepting people that have been kicked out of the Hotels for criminal damage and other Boroughs.	12	<p>Residents can be assured that the property will be managed to industry best standards. Instances of anti-social behaviour would be considered a breach of tenancy and action would be taken against tenants accordingly, as would be the case in any property managed by Stevenage Borough Council. Maintaining public safety and enjoyment is of equal concern to us; therefore use of illegal drugs by residents at the property would immediately be reported to the police and dealt with in the strictest possible manner.</p> <p>The use of CCTV will highlight suspicious activity and act as a deterrent to improper or illegal behaviour.</p> <p>The Council will be housing residents that are in need of housing and are known to Stevenage Council. These residents are not those that have been kicked out of hotels.</p>
Parking Concerns	3	Experience from the Housing Management service identifies that car ownership is limited within this client group. The scheme has been assessed by Hertfordshire Highways and the Planning department as acceptable in this regard. 0.5 car parking spaces are required per unit. There are 4 parking spaces provided with a potential 5 th place subject to the approval of works. We feel this is ample parking, but can (if the scheme is granted permission) monitor this situation and restrict occupation of this property to non-car owners through management processes in the future.
Unsuitable use of the property in what is a good neighbourhood and residential street.	4	The Council has a responsibility to all residents of the town. The property will provide residential accommodation in a residential area. Our neighbourhoods are not defined on the basis of

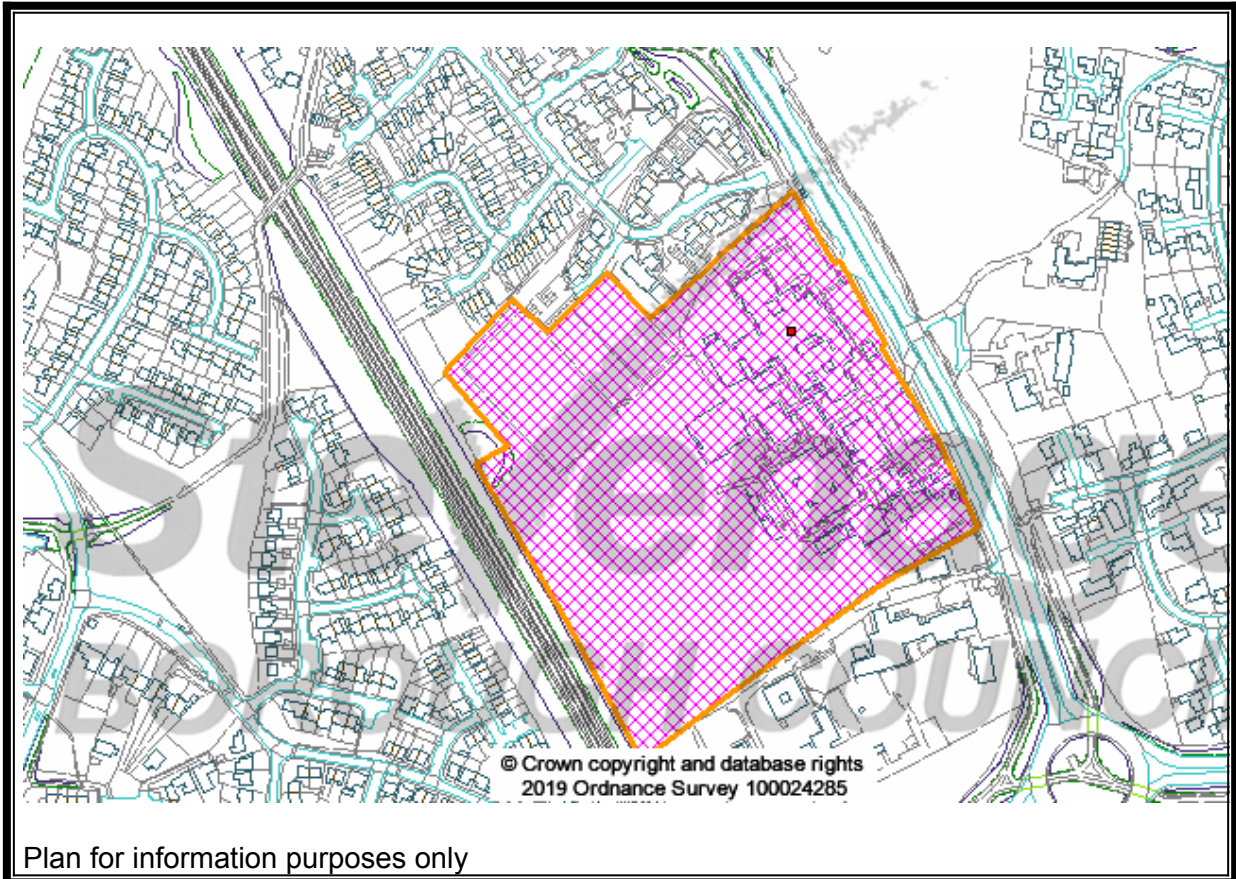
<p>The strong sense of community will be destroyed.</p>		<p>age or family groupings, but a sense of community that encompasses people from all walks of life.</p> <p>At over 3000 square feet we believe the property is too large to be a useful single family dwelling, particularly as we currently have an urgent need for accommodation for smaller and single person households. 8 residents enjoying the use of over 3000 sq feet of personal and shared space is a generous accommodation offer.</p>
<p>Concerns relating to COVID management within the property</p>	<p>1</p>	<p>The property is large enough for residents to have private space to allow them to isolate safely should they be required to do so.</p>
<p>Concerns relating to accessibility within the property</p>	<p>3</p>	<p>Given that this is an existing building structure, we are taking measures to improve the accessibility within those confines, including implementing ramps, providing a wetroom and providing a height-appropriate kitchenette.</p> <p>Stevenage Borough Council has a number of suitable properties for those with various disabilities, and we utilise our stock to best meet the needs of the residents we are housing.</p>
<p>Concerns relating to overcrowding</p>	<p>3</p>	<p>The property is 287sqm in total. By comparison, a standard 6 bedroom, 8 person home would be 132sqm, and a standard 3 bedroom, 5 person home would be 102sqm. It is our view that this is a generously spaced property that meets space standards.</p> <p>Along with good quality sized rooms, the property contains a number of large shared communal spaces and a garden. The Council's Environmental Health department did not object to the proposed internal layout or shared facilities.</p> <p>14 Brick Kiln Road is over 3000 square feet (287 square meters) in size meaning there is sufficient room for both living accommodation and a staff office.</p>
<p>General enquiries: General enquiries were asked by residents regarding:</p>	<p>10</p>	<p>These enquires have been addressed or are in the process of being addressed.</p>

<p>CCTV</p> <p>Who they should contact if issues occur</p> <p>Why an office is required</p> <p>How many people of are the housing register (and a breakdown of single people and families)</p> <p>A breakdown of housing stock in Stevenage</p>		
<p>Concerns regarding the works that have already been done, as they are pre-emptive of planning, and are gambling with public funds and peoples taxes</p>	3	<p>The works that have been undertaken are mostly remedial works however, all works carried out are deemed perfectly acceptable and do not require planning permission as they are not considered development. Our aim is to improve the condition of the property so that we protect the asset and remedy the disrepair and dilapidation that had occurred as this can have a negative impact on a neighbourhood.</p>
<p>Concerns around Planning Application details</p>	3	<p>Consultation at the scheme began in late October/early November when the Planning application was originally submitted. Whilst the consultation carried out by the Planning department met national and statutory requirements, we provided additional consultation in the form of resident interaction and letter delivery to provide residents with an extra layer of informative interactions.</p> <p>The Planning Committee and Planning Officers remain impartial on all Planning applications.</p>
<p>Positive statements</p> <p>Pleased that an empty home will be used</p> <p>Pleased that homeless people will be housed</p> <p>Pleased that the appalling state of the garden and overgrown shrubbery will be addressed</p>	6	<p>Positive comment received relating to making good use of an empty property. Residents were pleased to hear the Council are helping those in housing need, with the proviso that the council will manage the property properly.</p>

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Meeting:	Planning and Development Committee	Agenda Item:
Date:	2 March 2021	
Author:	Ailsa Davis	01438 242747
Lead Officer:	Zayd Al-Jawad	01438 242257
Contact Officer:	Ailsa Davis	01438 242747

Application No:	20/00678/FPM
Location:	John Henry Newman School, Hitchin Road, Stevenage
Proposal:	Re-development of part of the existing school site to include 2 new-build teaching blocks to replace existing blocks, a new entrance for the Sports Hall, the phased demolition of the existing blocks, new landscaped amenity grassland and new service connections to the new buildings and all retained blocks
Drawing Nos.:	137895-JWA-FB-00-DR-A-1000-S2-P01; 137895-JWA-FB-01-DR-A-1001-S2-P01; 137895-JWA-FB-02-DR-A-1002-S2-P01; 137895-JWA-FB-RF-DR-A-1003-S2-P01; 137895-JWA-FB-ZZ-DR-A-3001-S2-P01; 137895-JWA-FB-ZZ-DR-A-3002-S2-P01; 137895-JWA-RB-00-DR-A-1000-S2-P01; 137895-JWA-RB-01-DR-A-1001-S2-P01; 137895-JWA-RB-RF-DR-A-1002-S2-P01; 137895-JWA-RB-ZZ-DR-A-3001-S2-P01; 137895-JWA-RB-ZZ-DR-A-3002-S2-P01; 137895-JWA-SB-00-DR-A-1000-S2-P01; 137895-JWA-SB-RF-DR-A-1001-S2-P01; 137895-JWA-SB-ZZ-DR-A-3001-S2-P01; 137895-WWA-00-00-DR-L-0001; 137895-WWA-00-00-DR-L-0002; 137895-WWA-00-00-DR-L-0003; 137895-WWA-00-00-DR-L-0004 P01; 137895-WWA-00-00-DR-L-0005; 137895-WWA-00-00-DR-L-0006; 137895-WWA-00-00-DR-L-0007; 137895-WWA-00-00-DR-L-0008; 137895-WWA-00-00-DR-L-0009; 137895-WWA-00-00-DR-L-0010; 137895-WWA-00-00-DR-L-0011; R-15172_102-106_ISSUE01 1; R-15172_102-106_ISSUE01 2; R-15172_102-106_ISSUE01 3; R-15172_102-106_ISSUE01 4; R-15172_102-106_ISSUE01 5; 137895-JWA-ZZ-ZZ-DR-A-0401-S2-P01; 137895-WWA-00-00-DR-L-0016; 137895-WWA-00-00-DR-L-0017; 137895-WWA-00-00-SP-L-0602-S2-P01
Applicant:	John Henry Newman School
Date Valid:	12 November 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site comprises The Saint John Henry Newman secondary school and sixth form, which occupies an area of 7.84 hectares approximately 1.5 miles to the north of Stevenage town centre and around 0.5 miles to Stevenage Old Town. Hertfordshire Fire & Rescue Services is located immediately adjacent to the south of the site, the East Coast Mainline railway line bounds the site to the west, and to the north there are residential dwellings. There are residential dwellings and a small wooded area to the east, immediately beyond Hitchin Road (A602), which provides the site's vehicular access points.
- 1.2 The site can be broadly divided into east and west. The east contains the school buildings and defines the school's public frontage, whilst the east comprises the school grounds and is more private in nature. The site comprises 13 main school buildings between intervening hardstanding and grassed areas. To the rear of the site, there is a large, landscaped sports field along with a Multi-Use Games Area and hardstanding tennis courts.
- 1.3 There are no significant planning constraints associated with the site. The site is wholly within Flood Zone 1 meaning there is a very low probability of fluvial flooding. The site is not within an Area of Outstanding Natural Beauty nor is it within a Conservation Area, Site of Special Scientific Interest, Air Quality Management Area, Special Landscape Area, Local Green Space or any other national/local environmental or ecological designations.

2. RELEVANT PLANNING HISTORY

- 2.1 A summary of the planning applications associated with the application site is set out below:
- 2.2 Planning permission was granted ref. 04/00582/FP for a courtyard infill to create a computer suite.
- 2.3 Planning permission was granted ref. 09/00207/FP for the erection of 2 no. temporary buildings each containing 2 classrooms.
- 2.4 Planning permission was granted ref. 13/00248/FP for the erection of 2no. temporary classrooms.
- 2.5 Planning permission was granted ref. 14/00079/FPM for the demolition of existing outdoor changing room blocks and erection of new sports block and performing arts block.
- 2.6 Planning permission was granted ref. 14/00427/NMA for a non-material amendment to previously approved planning permission reference 14/0079/FPM to amend elevations to accommodate additional ventilation intake louvres and alterations to fenestration.
- 2.7 Planning permission was granted ref. 14/00431/NMA for a non-material amendment to previously approved planning permission reference 14/0079/FPM to reposition the proposed building to the south west by approximately 1m and to the south east by approximately 250mm.

3. THE CURRENT APPLICATION

- 3.1 The application seeks full planning permission for the re-development of part of the existing school site to include two new-build teaching blocks to replace existing blocks, a new entrance for the Sports Hall, the phased demolition of the existing blocks, new landscaped amenity grassland and new service connections to the new buildings and all retained blocks. The project is being funded by the Department for Education as part of the £4.4 billion Priority Schools Building Programme, launched in 2016. The programme seeks to address the needs of schools most in need of urgent repair and renewal.
- 3.2 The proposed development includes the erection of a new build two storey teaching block to the south-west of the site, to the rear of block EFAC and a new-build three storey block to the southeast of the site fronting onto Hitchin Road, occupying the footprint of existing blocks EFAD, EFAE, EFAH and EFAG. In addition, new build works are proposed to the retained sports hall, block EFAL, of circa 107.41m² (GEA). The total new build gross external floor area (GEA) proposed is 5687m², with an internal floor area (GIA) of 5,288m². An existing aerial view of the site can be seen in **Appendix 1** at the end of the report. Buildings labelled EFAD, EFAE, EFAH, EFAA, EFAM, EFAN and EFAG are to be demolished.
- 3.3 Overall, the GIA of the school will reduce by 923.2m² following the development. However, the teaching/learning spaces provided will be significantly more efficient and will still provide a suitable quantum of teaching space. The reduced building footprint will open the frontage of the site, providing the opportunity to create a large, multi-functional green space adjacent to the school's chapel. This area will be a place for social interaction and contemplation and will also be used for outdoor learning and performances.

- 3.4 No additional forms of entry are proposed meaning that the student capacity of the school will not increase. Furthermore, no increase to staff numbers is proposed by this application.
- 3.5 In terms of access and car parking, the drop-off area and the car park layout to the front of the site will be marginally redesigned and will provide 35 car parking spaces, including two accessible parking spaces. The new layout provides a better location for the accessible parking spaces which will be located closer to the entrance to the school building.
- 3.6 There will be no overall increase to the parking provision on site which will remain at 161 formal car parking spaces, with an overflow car parking capacity of 18 spaces for special event use, or to address higher demand that may seasonally occur. The overflow parking will be redesigned, gated and access controlled by the School. The applicant advises this area will only be used during events at the School, rather than for everyday use.
- 3.7 212 additional cycle spaces are proposed. Ten visitor spaces will be situated adjacent to the entrance of the new block to the front of the site. Ten covered staff cycling spaces will be situated just south of the existing MUGA to allow staff convenient access to existing showers situated within the Pavilion Building (EFAP). Adjacent to the proposed front teaching block will be 120 covered pupil cycle parking spaces and 192 uncovered Sheffield stands. In total, there will be 332 cycle spaces.
- 3.8 In summary, the new development will comprise:
- A new three-storey teaching block at the front of the school, along Hitchin Road;
 - A new two-storey teaching block at the back of the school;
 - A new entrance for the existing sports hall;
 - Retention / replacement of existing sports facilities, including shotput and long jump areas to be relocated;
 - Enhancement of sports facilities, including new cricket practice nets and re-orientation of cricket wicket;
 - Retention of Multi Use Games Area (MUGA);
 - New area of green space (Chapel Green) for outdoor learning and performances;
 - Slight reconfiguration of the coach drop off and pick up area;
 - Retention of the existing access points off Hitchin Road;
 - Re-designed overflow parking area to control access;
 - Additional cycle parking.
- 3.9 The application comes before Committee for consideration as it is a major application.

4. PUBLIC REPRESENTATIONS

- 4.1 The proposal has been publicised by way of letters to adjoining properties and two site notices were displayed at the front of the school site along Hitchin Road. In addition, the application has also been advertised in the Local Press. No representations have been received.
- 4.2 Prior to submitting the application, the applicant carried out pre-submission consultation. Due to COVID-19 restrictions a face to face public exhibition could not be held. Therefore, an online public consultation was hosted on the agent's website. An information leaflet was distributed to residents and businesses within the vicinity of the site to provide the public and other interested parties with information about the proposed development and how to access the online exhibition, and comment on the proposals.

- 4.3 The leaflet was delivered to 591 residential and business properties within the area shown on Drawing 5284/050B. Copies of the leaflet and distribution plan are included within the appendices of the Statement of Community Involvement submitted with the planning application. Information was provided to the Ward Councillors in advance of the leaflet being delivered to the local community.
- 4.4 Digital exhibition boards were available to view on the agent's webpage during the consultation period and a feedback form was provided to allow visitors to provide their comments on the proposed development. Comments raised by the local community both during, and after, the community information event are set out within the Statement of Community Involvement which accompanies this application (a copy of which is available on the Council's website). The statement also includes a project team response to the comments made, where required.
- 4.5 Overall a total of 6 responses were received. Five were in support of the proposal and one did not give an opinion. The only point of concern raised related to the operation of the existing drop off / pick up area. It was highlighted there is an existing problem with parents using Ingleside Drive and the associated risk to highway safety. Ingleside Drive is also used as additional parking for the school. The concern was that this problem will be exacerbated during the construction period, so questioned how these issues would be addressed.
- 4.6 The agent response advised construction vehicles will use the existing southern vehicular access to the site to ensure that construction traffic and school traffic are kept separate. As part of the development, some additional car parking spaces will be provided in the southern drop off area to increase the capacity in this location. Further details are contained within the Construction Management Plan, and the Transport Assessment submitted with the planning application.

5. CONSULTATIONS

5.1 Hertfordshire County Council as Highway Authority (response dated 13/11/20)

- 5.1.1 *Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions relating to the submission of a construction management plan and an informative advising a Travel Plan is recommended and should be introduced through a section 106 agreement. The informative also advised a sum of £10,500 shall be paid to the council to cover the costs of assessment and monitoring of travel plan implementation and monitoring.*
- 5.1.2 Following this request, clarification was sought from the HCC Highway Authority and School Travel Plan team as the application was already supported by an updated School Travel Plan and a request for a s106 agreement and financial contribution had not been raised by the Highway Authority during pre-application discussions.
- 5.1.3 Discussions were held with the HCC School Travel Plan team where it was agreed that as the application proposal does not involve increasing the school published admission number (PAN) and a School Travel Plan had already been submitted to support the application, compliance with which can be subject to a planning condition, then a s106 agreement and financial contribution were not necessary. The applicant's transport consultant worked with the School Travel Plan team to make improvements to the School Travel Plan and an amended version was submitted.

- 5.1.4 With regards to the condition requesting the submission of a Construction Management Plan, the Highway Authority was advised that one had already been submitted with the planning application. The HCC Highway Officer noted this and responded by email dated 8 December 2020 confirming that the Construction Management Plan was acceptable and the request for the condition would be deleted from the Highway Authority response.
- 5.1.5 Following this, the Highway Authority and School Travel Plan team were re-consulted on the amended School Travel Plan and the following response was received:
- 5.1.6 **Hertfordshire County Council as Highway Authority (response dated 28/01/21)**
- 5.1.7 *HCC considers the development to be in accordance with both the National and Local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to a condition requiring the submission of a construction management plan. With regards to the Travel Plan, the Highway Authority notes a Travel Plan has been submitted and it is accepted this would encourage users of the Development to travel to and from the Development by means of transport other than the private car, which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.*
- 5.1.8 The Highway Authority did not remove the request for a Construction Management Plan to be submitted, however this is an oversight and the email dated 8 December 2020 confirms the CMP submitted by the applicant as acceptable. On this basis, a planning condition will not be added requiring this document to be submitted again.

5.2 Sport England

- 5.2.1 Sport England raises no objection to this application as a statutory consultee which is considered to meet exception 5 of the adopted Playing Fields Policy and paragraph 97 of the NPPF, subject to two planning conditions relating to the following matters as set out in the response:
- Playing Field Mitigation Implementation;
 - Playing Field Restoration.

5.3 SBC Arboricultural and Conservation Manager

- 5.3.1 No objection.

5.4 Hertfordshire County Council as Lead Local Flood Authority

- 5.4.1 No objection to planning permission being granted, subject to three conditions relating to compliance with the Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement, details of the final design of the drainage scheme and requirements post completion of the drainage works. Following receipt of the response from the LLFA, the applicant has submitted the relevant details to the LLFA to enable condition 2, which requires details of the final design of the drainage scheme, to be removed. This is to avoid a pre-commencement condition and to enable building works to start straight away should planning permission be granted.
- 5.4.2 The LLFA responded on 11 February 2021 advising the information submitted was not sufficient to enable the condition to be discharged, however the LLFA agreed to amend the wording of the condition to enable the matter to be resolved after the commencement of development. The condition has therefore been amended to reflect this.

5.5 Herts and Middlesex Wildlife Trust

5.5.1 Do not wish to comment.

5.6 Crime Prevention Design Service

5.6.1 No objection.

5.7 SBC Environmental Health Officer

5.7.1 I do not anticipate any significant impact from this development if good practice is followed during demolition and construction. The new development replaces an existing of the same use. I do not have concerns with regard to its impact on air quality.

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 Adopted Local Plan

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable development in Stevenage;
Policy SP5: Infrastructure;
Policy SP6: Sustainable transport;
Policy SP8: Good design;
Policy SP9: Healthy Communities
Policy SP11: Climate change, flooding and pollution
Policy SP12: Green Infrastructure and the Natural Environment
Policy IT4: Transport Assessment and Travel Plans

Policy IT5: Parking and access;
Policy IT6: Sustainable Transport;
Policy IT7: New and Improved Links for Pedestrians and Cyclists
Policy GD1: High quality design;
Policy HC4: Existing health, social and community facility
Policy FP1: Climate change
Policy FP2: Flood risk in Flood Zone 1
Policy FP5: Contaminated land
Policy FP7: Pollution
Policy FP8: Pollution sensitive uses
Policy NH5: Trees and woodland
Policy NH6: General protection for open space

6.4 Supplementary Planning Documents

Parking Provision and Sustainable Transport SPD (2020);
Stevenage Design Guide SPD (2009)

6.5 Community Infrastructure Levy Charging Schedule

- 6.5.1 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. This proposal would be CIL liable at £0/m².

7. APPRAISAL

- 7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, impact on the appearance of the area, impact upon the school playing field, ecology and trees, flood risk and drainage, climate change mitigation, residential/neighbouring amenities and means of access/parking.

7.2 Land Use Policy Considerations

- 7.2.1 The school site is located within the defined settlement boundary of the town and is currently used for education purposes. The application proposal does not involve a change in the use of the site. The principle of demolishing and rebuilding the existing school buildings is therefore considered acceptable in land use planning terms, subject to satisfying design, transport and environmental policies.

7.3 Impact on the Character and Appearance of the Area

- 7.3.1 In terms of design, Paragraph 127 of the NPPF (2019) stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 of the NPPF (2019) states that permission should be refused for development of poor design that fails to make available opportunities for improving the character and quality of an area and the way it functions.
- 7.3.2 Policy GD1 of the Local Plan (2019) generally requires all forms of development to meet a high standard of design which includes forms of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its

relationship between buildings, landscape design and relevant aspects of sustainable design.

- 7.3.3 Turning to the proposed development, in contrast to the existing campus style layout; it is considered the proposed three-storey block to the front of the school provides an opportunity to create a strong, civic presence fronting onto Hitchin Road. The building will allow for large vertical spaces ideal for the school hall and dining areas, and will also provide teaching spaces, the school kitchen, and other ancillary uses. It will represent a landmark building for the school and contribute positively to the character of this part of Hitchin Road. To the rear of block EFAC, a smaller two-storey building is also proposed. This building will be built during the first phase of construction and will contain teaching rooms, including Art and D&T spaces. This smaller, lower building will represent a sensitive transition between the built up part of the school site and the open playing fields to the west.
- 7.3.4 The demolition of the existing block EFAA will also open a large area of the space to the north which will be utilised as a green amenity space. This will provide several benefits to the school, including improved site permeability/legibility, a green frontage, opportunities for ecological enhancement, tree planting and the use of the space for social interactions, outdoor learning and performances.
- 7.3.5 In terms of external materials, a contemporary palette of brickwork, render and aluminium glazing will be used. It is considered the blend of materials proposed will create architectural interest and clearly delineate entrance points, reducing the visual bulk and massing of the building.
- 7.3.6 Overall, it is considered the proposal will result in a contemporary, high quality development which will make more efficient use of the existing site when compared to the existing poor condition 1960s / 70s single storey buildings to be demolished. Another planning benefit of the proposal is the resultant net-gain in open space and landscaping, which will enhance the appearance of the site and quality of space for pupils and staff. Consequently, it is concluded the proposals will positively contribute to the character and appearance of the wider area and accord with the requirements of the NPPF and Local Plan policies SP8 and GD1 in terms of ensuring high quality design.

7.4 Access, Highways and Parking

- 7.4.1 It is important to note the proposal will not involve an increase in the number of students or staff at the School and as a result, the current impact the school has on the surrounding highway network will not be worsened by increased vehicular trips. As the planned admission number is not increasing, there is no Local Plan policy requirement to provide additional on-site car parking.

Access

- 7.4.2 The application site benefits from existing vehicle access from three private access roads (the southern accesses are an 'in and out arrangement') that are offset from Hitchin Road, which is the A602 Main Distributor Road subject to a speed limit restricted to 40 mph. The existing accesses are based on an industrial design that includes crossing a combined verge and cycleway/footway, which offers a wide envelope of visibility that provides an acceptable level of vehicle to vehicle inter-visibility and pedestrian visibility and complies with levels of visibility found in Design Manual for Roads and Bridges. The vehicle to vehicle inter-visibility from the access is in accordance with "Sightlines at Junctions (Ref: Design Manual for Roads and Bridges Volume 6 (Road Geometry) Section 1 (Highway Link Design) Table 2." A site visit undertaken showed that the above mentioned vehicle to vehicle inter visibility for vehicles entering and exiting the site can be achieved along

adopted highway land and consequently a planning condition has not been recommended to control the sightlines.

Parking

- 7.4.3 In accordance with the Stevenage Parking Provision SPD (2020), the maximum car parking provision for the school is 252 car parking spaces:
- 1 space per full-time member of staff – 135 car parking spaces;
 - 1 space per 100 students – 15 car parking spaces;
 - 1 space per 8 students over aged 17 – 42 car parking spaces, and
 - 1 space per 20 students under 17 – 60 car parking spaces.
- 7.4.4 The school site does not fall within an accessibility zone within the adopted Parking Provision SPD (2020) and as such the SPD recommends 75% - 100% of the recommended amount of car parking is provided. The SPD goes on to advise the level of provision will normally be expected to fall within the range shown and the general presumption is to use the lower provision that applies within each range. The range also allows fine-tuning according to considerations such as:
- the nature of the development;
 - local traffic conditions;
 - the relevance of rail services;
 - the existing public parking supply.
- 7.4.5 The proposed car parking provision of 161 formal car parking spaces (+18 overflow spaces) represents 71% of the maximum requirement for a school of this size. Whilst this is 4% below the recommended range, the School has an up to date Travel Plan prepared in consultation with the HCC School Travel Plan team which encourages travel to and from the school using sustainable transport other than the private car. The Travel Plan has been submitted with this application. It is also important to emphasise that there will be no reduction in car parking spaces as a result of the proposed development.
- 7.4.6 Currently 9% of students cycle to the School and generate demand for 139 spaces, and 1% of staff cycle to the School and generate demand for 2 cycle parking spaces. As such, the current demand for cycle parking is 141, which is above the current cycle parking provision of 120 spaces.
- 7.4.7 The Stevenage Parking Provision SPD sets out a minimum cycle parking provision for the school of 323 cycle parking spaces. 332 cycle parking spaces are proposed as part of this application, including 10 covered staff spaces, 10 visitor spaces, 120 covered student spaces and 192 student Sheffield hoop spaces. The proposed cycle provision therefore exceeds the minimum cycle parking required under the SPD. Weighing the proposed over provision of cycle parking against the existing under provision of car parking, it is considered this will support the drive to encourage existing pupils and staff to travel by more sustainable modes of transport to and from school. It also supports the recommendations within the School Travel Plan accompanying this application.
- 7.4.8 As such, it is concluded that as the development proposal does not involve an increase in pupils or staff accessing the school site and there is no policy requirement to increase on site car parking, the existing 4% shortfall in car parking will be offset by the planned increase in cycle parking in excess of the SPD requirement. Taking this into account, together with the fact there will be no reduction in car parking provision, the proposed site

parking arrangements are considered acceptable in this regard and will support the aims of the Travel Plan.

- 7.4.9 Electric vehicle charging points are not being sought via a planning condition on this occasion, due to the fact the imposition of such a condition would not meet all the relevant tests of paragraph 55 of the NPPF, namely (i) necessary; (ii) relevant to planning; (iii) relevant to the development to be permitted; (iv) enforceable and (vi) precise on the basis that no additional parking spaces are being provided and the published admission number (PAN) of the school is not increasing. A condition requiring EV charging points would not be relevant to the development to be permitted. Furthermore, the Highway Authority in its consultation response has not requested any.

Accessibility

- 7.4.10 The development is linked to other parts of the town from the existing footways and cycleway network. The site has cycle access to the National Cycle Route via the Stevenage Town's established network of cycle routes based on the underpass system. In general cycling is encouraged by providing good facilities and most parts of Stevenage are within cycling distance. This route is part of the Stevenage Cycleway Network. Consequently the development is considered accessible to the local cycleway/footway network, which supports the overprovision of secure cycle parking as part of the proposal.

Passenger Transport

- 7.4.11 The nearest bus stops to the new development are located adjacent to the development. There are a number of routes that are available from the town centre. A number of services are half hourly and some geographical areas are better served than others. The development is situated to the north west of the town centre along the A602 and therefore benefits from the variety of routes available from more central areas of Stevenage. Stevenage railway station is approximately 2.5 km away from where frequent services are available into London with a journey time of 22 minutes.

Delivery and Servicing

- 7.4.12 Deliveries and waste collection have access via the drop-off area. Delivery vehicles will stop at the front of the building and goods will be distributed into the building, with waste collection taking place at the servicing area located west of the drop-off area. No changes are proposed to the existing delivery and servicing arrangements.

School Travel Plan

- 7.4.13 A Travel Plan has been submitted and accepted by HCC Highway Authority and School Travel Plans team, which encourages users of the development to travel to and from the site by means of transport other than the private car. The County Council determines compliance with the Travel Plan will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the school.

7.5 Impact upon School Playing Field

- 7.5.1 The NPPF is clear that playing fields should be protected unless one of three criteria are met. Paragraph 97 of the NPPF states: 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

7.5.2 The proposed two storey building to the rear of the site will be partially situated on the existing playing field. However, the existing sports pitches, including the existing cricket wicket, long jump and shotput area will be re-aligned within the playing field during the initial phase of the construction programme to ensure that the sports provision will be available throughout the construction process. Two new ECB performance grade cricket practise nets will also be provided adjacent to the existing MUGA to further expand sports provision at the school. Any area of playing field impacted by the construction process will be restored to playing pitch standard as indicated within the Compound Reinstatement Report submitted with the planning application.

7.5.3 Sport England are a statutory consultee for this development proposal. They have commented that the combined permanent and temporary impacts would reduce the area available on the playing field for marking out playing pitches and impact on existing playing pitch provision.

7.5.4 To mitigate these impacts the following measures have been proposed:

- The winter playing pitch layout would be reconfigured by relocating the rugby pitch and junior football pitch further to the west of the playing field.
- A relocated artificial cricket wicket with the required outfield area is proposed between the rugby and junior football pitches. The relocated cricket wicket is proposed to be undertaken as part of the enabling works to ensure continuity of cricket pitch provision;
- The summer running track would be realigned further north to accommodate the new building;
- The existing long jump pit and shot put/hammer circle that would be displaced by the development would be replaced by a new long jump pit and shot put/hammer circle to the west of the playing field. These would be implemented as part of the enabling works to ensure continuity of athletics facility provision;
- A new two bay cricket practice net system is proposed between the artificial grass pitch and the tennis courts. This would be implemented as part of the enabling works so that it is available for the school to use from the outset.
- An acceptable reinstatement scheme (the submitted Compound Reinstatement document prepared by Agrostis) has been prepared for reinstating the playing field area affected by the temporary compound.

7.5.5 The sports related benefits of the development are considered to be as follows:

- New cricket practice net system;
- Replacement artificial cricket wicket;
- Replacement long jump pit and shot put/hammer circle;
- The proposed extension to the school's sports block would provide a new entrance foyer and accessible toilet and PE store for supporting the use of the sports hall. This would improve toilet and storage facilities for sports hall users and provide separate entrances for school and community users of the sports hall which would help facilitate community access.

7.5.6 Given the above assessment, Sport England does not wish to raise an objection to this application as a statutory consultee as it considers the benefits to sport associated with the new, replacement and enhanced sports facilities outweigh the detriment caused by the impact on the playing field.

7.6 Ecology and Trees

- 7.6.1 A Preliminary Ecological Appraisal/Bat Roost Assessment has been submitted with the application. The assessment concludes that the site is of low ecological value and does not contain any designations, nor are there any close enough to be affected by botanical change, habitat fragmentation, dust or other pollutants.
- 7.6.2 Ecological enhancements proposed include the provision of a minimum of 3 tree mounted bat boxes within the site, 2 sparrow terraces to be provided on the external walls of the new buildings and precautionary measures to be taken during the construction works to ensure that there is no harm to hedgehogs or birds.
- 7.6.3 Opportunities to improve biodiversity on site have been included in the planting strategy. A mix of native and non-native trees are proposed to increase diversity in the planting palette. New native species hedgerow is proposed for the north end of Chapel Green to provide a visual and physical separation of the new space from the northern car park. A pollinator walk is to be developed along the eastern side of Chapel green with existing planted beds retained and enhanced with new pollinator friendly species.
- 7.6.4 The sustainable drainage strategy for the site includes the creation of a new drainage swale on the southern site boundary and a rain garden, fed by water from the roof of the new rear block. The swale will be sown with a wildflower mix which will withstand the wet and dry conditions and the rain garden will be planted with appropriate species which will thrive in the conditions.
- 7.6.5 The proposals will result in the removal of 12 individual trees and 3 groups. It is proposed to plant 25 new trees, 205m of native species hedging and species rich shrub and perennial planting to enhance the site. An Arboricultural Impact Assessment has been submitted with the planning application. This report identifies trees to be removed and retained and suggests physical measures for the protection of retained trees during implementation. It concludes the proposed development would have some noticeable impact to amenity due to the loss of some trees, but very limited impact in any other regard as the major amenity trees visible from the A602 road are largely unaffected. The impact will be offset with comprehensive landscaping and tree planting across the site. In addition, the Council's Arboricultural Manager considers the proposed replacement tree specification to compensate for the loss of some existing trees to be acceptable.
- 7.6.6 In summary, the proposed development will not result in adverse impact to ecology on or adjacent to the Site. Whilst the proposed development will result in some loss of trees, those affected are not of high quality and will be mitigated through replacement planting of native species throughout the site. The overall footprint of buildings on the site will decrease following the development meaning that there will be a higher proportion of landscaped green space, providing further opportunities for native planting and subsequent ecological net gain in biodiversity. In addition, Herts and Middlesex Wildlife Trust have not raised any concerns with the proposed development from an ecological perspective.
- 7.6.7 Consequently, it is considered the proposal accords with Section 15 of the NPPF and policies SP12 and NH5 of the Local Plan (2019).

7.7 Flood Risk and Drainage

- 7.7.1 A Drainage and Flood Risk Statement, prepared by BCAL Consulting, has been submitted alongside this application. The report reviews the drainage and flood risk issues associated with the proposed development and sets out the drainage strategy for the development. The report was prepared in consultation with the Lead Local Flood Authority and Thames Water. The report states that the application site is located within Flood Zone 1 and that

flood risk from all other sources is low. The development of the site for a school use is therefore appropriate as set out by the 'flood risk vulnerability classification' contained within the Planning Practice Guidance. The Report sets out details in respect of surface water and four water drainage.

- 7.7.2 The site largely positively drains to adopted Thames Water sewers located to the south of the site. The proposed development seeks to provide betterment to the existing surface water run-off from the previous buildings/hardstanding areas. The cohesive nature of the underlying clay will not facilitate the use of natural infiltration using soakaways etc. Therefore, the drainage proposals utilise the existing surface water outfall, attenuated on site to reduce the ultimate discharge rate. Source control and water quality improvement features include rain gardens (rear block) and dry swales (front block) have been adopted with the latter offering a degree of on-site attenuation. Despite the poor soil infiltration rates, SuDs systems such as permeable paving will be utilised as much as possible under new external hard paved areas.
- 7.7.3 The LLFA have not objected to the proposed drainage strategy, subject to conditions. On this basis, it is considered the proposed development will not increase the risk of flooding within the site or surrounding the site and the proposal accords with Section 14 of the NPPF and policies SP11 and FP2 of the Local Plan (2019), subject to the conditions specified within the LLFA response.

7.8 Climate Change Mitigation

- 7.8.1 A BREEAM Pre-Assessment prepared by RSK has been submitted with the application. The Pre-Assessment demonstrates that the development will achieve a BREEAM rating of 'very good' as required by the Stevenage Design Guide (2009). Further information relating to building sustainability is provided within the Design and Access Statement, which sets out the following proposed measures:

- Low rates of air permeability targeted;
- Improved fabric U-values, and improved glazing U-values and G-values (measurement of heat loss and the rate at which it is lost);
- High efficiency lighting design with LED luminaires;
- Significantly lower ventilation specific fan power;
- High efficiency ventilation heat recovery systems;
- Hybrid ventilation units;
- Building Energy Management System (BEMS) with energy metering;
- Intelligent lighting controls with daylight dimming, presence and absence detection;
- Variable speed drives on pumps and fans;
- High efficiency gas fired condensing boilers;
- The proposed design exceeds Part L2A 'Conservation of fuel and power in new buildings other than dwellings' of Building Regulations 2013;
- The requirement to demonstrate that cold draughts have been avoided in naturally ventilated spaces, where this was not possible the solution was changed to ensure draughts would not be a problem;
- Compliance with the required DfE Output Specification adaptive thermal comfort overheating criteria;
- A comfortable internal environment which meets the daily CO² and air quality requirements.

- 7.8.2 Measures to maximise water efficiency would be secured via the Building Regulations. Consequently, the proposed development accords with the requirements of policies SP2 and FP1 of the Local Plan (2019) in relation to sustainable construction and climate change mitigation.

7.9 Landscaping and Planting Strategy

7.9.1 Full details of the proposed landscaping and planting strategy have been submitted with this application drawing ref. 137895-WWA-00-00-DR-L-0008, which demonstrates the proposed landscaping treatments for each part of the school site and provides details on proposed planting. It is considered the landscaping strategy as proposed will enhance the visual landscape and ecological value of the site for the benefit of existing pupils and staff and is acceptable.

7.10 External Lighting

7.10.1 The application is accompanied by an External Lighting Report. The external lighting design will provide safe access and egress for pedestrians and vehicles in accordance with the DfE Output Specification, CIBSE LG5 guidance and The Guide of Obtrusive light to provide illumination to walkways and building perimeter via wall mounted or column mounted luminaires. External lighting will be controlled via a time clock and photocell arrangement.

7.10.2 The proposed lighting will be limited to the new buildings only, the front car park and the new green space to the rear of the chapel. Mitigation measures will be incorporated to reduce light spillage namely; controlled timing and use of lighting shields to control direction of light. The External Lighting Report concludes the potential impacts on the landscape character are minor adverse or less due to the nature of enhancing the area from its current state. However, once the mitigation methods are incorporated, the external lighting will not cause any significant detrimental effects to the surrounding area. A planning condition has been added to ensure the recommendations and mitigation measures set out in the report are complied with.

7.10.3 The closest residential dwellings are located on Ingleside Drive to the north of the school site. It is considered these dwellings are a sufficient distance away from the proposed buildings and new area of green space to ensure any light spillage does not raise amenity concerns. The External Lighting Report advises light spillage to adjacent site boundaries will be kept within reasonable limits, defined by the standards, by the careful selection and positioning of the lighting columns. As such, the proposed external lighting arrangements are considered acceptable.

7.11 Air Quality

7.11.1 An Air Quality Assessment prepared by Hoare Lee has been submitted with the application. The assessment concludes that the application site is considered suitable for the proposed development without the inclusion of mitigation, and air quality should not be considered as a constraint to development. The proposed development therefore accords with the overarching principles of the NPPF and the requirements of FP7 and FP8 regarding air pollution.

7.11.2 It should also be noted when considering air quality that this application is to replace existing buildings on a site where the school use has already been established. The proposal is not introducing a new development or use on a previously undeveloped site. The Council's Environmental Health Officer has not raised any concerns with regards to the proposed development's impact on air quality.

7.12 Impact on Residential Amenity

7.12.1 It is not considered the proposed three storey building on the site frontage and two storey building to the south-west of the site would raise any amenity issues with occupiers of nearby residential properties, due to the distances involved. The closest residential properties are located on Ingleside Drive to the north of the site. The proposed three storey

and two storey buildings would be located a minimum of 140m to the south of these dwellings, which is sufficient to ensure there will be no impact on residential amenity. In terms of construction impact on nearby residents, it is considered these aspects can be secured by condition seeking compliance with the approved Construction Management Plan.

7.13 Other Matters

Human Rights and Equalities

- 7.13.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.13.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.13.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 7.13.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.13.5 In terms of inclusive access, the new buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings will be accessible to all; the floors and thresholds are level and there are lifts serving all floors. The routes into the buildings are clear and will be signed and demarcated appropriately using landscape treatments. There are no abrupt changes in levels on the approach to the new proposed buildings. The design proposals have been developed with reference to Approved Document Part M (AD-M), the DfES Building Bulletin 91 'Access for Disabled People to School Buildings', Building Bulletin 102 'Designing for disabled children and children with special educational needs' and BS8300:2018 'Design of an Accessible and Inclusive Built Environment.'

8. CONCLUSIONS

- 8.1 The planning application proposes to re-develop the site to replace the existing school buildings with 2 new teaching blocks and a small extension to the existing sports hall. There is a clear need to replace the existing buildings on site which are outdated, unsustainable and do not make effective use of the site. The proposed development will result in a reduction to the overall building footprint of the school allowing for an increase in open green space and landscaping throughout the site.
- 8.2 The School currently caters for 1,542 pupils, of which 336 are in the Sixth Form (out of a Sixth Form capacity of 450 students). The school employs 147 members of staff (135 FTE). The application does not propose any increase to the student or staff capacity of the school. Existing car parking provision will not be reduced and 332 cycle spaces will be

provided to exceed the existing demand at the school to further encourage sustainable modes of travel.

- 8.3 The scheme has been developed to make the best use of the site while allowing the school to continue to operate during construction. The development will be phased so that the new two storey school building to the rear of the site can be constructed first, with the three-storey block and phased demolition of the existing buildings to follow afterwards. Any impacts to existing sport facilities within the school, including temporary impacts during construction, have been addressed through the re-alignment of the existing sports pitches and the provision of two new ECB performance grade cricket practise nets, both of which will take place during the initial phase of the development to provide continuity of sports provision at the school.
- 8.4 An assessment of national and local planning policies has demonstrated that the proposals are in conformity with the NPPF and the Development Plan. There are no other material planning considerations which indicate that policies in the plan should be outweighed and that planning permission should not be given.
- 8.5 Given the above, it is recommended that planning permission is granted subject to the conditions set out in section 9 of this report.

9. RECOMMENDATIONS

- 9.1 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:

137895-JWA-FB-00-DR-A-1000-S2-P01; 137895-JWA-FB-01-DR-A-1001-S2-P01; 137895-JWA-FB-02-DR-A-1002-S2-P01; 137895-JWA-FB-RF-DR-A-1003-S2-P01; 137895-JWA-FB-ZZ-DR-A-3001-S2-P01; 137895-JWA-FB-ZZ-DR-A-3002-S2-P01; 137895-JWA-RB-00-DR-A-1000-S2-P01; 137895-JWA-RB-01-DR-A-1001-S2-P01; 137895-JWA-RB-RF-DR-A-1002-S2-P01; 137895-JWA-RB-ZZ-DR-A-3001-S2-P01; 137895-JWA-RB-ZZ-DR-A-3002-S2-P01; 137895-JWA-SB-00-DR-A-1000-S2-P01; 137895-JWA-SB-RF-DR-A-1001-S2-P01; 137895-JWA-SB-ZZ-DR-A-3001-S2-P01; 137895-WWA-00-00-DR-L-0001; 137895-WWA-00-00-DR-L-0002; 137895-WWA-00-00-DR-L-0003; 137895-WWA-00-00-DR-L-0004 P01; 137895-WWA-00-00-DR-L-0005; 137895-WWA-00-00-DR-L-0006; 137895-WWA-00-00-DR-L-0007; 137895-WWA-00-00-DR-L-0008; 137895-WWA-00-00-DR-L-0009; 137895-WWA-00-00-DR-L-0010; 137895-WWA-00-00-DR-L-0011; R-15172_102-106_ISSUE01 1; R-15172_102-106_ISSUE01 2; R-15172_102-106_ISSUE01 3; R-15172_102-106_ISSUE01 4; R-15172_102-106_ISSUE01 5; 137895-JWA-ZZ-ZZ-DR-A-0401-S2-P01; 137895-WWA-00-00-DR-L-0016; 137895-WWA-00-00-DR-L-0017; 137895-WWA-00-00-SP-L-0602-S2-P01

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 Construction Methodology and Management Plan as approved shall be adhered to during the construction phase of the development.

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

- 4 The building works required to implement this permission shall be carried out only between the following times:
- 0800 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.
REASON:- To satisfactorily protect the residential amenities of nearby occupiers and the operation of adjoining businesses.
- 5 The development hereby permitted shall be completed in accordance with the external materials specified within the Design and Access Statement by Jestico and Whiles dated November 2020 as approved.
REASON:- To ensure a satisfactory appearance for the development.
- 6 The boundary treatments as set out on the External Materials Key Plan ref. 137895-WWA-00-00-DR-L-0002 submitted with this application shall be constructed in accordance with the details specified on the approved plan and permanently maintained accordingly.
REASON:- To ensure a satisfactory appearance for the development.
- 7 All hard and soft landscaping shall be carried out in accordance with the approved details as set out in drawing numbers 137895-WWA-00-00-DR-L-0002 and 137895-WWA-00-00-DR-L-0008 to a reasonable standard in accordance with the relevant British Standards or other recognised Codes of Good Practice.
REASON:- To ensure a satisfactory appearance for the development.
- 8 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 completion of the development.
REASON:- To ensure a satisfactory appearance for the development.
- 9 All hard surfacing comprised in the approved details of landscaping shall be carried out within 3 months of the completion of the development.
REASON:- To ensure a satisfactory appearance for the development.
- 10 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.
- 11 No tree shown retained on the approved plans, or 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.
- 12 No development shall take place above slab level until an Arboricultural Method Statement (AMS) which will fully addresses the complex phasing of tree protection measures and the nature of those measures is 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 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.

- 13 If during the course of development any contamination is found or suspected, works shall cease and the local planning authority shall be informed immediately. The local planning authority may request the nature and extent of any contamination to be investigated in order that a suitable remediation strategy can be proposed. The development shall not continue until any required remediation as agreed in writing by the local planning authority has been undertaken, and the local planning authority has confirmed it has been undertaken to its satisfaction.
REASON:- To prevent harm to human health and pollution of the water environment.
- 14 The measures to address adaptation to climate change as set out within the Design and Access Statement by Jestico and Whiles dated November 2020 and the BREEAM Pre-Assessment prepared by RSK shall 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.
- 15 The development permitted by this planning permission shall be carried out in accordance with the Drainage Strategy, Flood Risk Assessment and Sustainable Drainage System Statement, dated October 2020, Rev. P02, Report Reference: 6506R001 FRA, prepared by BCAL Consulting and the drawings Proposed Drainage Layout Sheet 1 of 2, Drawing No. 137895-BCAL-00-00-DR-C-0050, Rev. P5, dated 21.01.21, prepared by BCAL Consulting and Proposed Drainage Layout Sheet 2 of 2, Drawing No. 137895-BCAL-00-00-DR-C-0051, Rev. P4, dated 21.01.21, prepared by BCAL Consulting and the following mitigation measures:
1. Limiting the surface water run-off rates to a maximum of 2l/s for all rainfall events up to and including the 1 in 100 year + climate change event with discharge into the Thames Water Sewer
 2. Provide attenuation 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 (40%) event.
 3. Implement drainage strategy based on a dry swale with under-drain, raingardens, geocellular attenuation and restricted discharge at 2l/s via a Hydro-Brake into the Thames Water surface water sewer.
- REASON:-** To reduce the risk of flooding to the proposed development and future occupants.
- 16 No development shall take place above slab level until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Drainage Strategy, Flood Risk Assessment & Sustainable Drainage System Statement, dated October 2020, Rev. P02, Report Reference: 6506R001 FRA, prepared by BCAL Consulting and the drawings Proposed Drainage Layout Sheet 1 of 2, Drawing No. 137895-BCAL-00-00-DR-C-0050, Rev. P5, dated 21.01.21, prepared by BCAL Consulting and Proposed Drainage Layout Sheet 2 of 2, Drawing No. 137895-BCAL-00-00-DR-C-0051, Rev. P4, dated 21.01.21, prepared by BCAL Consulting. The scheme shall also include:
1. 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 corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
 2. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as porous tarmac / permeable paving, swales and raingardens, reducing the requirement for any underground storage.
 3. Provision of half drain down times within 24 hours
 4. Silt traps for protection for any residual tanked elements.
 5. Details of the management of any areas of informal flooding up to the 1 in 100 year plus climate change event.
 6. Provision of an exceedance plan for events greater than the 1 in 100 year plus climate change event.

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

- 17 Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:
1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
 2. Provision of a complete set of as built drawings for site drainage.
 3. A management and maintenance plan for the SuDS features and drainage network.
- REASON:-** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- 18 The playing field mitigation works, including the new cricket practice nets, the replacement artificial cricket wicket, long jump pit and shot put/hammer circle and reconfigured playing pitches shall be provided in accordance with Drawing Nos 137895-WWA-00-00-DR-L-0004 P01 (External Sports Strategy Summer), 137895-WWA-00-00-DR-L-0005 (External Sports Strategy Winter) and 137895-WWA-00-00-SP-L-0602-S2-P01 (The Saint John Henry Newman Catholic School All Weather Cricket Pitch Specification (November 2020)) and made available for use within 12 months of commencement of development.
- REASON:-** To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.
- 19 Within 12 months of the removal of the contractors' compound the playing field must be reinstated and be available for use in accordance with the approved St John Henry Newman Compound Reinstatement scheme (Agrostis Sports Surface Consulting - November 2020).
- REASON:-** To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy.
- 20 The Travel Plan as submitted with this planning application shall be implemented, monitored and reviewed in accordance with the agreed travel plan targets to the satisfaction of the Local Planning Authority in consultation with Hertfordshire County Council as Highways Authority.
- REASON:-** In order to deliver sustainable transport objectives including a reduction in car journeys and increased use of public transport, walking and cycling.
- 21 The recommendations and mitigation measures set out within the External Lighting Report by Hoare Lee and MEP Engineering dated November 2020 shall be implemented and permanently maintained in accordance with the approved details.
- REASON:-** To ensure a satisfactory appearance for the development and to prevent light pollution.

INFORMATIVES

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. You are advised to prepare a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.
3. All Public Rights of Way including the cycle way adjacent to the site should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the routes and any other routes to be used by construction traffic should be a paramount concern throughout the duration of the works, consequently safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works, any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) must be made good by the applicant to the satisfaction of the Planning and Highway Authority. All materials must be removed at the end of the construction phase and not left on the Highway or Highway verges. Further details regarding Rights of Way can be obtained from the Rights of Way Unit at County Hall, Hertford.
4. To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

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

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

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

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

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

Appendix 1 Existing Buildings





Meeting: Planning and Development Committee

Agenda Item:

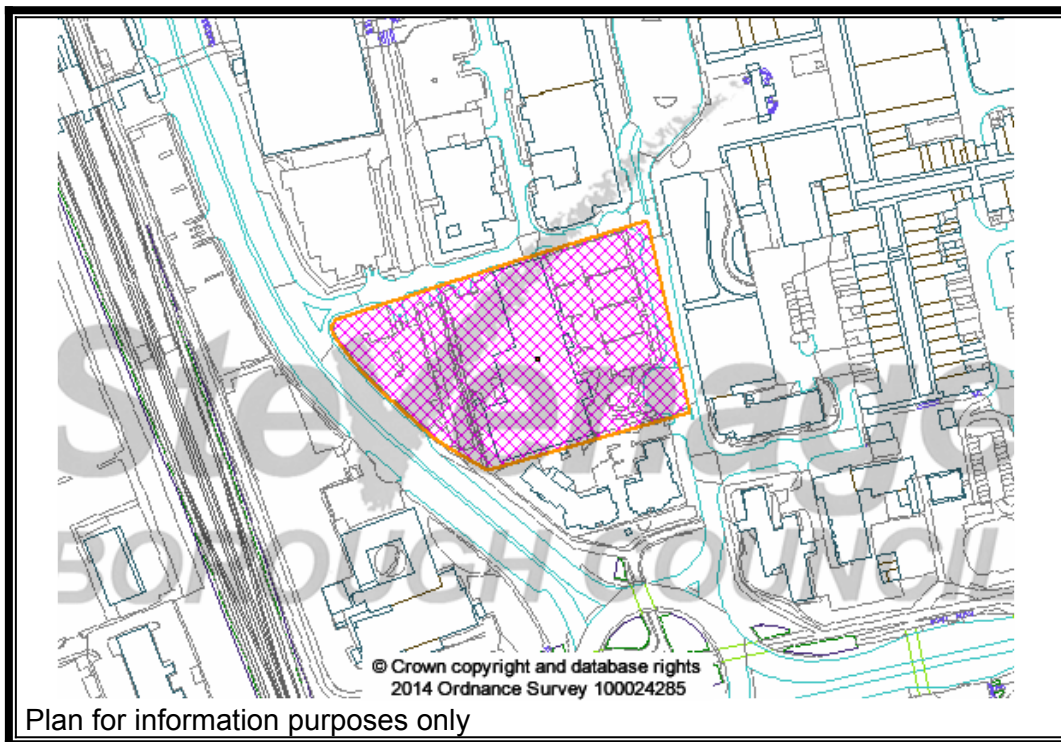
Date: 2 March 2021

Author: Gemma Fitzpatrick

Lead Officer: Zayd Al-Jawad

Contact Officer: Gemma Fitzpatrick

Application No :	20/00643/RMM
Location :	Matalan Unit B-C, Danestrete, Stevenage SG1 1XB
Proposal :	Reserved Matters application for access, appearance, layout, landscaping and scale pursuant to outline planning permission reference 14/00559/OPM for residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings.
Drawing Nos.:	MTL-MLA-ZZ-00-DR-A-901100-P2; MTL-MLA-ZZ-01-DR-A-901101-P2; MTL-MLA-ZZ-02-DR-A-901102-P2; MTL-MLA-ZZ-03-DR-A-901103-P2; MTL-MLA-ZZ-04-DR-A-901104-P2; MTL-MLA-ZZ-05-DR-A-901105-P2; MTL-MLA-ZZ-06-DR-A-901106-P2; MTL-MLA-ZZ-07-DR-A-901107-P2; MTL-MLA-ZZ-08-DR-A-901108-P2; MTL-MLA-ZZ-09-DR-A-901109-P2; MTL-MLA-ZZ-10-DR-A-901110-P2; MTL-MLA-ZZ-11-DR-A-901111-P2; MTL-MLA-ZZ-12-DR-A-901112-P2; MTL-MLA-ZZ-13-DR-A-901113-P2; MTL-MLA-ZZ-14-DR-A-901114-P2; MTL-MLA-ZZ-15-DR-A-901115-P2; MTL-MLA-ZZ-16-DR-A-901116-P2; MTL-MLA-ZZ-17-DR-A-901117-P2; MTL-MLA-ZZ-18-DR-A-901118-P2; MTL-MLA-ZZ-19-DR-A-901119-P2; MTL-MLA-ZZ-20-DR-A-901120-P2; MTL-MLA-ZZ-21-DR-A-901121-P2; MTL-MLA-XX-EE-DR-A-902150-P1; MTL-MLA-XX-EE-DR-A-903100-P1; MTL-MLA-XX-EE-DR-A-903101-P1; MTL-MLA-XX-EE-DR-A-903102-P1; MTL-MLA-XX-EE-DR-A-903103-P1; MTL-MLA-XX-EE-DR-A-903104-P1; MTL-MLA-XX-EE-DR-A-903105-P1; MTL-MLA-XX-EE-DR-A-903106-P1; MTL-MLA-XX-EE-DR-A-903107-P1; MTL-MLA-XX-EE-DR-A-903108-P1; MTL-MLA-XX-EE-DR-A-903109-P1; MTL-MLA-XX-EE-DR-A-903110-P1; MTL-MLA-XX-XX-DR-A-903200-P1; MTL-MLA-XX-XX-DR-A-903201-P1; MTL-MLA-XX-XX-DR-A-903202-P1; MTL-MLA-XX-XX-DR-A-903203-P1; MTL-MLA-XX-XX-DR-A-903204-P1; MTL-MLA-XX-XX-DR-A-903205-P1; MTL-MLA-XX-XX-DR-A-903206-P1; MLUK-799-A-SK-080-R02;
Applicant:	Guinness Developments Ltd
Date Valid:	2 November 2020
Recommendation :	Grant Planning Permission



1. SITE DESCRIPTION

- 1.1 The application site comprises the existing Matalan retail store, its associated car park and the two car parks to the west. The site is located on the west side of Danestrete, bordered by Danesgate to the north and Lytton Way to the west. The site adjoins the Council Offices and Magistrates' Court to the north all separated by Danesgate. To the west on the opposite side of Lytton Way is the Police Station. To the south, the site adjoins Pinetree Court, a residential block of elderly people's accommodation. To the east, on the opposite side of Danestrete, is the Plaza development which contains a number of leisure/food and drink units. To the south of this is the Holiday Inn hotel. The site is located to the east (opposite) the area for the major Town Centre regeneration scheme known as SG1 for which a resolution to grant outline planning permission was made in October 2020. This scheme would see the demolition of existing buildings and redevelopment for a mixed use retail, leisure, commercial, residential, educational and community uses with associated circulation and public realm works.
- 1.2 The site is located close to the Town Square and existing Bus Station (approximately 60-100m away) and is located to the south east of the Rail Station, approximately some 180m away, separated by Lytton Way. Access to the Matalan part of the site is taken from a single access point via a mini roundabout off Danestrete. The current building on the site has a floor area of approximately 3000 sq.m and the associated parking area caters for 100 vehicles. The existing surface level car parks accommodate 76 vehicles. Between it and the Matalan building is a smaller Council owned car park for staff which accommodates approximately 20 cars. These car parks are accessed from Danesgate via Lytton Way.

2. RELEVANT PLANNING HISORY

- 2.1 06/00598/OP Application for outline permission for residential development of up to 354 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and D1 (crèche) with associated access, parking and landscaping following demolition of existing buildings. 22.10.2019 - Withdrawn
- 2.2 08/00076/OP Application for outline permission for residential development of up to 354 residential apartments and commercial units Class A1 (retail) A2 (professional and

financial) A3 (restaurant) and D1 (crèche) with associated access, parking and landscaping following demolition of existing buildings. (Duplicate application to 06/00598/OP) 06.10.2008 - Not Proceeded With

- 2.3 14/00559/OPM Application for outline permission for residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings. 20.10.2017 – Outline Permission Granted
- 2.4 20/00693/SCR EIA Screening Opinion: Not EIA Development

3. THE OUTLINE PLANNING PERMISSION (14/00559/OPM)

- 3.1 The application was submitted in order to establish the principle of development at the site and, therefore, all details were reserved for future approval. Submitted illustrative plans identified how the site could be laid out and offered guidance on how a detailed application might be designed for the site. The design principle incorporated two main blocks, one an inverted L-shaped fronting the north east part of Danesgate and Danestrete and the other an inverted V-shaped building fronting onto the north west part of Danesgate and returning onto Lytton Way. Indicative elevations were shown to identify how the appearance of the development might look along with an indication of the various heights. Two distinct right angle blocks were intended to create strong street corners each up to 13 storeys in height. At the Corner of Danesgate and Lytton Way the ground floor was shown to comprise a podium behind which would be the car park, service areas and garden areas for the flats on the floors above. Between these two elements on Danesgate the height would reduce to 6/7 storeys. Similarly, on the Lytton Way and Danestrete frontages as the development moves southwards the height reduces to 6 storeys to reflect the height of the existing buildings. Finally, the element adjoining Pinetree Court to the south would be reduced in height to 5/6 storeys in order to respect the height of that development and also the residential amenities of the occupiers.
- 3.2 The plan indicated that car parking for 109 cars, along with bin storage and cycle parking and servicing of the development would be provided on the lower ground floor. A retail element would be provided at ground floor level and would have frontages onto Danestrete and Danesgate. Additional retail floorspace would be provided on the level above, which would also incorporate some residential accommodation and amenity space for the residential occupiers. Above this element there would be further residential accommodation. The general massing of the blocks is indicated as six storeys with emphasis placed at the north east and north-west corners, which could rise to 13 storeys to act as focal points into the town centre and when viewed from Lytton Way. However, being mindful of the proximity of Pinetree Court, located to the south of the application site, it was indicated that the scale of the development would be reduced at the southern edge of the site in order to minimise any impact upon the occupiers of this development. The new development would be significantly larger in both footprint and height than that of the existing building.
- 3.3 Vehicular access to the site would be taken from Danestrete by a single access point in the same location as the current access to the Matalan site. The existing roundabout would be removed and the road made good and the pavement would be extended along Danestrete. This elevation was shown set back which would enable the footpath to be opened up in the future if required. Pedestrian access was proposed from a number of locations on Danestrete and Danesgate. The existing cycleway which currently runs through the eastern Council owned car park would need to be relocated to facilitate the development. It is intended that this would be provided along the site frontage onto Lytton Way linking to Danesgate.

- 3.4 In terms of the possible appearance of the new development, illustrations were provided which gave an idea of the type of design and materials which could be introduced. In particular, a contemporary design using projected and recessed elements and a mixture of brickwork, blockwork and render could be used to break up the appearance of the apartments, coupled with the use of balconies which would provide articulation to the buildings. The introduction of retail units fronting onto Danestrete and Danesgate would offer an active frontage along these thoroughfares to the town centre. This illustrative information demonstrated that at the detailed stage a high quality development could be created.
- 3.5 Permission was granted subject to an s106 Agreement which provides for contributions towards childcare, nursery education, primary education, libraries, affordable housing, outdoor open space and children's play space, provision of fire hydrants.

4. THE CURRENT APPLICATION

- 4.1 This application seeks Reserved Matters approval for details of the access, appearance, layout, landscaping and scale pursuant to outline planning permission reference 14/00559/OPM for a residential development of up to 526 residential apartments and commercial units Class A1 (retail) A2 (professional and financial) A3 (restaurant) and A4 (drinking establishments) and A5 (hot food take away) with associated access, parking and landscaping following demolition of existing buildings.
- 4.2 In relation to highways matters, this current application includes some differences to those envisaged in the Outline scheme. These include:
- Relocating the new vehicular access to the site on Danestrete further south to the site boundary (to be used for site access);
 - Creating an additional vehicular access to the site from Danesgate (to be used for site egress);
 - A lower parking provision;
 - Amending the envisaged servicing and delivery strategy so that it would take place on-street as opposed to within the site.

Additionally, following the grant of planning permission on neighbouring sites at SG1 and the relocated Bus Station, the applicant is also proposing further amendments to the local highway network beyond that originally envisaged in the Outline Consent.

- 4.3 The new, local landmark building, which would be 20 storeys high, would be located in the north western corner. This location was chosen for its increased prominence and visibility from a distance and also limits the effect of overshadowing to any immediate residential receptors. This building would also be visible to travellers arriving both by train and from the A1(M). It would act as a distinctive marker and also as a signal to the wider changes proposed in the town. Designed as an equal sided hexagon, which is derived from the angle of the junction of Danesgate and Lytton Way, it would have an equal presence from all directions.
- 4.4 The Applicant has taken account of the adjoining SG1 development, which has come forward since the consideration of the Outline Scheme on this site was approved. The massing of the current proposal has been developed with an awareness of the areas which are more sensitive to taller buildings, particularly along the eastern edge which is closer to the Town Square Conservation Area and the Pinetree Court development to the south. It has also been considered in the context of the SG1 Masterplan and seeks to complete the SG1 Courtyard blocks with a series of blocks of similar height and width along Danestrete.
- 4.5 The massing approach provides the opportunity of large, shared courtyards at ground level to provide amenity space for the residential units. It also provides the opportunity for the

planting of substantial trees and ensures greater distances between dwellings in different blocks ensuring privacy for the new occupiers.

- 4.6 Commercial uses at ground level along Danestrete would relate to the town centre uses and provide an active frontage. In recognition of the importance of the Danestrete and Danesgate junction, commercial uses are focused on this corner.
- 4.7 The scheme also recognises the long term ambition to change the nature of Lytton Way and proposes community uses on the corners of buildings along Lytton Way. These would be flexible spaces that address the street to allow for the changing nature of this frontage.
- 4.8 The lobbies of the proposed residential blocks have been designed to provide a direct sightline from the street into the courtyards when passing along the street. Each core block would have residents' rooms; flexible spaces outside of individual dwellings, which would face the courtyard bringing activities to its edges.
- 4.9 Discussions during the design phase with both Council officers and the Design Review Panel resulted in the removal of the plant room at ground level to create a direct connection between the courtyard and the southern mews as well as reducing the number of single aspect, north facing homes from 16% to 12% and the removal of a storey on two of the blocks.
- 4.10 Compact balconies with generous glazed doors are proposed both as a means of opening up the internal spaces and providing interest to the elevations. They would be the full width of their openings and would be arranged in careful groupings to enhance the proportions of the facades. The balustrade and relatively open handrail would be clearly differentiated, adding to the visual permeability and lightness of these objects.

Facades

- 4.11 In considering the design of the proposals the architects studied the architectural language of Stevenage and other New Towns. It found several themes in common which gave them their distinct character. These include directional facades, regularity of fenestration, emphasis on the horizontal and the use of pattern and colour.
- 4.12 All elevations would have fairly uniformly arranged window openings, darker bases and a pronounced precast concrete opening. All elevations are striped, except for the gables, which would be plain and mid tone, mediating between the darker street and lighter courtyard elevations. Each façade would have a darker base tonally to its main colour. The gables would be plain to mediate between the darker and lighter stripes
- 4.13 The hexagonal tower would have two distinct elevation types. The first type, which accounts for four of the six elevations, would have four openings per level of a horizontal proportion. Up to the 11th floor, there would be projecting balconies that lend articulation and tie the architecture to that of the wider scheme. Above this the windows vary subtly in height until the top three floors which have consistently tall windows. Finally, large openings corresponding with the window widths announce the roof terrace. The second type, on the garden facing elevation and the elevation facing the apex of the scheme, would have six openings per level. The expression is more gridded, with smaller, squarer windows with deeper reveals. Also, the windows here become subtly wider and taller as they ascend, such that the tower becomes less visually heavy as it rises.
- 4.14 The proposed development would provide residential accommodation in the following form:
- 287 no. 1 Bed (2 Person) apartments (55%);
 - 37 no. 2 Bed (3 Person) apartments (7%); and
 - 202 no. 2 Bed (4 Person) apartments (38%).

5. PUBLIC REPRESENTATIONS

5.1 The application has been publicised by way of site notices and neighbour notification letters as well as a press notice in the local paper. Representations were received from No's 10, 30 & 35 Pinetree Court, Danestrete, and their comments are summarised below:

- Residents were previously told that the Tower Block would be no more than 15 storeys high and current proposal is for 20 storeys – would stick out like a sore thumb;
- 26 Parking spaces is insufficient for 526 flats and restaurant, pub and take away; previous scheme was amended to increase the number of parking spaces;
- Where are all the new residents coming from? Why do we need such a huge development if only for Stevenage people?;
- Council promised a crossing for the elderly residents of Pinetree Court and a gate to prevent others using their car park;
- Traffic, noise and pollution of what could be 1578 people using Danestrete; and
- Congratulations to the Guinness Partnership for their imaginative design which I personally approve. However, the writer goes on to express concern over fire safety at the highest block and the ability of the fire service to rescue people from the upper stories.

5.2 Separately, the Residents Association representing Pinetree Court raise concerns about the excessive height of the proposed buildings, 20 storey building would be out of keeping with the Town, new buildings would cause excessive overlooking and loss of privacy and light to existing residents, no room for substantial landscaping to soften the appearance of the new development, lack of an active frontage at ground floor level would provide potential for anti-social behaviour, the driveway proposed for next to our vehicle/pedestrian is extremely dangerous; proposed commercial loading bay would further affect visibility for residents; parking provision is totally inadequate; increase of traffic along Danestrete; what is the level of affordable housing and what percentage is shared ownership and what is for rent?; what is the reason for the amount of commercial floorspace when there is so much vacant floorspace in the Town Centre?; Applicant's representatives previously said they did not plan to have Hot Food outlets which would cause disturbance to residents; what protections will be put in place to protect residents from noise and disturbance during construction?. In summary, the association consider the proposal to be a gross overdevelopment of the site leading to a poor relationship with existing properties.

5.3 The aforementioned is not a verbatim copy of the comments which have been received. A full copy of these comments can be found on the Council's website.

6. CONSULTATIONS

6.1 Hertfordshire County Council Highways

6.1.1 Hertfordshire County Council as Highways Authority raises no objections to the proposals subject to conditions. Subsequent to the outline planning application for the Matalan site, the applicant seeks the following changes to the layout, as noted below:

- Relocating the new vehicular access to the site on Danestrete further south to the site boundary (to be used for site access);

- Creating an additional vehicular access to the site from Danesgate (to be used for site egress);
- A lower parking provision than that envisaged in the Outline Consent; and
- Amending the envisaged servicing and delivery strategy so that it occurs on-street as opposed to within the site. It is noted that the applicant seeks an emergency access into the courtyard area from Danesgate and an egress onto Lytton Way. This is envisaged to be for fire tenders and any other blue light use. These works should be incorporated into the S278 agreement and may take the form of dropped. In terms of its location, very low car parking provision and access to public transport facilities, the development is considered to be consistent with the principles as set out within the Local Transport Plan 4.

6.1.2 The Highways Authority does not consider these changes or the scheme as a whole would prejudice the safety and operation of the highway network.

6.2 Hertfordshire County Council as Waste and Minerals Authority

6.2.1 Although prior extraction may not be feasible in this instance due to the site being located in an already heavily built up area, the County Council encourages the opportunistic use of the deposits of sand and gravel within the developments, if they are found in the creation of the foundations, footings and SuDS.

6.2.2 It is encouraging to see the commitments set out within the Sustainability Statement and the intention to manage waste using a circular approach. The Waste Planning Authority's comments on the outline application (provided on 30 October 2014) stated that a Site Waste Management Plan (SWMP) should be prepared to support the developments, in line with adopted Waste Local Plan Policy 12 Sustainable Design, Construction and Demolition.

6.2.3 The Waste Planning Authority would like to reiterate this point and ask that a SWMP (or similar) be prepared to support the developments. This development will give rise to a very large amount of construction, demolition and excavation (C, D, & E) waste, which will need to be managed appropriately. Given the significant capacity gap for C, D, & E waste in Hertfordshire, it is important that every effort is made to reduce, reuse and recycle as much of this waste as possible.

6.2.4 No objection is raised subject to a condition requiring the submission and approval of a Site Waste Management Plan.

6.3 Hertfordshire County Council as Lead Local Flood Authority

6.3.1 Attenuation storage is to be provided in two detention basins as well as two below ground geocellular tanks. Overall, the proposed drainage strategy is promising, and we are pleased that most attenuation storage is proposed within above-ground SuDS. The LLFA is satisfied with the proposals and recommends conditions to secure the principle of the scheme and the final details.

6.4 Thames water

6.4.1 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

6.5 Environment Agency

6.5.1 Since we commented on the outline permission in 2014 we no longer have a remit for surface water, this having been passed to the Lead Local flood Authority. As such we have no further comments to make in relation to this site.

6.6 Crime Prevention Design Service

6.6.1 Thank you for inviting me to comment on this planning application. I have previously met with the project team to discuss the proposals. I am pleased to say that the intent is to seek full accreditation to the police preferred minimum security standard is the Secured by Design. During our meeting and subsequent emails all my comments were incorporated into the design that has been submitted for the Council's approval. As such I have nothing more to say other than the Police Crime Prevention Design Service fully support this application.

6.7 Herts Fire and Rescue Service

6.7.1 Following some initial concerns the Applicant entered into discussions with the Fire and Rescue Service (FRS). Further information and amendments were submitted by the Applicant and the FRS has confirmed that they are broadly satisfied with the proposals subject to further details at the Building Regulation stage.

6.7.2 The FRS has however raised concerns with regard to electric vehicle charging points (EVCPs) within the covered carpark. However, one of the conditions recommended by the Highway Authority requires the prior submission and approval of the details of the siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs and it is therefore considered that this matter can be addressed at this stage.

6.8 Environmental Health

6.8.1 Following receipt of additional information, I now have no objections to the proposed development and issues around noise can be addressed via the use of Planning Conditions relating to the detailed design stage.

6.9 County Archaeologist

6.9.1 No objections were raised at the Outline stage and conditions were attached to that permission requiring a Written Scheme of Investigation prior to the commencement of development. No further issues are raised at this stage.

6.10 Arboriculture and Conservation Manager

6.10.1 I am in agreement with the Arb Report and would not object to any of the tree removal on the basis that none of them are of a particularly great merit. Contrarily, the majority of the trees are, in my view, of a less than average condition and providing that they are appropriately replaced, I would not object to their removal.

6.11 Natural England

6.11.1 No Objection - Provided standing advice.

6.12 Herts and Middlesex Wildlife Trust

6.12.1 I have had a look at the information and am happy with the ecological report and its recommendations. These should be secured by a suitably worded condition. Part of the

condition should require a plan of the location of all the integrated bat and bird boxes, together with the make and model of the boxes (before commencement). This is important because they will need to be incorporated into the brickwork, so their location needs to be planned. They can't be retro fitted. The Swift boxes should go as high on the building as possible.

7. RELEVANT PLANNING POLICIES

Background to the Development Plan

7.1.1 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)

7.2 Central Government Advice

7.2.1 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. At the time the revised NPPF was published, the Stevenage Local Plan was subject to a Holding Direction by the Secretary of State following an Examination in Public in 2017. On 25 March 2019 the Secretary of State withdrew the Holding Direction on the understanding that the Council would adopt it as part of the Development Plan. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan be considered up to date for the purpose of determining planning applications.

7.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

7.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

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

Policy SP1: Presumption in favour of sustainable development;

Policy SP2: Sustainable Development in Stevenage;

Policy SP4: A vital Town Centre

Policy SP6: Sustainable Transport

Policy SP7: High quality homes

Policy SP8: Good design

Policy SP11; Climate change, flooding and pollution

Policy SP13: The historic environment

Policy TC1: Town Centre

Policy TC2: Southgate Park Major Opportunity Area
Policy TC5: Central core Major Opportunity Area
Policy IT3: Infrastructure
Policy IT4: Transport assessments and travel plans
Policy IT5: Parking and Access;
Policy IT6: Sustainable transport
Policy IT7: New and improved links for pedestrians and cyclists
Policy HO9: Housing types and sizes
Policy HO11: Accessible and adaptable housing
Policy GD1: High quality design
Policy FP1: Climate change
Policy FP2: Flood risk in Zone 1
Policy FP5: Contaminated land
Policy FP7: Pollution
Policy FP8: Pollution sensitive uses
Policy NH5: Trees and woodland
Policy NH7: Open space standards

Supplementary Planning Documents

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

Community Infrastructure Levy Charging Schedule

- 7.3.1 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. However, as outline planning permission was granted prior to the adoption of CIL this development is not CIL liable, rather infrastructure contributions would be collected as agreed in the s106 attached to the outline permission.

The application was supported by the following:

- Planning Statement
- Design & Access Statement (DAS)
- Landscaping Strategy (included within DAS)
- Ecological Impact Assessment
- Arboricultural Impact Assessment
- Flood Risk Assessment and Surface Water Drainage Strategy
- Daylight & Sunlight Report
- Noise and Vibration Report
- Air Quality Assessment
- Energy Strategy Report
- Thermal Comfort Report
- Sustainability Statement & BREEAM Pre-assessment
- Wind Microclimate Assessment
- Transport Statement
- Framework Travel Plan (included within Transport Statement)

8. APPRAISAL

- 8.1 The principle of the residential land use and the quantum of development to provide up to 526 dwellings, along with some commercial uses on the site have been established with the grant of outline planning permission which also considered the impact of the loss of the retail use of the site. The main issues for consideration now are the impact upon the

character and appearance of the area; whether the design of the development is of high quality in accordance with policy; the effect of the proposed development of the amenities of existing neighbours; whether the development would provide an acceptable living environment for future residents; the impact of the development on the highway network; parking provision; flood risk, trees and landscaping/open space, ecology, sustainable construction and climate change.

8.2 Land use policy considerations

Compliance with the Council's Housing Policies

8.2.1 The application site is located within the Southgate Park Major Opportunity Area. Within this area Policy TC2 states that permission will be granted for high density residential units, new multi storey or basement car parking with landmark buildings in prominent locations, with the widening of Danesgate along its length from Lytton Way to Danestrete and the corner of Danestrete eased to allow buses to negotiate the corner more easily. It is considered that the application proposal meets the requirements of this policy.

Compliance with the Council's Retail Policies

8.2.2 Policy TC8: Town Centre Shopping Area of the adopted Local Plan (2019) sets out that in the Town Centre Shopping Area (TCSA), uses which are appropriate will be permitted at ground floor level, including Use Classes A1, A2, A3, A3, C1, D1 and/or D2. The policy provides that uses other than A1 will be granted in respect of premises which are not within a primary retail frontage, where the benefits to the overall vitality and viability of the town centre would equal or outweigh those that would be provided by an A1 or A2 use in the equivalent location. This will be considered having regard to whether:

- The proposal will retain an active frontage;
- The proposal will generate footfall equivalent to, or greater than, an A1 or A2 use in the equivalent location; and
- The unit has been unsuccessfully marketed for A1 or A2 use, or has remained vacant for at least six months.

8.2.3 The commercial floorspace has been designed to activate the ground floor at key points attracting footfall to the area. The Applicant is intending to retain the site as a long term asset holder and would manage the development in the longer term. The Outline permission allows for a number of commercial uses such as retail, office, food and drink, including hot food takeaway, under recent changes to the Use Classes Order, Class E (commercial, business and Service) provides for a wide variety of potential uses and the ability to move between the uses without the need for further planning permission. While the Applicant has stated that it is not their intention to install a hot food take away use they require the flexibility to ensure the best chance of the units being occupied.

8.3 Impact upon the Character and appearance of the Area

8.3.1 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development functions well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that development should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.

- 8.3.2 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions”.
- 8.3.3 The National Design Guide (2019), which was published by National Government, is a material consideration in the determination of planning applications. It sets out that buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include: the context for places and buildings; hard and soft landscape; technical infrastructure – transport, utilities, services such as drainage; and social infrastructure – social, commercial, leisure uses and activities.
- 8.3.4 A well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including: the layout; the form and scale of buildings; their appearance; landscape; materials and their detailing.
- 8.3.5 In terms of design policies in the adopted Local Plan (2019), Policy SP8 requires new development to achieve the highest standards of design and sustainability.

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

Policy GD1 Criteria

a. Respects and makes a positive contribution to its location and surrounds

- 8.3.6 The development has been designed to create a clear perimeter block to ensure well defined and legible streets with a new landmark building to announce arrival to Stevenage. It would include a mixture of taller and shorter buildings to soften the building volume and minimise impact on the local townscape. There would be the provision of varied green spaces including secure gardens close to homes and improved public realm on surrounding streets. The scheme provides an opportunity to deliver distinctive architecture that builds on the New Town heritage of Stevenage. The design principles have been formulated to place the importance of generous courtyards and a well-considered public realm at the heart of the proposals.

b. Improves the overall ease of movement within an area for all users

- 8.3.7 Pedestrian access into the Site would be available from multiple sides, with entrances to the western courtyard located on Danesgate from the north and Lytton Way from the south west, and entrances to the eastern courtyard on Danesgate from the north and Danestrete from the east. Residential cores would be accessible directly from the landscaped courtyards.
- 8.3.8 The proposals would result in footways on both sides of Danestrete being widened and made either at grade or near to the grade of the carriageway and on Danesgate the setting back of the building line further south of the existing site boundary would create a significant amount of additional footway width.
- 8.3.9 The existing cycle lane, which dissects the Matalan Site and Danesgate Long Stay Car Park would be diverted along the site’s western boundary to connect with the route further

north across Danesgate. The diverted cycle lane would be subject to significant improvements in terms of quality and materials. Adjacent to the cycle lane, an improved footway would be provided with active frontages to the proposed development on its eastern edge.

8.3.10 To the south of Danestrete, the existing roundabout would be removed and the carriageway straightened along its existing alignment. As part of these works the existing vehicular access to Pinetree Court would be improved and extended out to meet the new road alignment. These amendments are considered to result in significant improvements to highway safety, given the existing proximity of the Pinetree Court access to the roundabout.

c. Creates a safe environment that designs out crime

8.3.11 The Applicant engaged with the Hertfordshire Police Crime Prevention Design Service during the design evolution and prior to the submission of the application. The Design Officer has confirmed that all his comments have been incorporated into the scheme as proposed and he is fully supportive of the proposals.

d. Creates, enhances, or improves access to, areas of public open space, green infrastructure, biodiversity and other public realm assets

8.3.12 The development would create a substantial increase in planting and landscaping as part of the proposals. These would consist of a diverse selection of species chosen to provide colour and interest throughout the year. The new courtyards would be of a substantial scale and include two generous lawns. The courtyards would be supplemented with improved amenity and biodiversity on building roofs.

8.3.13 The proposals would be transformative for local ecology. As well as additional planting, specific habitat creation measures would be incorporated with enhanced with invertebrate features, including sand piles, log piles, rubble piles and water trays. Additionally, swift, sparrow and bat boxes would be integrated into the fabric of the new buildings.

e. Does not lead to an adverse impact on the amenity of future occupiers, neighbouring uses or the surrounding area

8.3.14 The massing approach allows for large shared planted courtyards at ground level with parking accommodated within the building footprint. The scale of these courtyards also has a benefit at upper levels as it ensures a greater distance between homes providing more privacy to residents. A key part of the design development was to create a balance between the height of the taller and lower buildings, not just to ensure the delivery of the 526 dwellings granted in the Outline permission, but also to relate well to the surrounding development including the proposed SG1 scheme where a series of comparable courtyard blocks of similar height and length are proposed along Danestrete. A decision has been made to focus lower buildings along the southern edge of the site. Here buildings would have a maximum height of seven storeys to respect the adjoining Pinetree Court, the nearest neighbour. In response to this relationship, the buildings would be arranged as a series of smaller buildings rather than as a continuous frontage,

f. Complies with the separation distances for dwellings set out in this plan

8.3.15 In assessing the impact on neighbouring amenity, the Council's Design Guide sets out standards which should be met to safeguard the privacy and outlook of adjoining properties from new developments. In this regard, when assessing developments over 2 storeys in height, the recommended separation distances are 30m for a back to back relationship or 20m for a back to side relationship. There are no standards relating to front to front, front to rear or front to side relationships. Separation distances between new dwellings would vary between 26m and 50m. It is not uncommon in urban environments and town centres such

as this to have reduced separation distances where densities are much higher. For example in Park Place, the separation distance between properties is approximately 12m. The properties in Eastgate and The Quadrant as well as Market Place have a separation distance between them of 12.5m. Similar separations between dwellings to those proposed in the Matalan scheme are proposed at the SG1 Development. Therefore, it is considered that the overall level of separation would be acceptable, especially given the context of the development site.

g. Minimises the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation

8.3.16 The proposed development would be located in the Town Centre where light levels are already high. A condition is recommended requiring further details of external lighting including access roads, footpaths and footways proposed to be submitted to and approved by the Local Planning Authority before the development is occupied. This would ensure that the development does not prejudice the amenities of adjoining occupiers, the visual amenities of the area and to protect foraging bats.

h. incorporates high quality boundary treatments when located on the street frontage

8.3.17 Breaks in between the buildings would allow for views into the courtyards from the street. The proposed planting scheme would be defined by signature trees on prominent corners and entrances to the courtyards. Street trees would be mid-sized species with distinctive colour, flora and leaf shape to add character to the streets surrounding the blocks. Courtyards would be gated to provide privacy for residents and make the spaces useable without pedestrian cut through.

i. Complies with other relevant policies and has regard to guidance which may influence site layout and design, including (but not necessarily limited to): (i) Requirements relating to active frontages in Policy EC5; (ii) The parking and access standards in Policy IT5 and the Parking Provision SPD; (iii) Site-specific considerations identified in Policies HO1, HO2, HO3 and HO4; (iv) Housing mix requirements in Policies HO8, HO9 and H10; (v) Accessibility requirements in Policy HO11; (vi) SuDs and flood risk considerations in policies FP1 and FP2; (vii) Open space standards in Policy NH7; and (viii) Conservation area guidance in Policy NH10

8.3.18 The proposed development meets the objectives of the above mentioned policies and compliance is discussed throughout this report.

j. Meets the nationally described space standards

8.3.19 55% one-bedroom homes and 45% two-bedroom homes are proposed. Two-bedroom homes would be a mix of 3 and 4 person dwellings to provide flexibility for families at different life stages. All homes meet or exceed the Nationally Described Space Standards which range from 50sqm for a one bedroom flat to 70sqm for a 2 bedroom, 4 person flat.

k. Makes adequate provision for the collection of waste

8.3.20 Waste would be separated at source into recyclable, non-recyclable and food waste. Residents would be responsible for transferring waste from their homes to consolidated waste storage rooms at ground level adjacent to each core. The Waste storage rooms have been design to accommodate a full week's volume of residential waste. This would be collected by SBC from the loading bays located on the highway as part of the overall servicing strategy of the site.

l. Has regard to the Stevenage Design Guide Supplementary Planning Document and any other appropriate guidance.

Design of the development

- 8.3.21 The Council's Design Guide SPD (2009) sets out that a high quality environment is essential for providing a good quality of life for residents. A well-designed and managed space not only provides a visually attractive environment, but can also help to ensure that a place is easy to move around and within, is safe and secure, and is useful for all members of the community.
- 8.3.22 The proposed flats would be laid out in six urban blocks distributed across the site and framing two courtyard gardens. The height and modulation of the individual buildings has been determined by consideration of adjacent buildings and features. The design and appearance of the proposed blocks has been influenced by the geometric pattern and bold use of colours which are the hallmark of the art and design that proliferated during the time of Stevenage's New Town's conception.
- 8.3.23 The tallest building proposed would be a 20 storey tower which would be located on the corner of the site fronting Lytton Way. The height of the tower relates to buildings proposed in the SG1 scheme opposite, which includes a 19 storey building. This is also the furthest point from existing residents at Pinetree Court. In line with the Outline permission the building line is set back by approximately 4m from the southern boundary with Pinetree Court to reduce overlooking and to protect daylight and sunlight impacts.
- 8.3.24 The varied height of blocks and within blocks is ordered according to their immediate neighbours and according to the composition as a whole. In this way, the scale relationships create a visual harmony between the proposed development and the urban fabric of the town centre. This is reflected in the form, massing and lively silhouette. Proportion is introduced into the elevations by the arrangement of the fenestration and placement of balconies. This also creates a harmonious appearance and would ultimately visually enhance the urban landscape of the town centre.
- 8.3.25 With regard to the proposed external appearance of the building, it would be constructed in contrasting facing brickwork with the use of different coloured and, occasionally, patterned brickwork giving the appearance of tradition and substance. Elevations would have fairly uniformly arranged window openings with darker bases and pronounced concrete coping. All elevations would be striped except for the gables which would be plain and mid tone, mediating between the darker street and lighter courtyard elevations.
- 8.3.26 The proposal would provide new open spaces with designed landscapes that would enhance biodiversity. The two courtyards would provide areas of 540sqm and 865sqm of playspace space respectively. Roof terraces would also include grow gardens providing opportunities for residents to grow food and help develop a sense of community.
- 8.3.27 Overall it is considered that the proposed development would make a positive contribution to its location and surrounding area, and would establish a new community with a distinctive and positive identity.

Design Review Panel

- 8.3.28 As part of their Pre application process the Applicant entered into a review process with The Design Council to better inform their design development. This involved the Applicant's Project Team meeting with The Design Council and SBC Officers to put forward their proposals and, following extensive discussions, including a site visit and two meetings. The Panel concluded that:-

“Whilst there remain aspects of the scheme that we believe could be improved, it is our view that ultimately the scheme is of good quality and will set a critical benchmark for the emerging regeneration of Stevenage. In particular, the architectural language is of a high standard and in balance, the massing, including the taller building, is appropriate to the area. It is our view that this proposal would be an asset to Stevenage town centre. We believe the Guinness Partnership has ambitions to deliver a distinctive place that supports a good quality of life for residents and contributes to the wider development of Stevenage town centre. Similarly, the design team led by Maccreanor Lavington are very skilled, and alongside the Guinness Partnership can continue to develop the proposal to a high standard. Subsequently we are supportive of the Matalan Site planning application”.

Summary

- 8.3.29 This scheme would revitalise this under-utilised urban site which is dominated by surface parking. The introduction of high quality architecture, new landscaped open space, with ground floor commercial uses alongside much needed housing would help transform this part of Stevenage. The development would have a number of synergies with neighbouring sites, including the new bus interchange and neighbouring SG1 redevelopment. The proposal would make efficient and imaginative use of the site and provide for a tenure blind community in a distinctive new neighbourhood.
- 8.3.30 In summary, the Applicant has actively worked with officers and The Design Council in order to enhance the overall design. It is considered that the design as proposed would deliver high quality, well-designed architecture which would enhance the wider regeneration of the town centre and deliver townscape and visual enhancements of the existing site and the wider area.
- 8.3.31 The proposal therefore delivers on the policy objectives outlined in the Local Plan along with the requirements of the National Design Guide, the Framework and associated Planning Practice Guidance.

8.4 Impact upon the Character and appearance of the Conservation Area

- 8.4.1 The *Planning (Listed Buildings and Conservation Areas) Act 1990* incorporates several ‘statutory duties’ for decision-makers, all of which are applicable to the proposed development. Section 16(2) of the Act stipulates that when considering whether to grant listed building consent for any works special regard must be had to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.
- 8.4.2 Paragraphs 193 to 196 of the NPPF (2019) have to be considered in the determination of this planning application. As established through case law, if there is any harm to designated heritage assets, great weight has to be given as to the impact the development may have on these assets.
- 8.4.3 Policy SP13 of the Adopted Local Plan relates to the historic environment. This states that the council will preserve and enhance the most important area and characteristics of Stevenage. The policy goes on to state that the Council will:-
- a. Have carried out Heritage Impact Assessments for development sites within, or adjacent to, conservation areas. Site specific mitigation measures have been incorporated to minimise the impacts of development.
 - b. Will use national guidance and legislation to review, designate and determine planning applications affecting heritage assets.

c. Will protect areas of archaeological importance and other relevant heritage assets by applying the detailed policies set in this plan.

8.4.4 Policy NH10 Conservation Areas states those development proposals within, or affecting a conservation area should have regard to the guidance provided by the relevant Conservation Area Management Plan Supplementary Planning Document. In terms of site specific policy, Policy TC2 stipulates that a heritage assessment and design work to preserve and enhance the significance of the Town Square Conservation Area and the contribution made by its setting has to be considered as part of the scheme's design. This requirement is also reflected in Policy TC5. This policy under criterion IV also sets out that all development proposals should continue the preservation and enhancement of the Town Square Conservation Area.

The Town Square Conservation Area

8.4.5 The Conservation Areas was originally designated in 1988. The boundary of this was extended in 2010 following a review and is drawn tightly around the properties that enclose Queensway. This is the main north-south spine which runs through the retail area. It also includes Market Place which extends east from Queensway and there are also the properties on the northern and south side of Town Square which form its enclosure. The review considered that the Conservation Area boundary should only be focused on the whole of Phase 1 pedestrianised area of the New Town. The justification for not expanding the conservation area boundary beyond its current limit was because it was agreed by the Council at the time that it would not be beneficial or appropriate for the future of the town centre and would include newer developments such as the Matalan site, The Plaza, The Forum and the West Gate shopping centre. None of these were part of the original town centre masterplan and none are of significant architectural or historic interest to warrant inclusion in the conservation area.

8.4.6 The Conservation Area also includes the Clock Tower and surrounding pool and the Joy Ride sculpture both of which are Grade II listed. Given this, the proposed development could potentially have an impact on the setting of the Town Square Conservation as well indirectly impact on the setting of the Joy Ride sculpture and Clock Tower.

Contributions of the application site (Conservation Area and Listed Buildings)

8.4.7 The application site is located approximately 50m west of the Town Square Conservation Area. The Listed structures are located approximately 100m to the north east of the application site boundary. The sculpture can only be experienced from within the Town Square, while the top of the Clock Tower can be seen in views from Danesgate, albeit largely obscured by existing built form on Danestrete. The application site is therefore considered to make a neutral contribution to the setting and significance of the two listed structures and the proposed development would not result in harm to their setting.

8.4.8 The application site is already somewhat restricted from view from within the Conservation Area. The proposed development would be seen from the edge of the Town Square. However, the proposed SG1 scheme would obscure this view to a large extent with only the top floors of the proposed Landmark tower visible from the Conservation Areas.

Summary

8.4.9 In summary, it is not considered that the proposed development would cause harm to the setting of the Town Square Conservation Area nor the Grade II listed Joy Ride Sculpture and Clock Tower. The proposal would deliver a number of significant public benefits. These public benefits include the removal of the existing development of the retail store and its car park, which is considered to have a negative impact on the setting of the conservation area, and its replacement with much needed housing in an attractively designed development

which would complement the wider town centre regeneration proposals. It would also improve cycle and pedestrian routes which build on the original ethos of the “pedestrianised” streets of the original town centre.

8.5 Affordable housing and Section 106 Financial Obligations

- 8.5.1 Policy HO7 of the adopted Local Plan (2019) which governs affordable housing, stipulates that planning permission will be granted for residential development which would maximise affordable housing provision. There is a requirement to provide 25% of new homes to be affordable.
- 8.5.2 In the submission of the Outline planning application the then applicant provided a detailed financial viability assessment which demonstrated that the proposal would not be viable if the full requirement for on-site affordable housing were to be sought. That appraisal was independently assessed by the Council’s own viability consultant who concurred with that view. In this instance, the viability appraisal indicated that a reduced provision of only 24 social rented units could be provided (4.6%) and this was negotiated with the applicant and secured by way of a S106 legal agreement. That approach was in accordance with the NPPF as it had been clearly demonstrated that the scheme would not be viable with the usual full requirement of affordable housing provision.
- 8.5.3 The current Applicant, as a Registered Social Housing Provider, is committed to the provision of high quality affordable homes and is exploring the possibility of substantially increasing that provision. At this stage, they have indicated that that number could increase to 50% of the proposed dwellings to include both affordable rent and shared ownership, although it would not be possible to insist on this as part of the current application. The remaining 50% of dwellings would be for the open market.
- 8.5.4 In addition to affordable housing, financial contributions were also required in accordance with the Hertfordshire County Council tool kit and contributions to Stevenage Borough Council for the maintenance of the Public Realm (although the precise figure is yet to be agreed) and the provision of the Primary School within the development site. The previous applicant under the Outline planning application had agreed to provide contributions toward Primary and Nursery Education, Childcare and Library facilities. They had also agreed to provide contributions to SBC toward improvements to outdoor open space and children’s play provision which would be calculated on the mix of residential units. These were secured by way of a S106 legal agreement.

8.6 Impact on Amenity

Impact on the amenities of existing neighbours

- 8.6.1 The scheme has been designed so as to locate the tallest building in the North West corner of the site along Lytton Way to ensure overshadowing to existing and new residents is limited. Distances between buildings and breaks between buildings would ensure that new dwellings would receive adequate daylight and sunlight and overshadowing would be limited. Daylighting assessments have informed the design of the layout of homes and window openings. Accordingly, no likely significant effects are considered to arise in terms of sunlight, daylight and overshadowing.

Amenities of future residents

- 8.6.1 All apartment layouts meet national standards and their shared circulation spaces are appropriate. The two bedrooms dwellings would offer flexibility with a number of different internal layouts. Private external amenity, by way of balconies and shared amenity is clearly defined through an animated landscape scheme. A significant number of the dwellings would have access to private balconies. Those on the upper levels of the tower, where

projecting balconies are not considered suitable would have full height glazing and wide ranging views of the surrounding countryside. The roof terrace on the top level of the tower would provide communal amenity space to capitalise on these views. Operational and service facilities are generous and well placed so as not to compromise the potential for social interaction and inclusion.

- 8.6.2 The central space allows the occupants to meet each other and the smaller spaces allow for more intense social interaction. These, and the whole site, are defined by rich landscape, which would improve air quality as well as a softening of the built form.
- 8.6.3 The development is ideally placed to be accessible to public transport and other town centre facilities, in walking distance. The existing cycle track also adds to accessibility. The development would be recognisable through its form and place making, defined by the buildings as a memorable grouping and sense of place.

Daylight and sunlight

- 8.6.4 The application is accompanied by a Daylight and Sunlight Report which assessed the daylight and sunlight impacts of the scheme in line with BRE guidelines and Local Plan Policy GD1. It includes consideration of individual rooms in the adjoining Pinetree Court which face the new development. The application site currently has a low rise retail store and undeveloped open car park and as such, the neighbouring property currently enjoys an open outlook which is unusual for an urban location. A number of the surrounding windows are self-constrained by balconies / building design and this causes an increased sensitivity. The results of the daylight technical analysis for Pine Tree Court have shown deviations from the BRE targets; however the majority of windows indicate levels in line with those expected within an urban location. Daylight design has been considered to minimise the adverse impacts upon this neighbouring property and this is shown by the massing stepping down as a response. There are isolated incidences below the alternative targets; however these are primarily driven by other factors such as limited outlook or overhanging balconies. Further technical analysis including the SG1 development has been considered and the results indicate little material change.
- 8.6.5 The results of the sunlight analysis to neighbouring properties have shown full compliance with the BRE guidance. In addition, analysis considering the daylight and sunlight potential within the SG1 Scheme have shown high levels of daylight potential to the upper levels and sunlight potential overall. The results do show that the lower levels show lower daylight potential; however the retained levels remain broadly in line with the levels expected for an urban location. Whilst there are areas of constraint, these should be considered flexibly given the wider regeneration of the site.
- 8.6.7 The assessment of sunlight (overshadowing) within the proposed areas of shared amenity space have shown that 5 of 6 areas would experience compliant sunlight levels. The remaining area shows levels just below the suggested targets. Given the minor nature of the deviation, together with the overall areas indicating sunlight levels in line with the BRE targets, the results are considered acceptable. The assessment of daylight within the proposed apartments has shown that the vast majority of rooms receive good levels in excess of the relevant BRE targets. The results of the sunlight assessment have shown that 37% (34% with the SG1 scheme in place) of main living rooms achieve APSH levels in line with the targets. The remaining rooms are primarily north, west, and east facing, with a number of windows overhung by balconies. Overall the analysis shows that the impacts and retained levels are consistent with the guidance in an urban context such as the application site.

Noise impact on existing and future residents

- 8.6.8 With respect to noise, Policy FP8: Pollution Sensitive Uses stipulates that planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed pollution generating uses. Taking this policy into consideration, it is appreciated the application site does sit within a town centre environment so there is already a significant amount of background noise generated by traffic, plant and equipment, pedestrians and residents as well as the operation of existing businesses. As such, these noise sources could have an impact on the future amenities of the future residents of the development as well.
- 8.6.9 An environmental noise and vibration survey was carried out at the site by the Applicant prior to the submission of this application. It concluded that when considering the good acoustic design process that has been followed and demonstrated within the report, along with the pre-existing ambient noise levels which present a medium risk of adverse noise effects at the site, it is considered that the noise environment for the Proposed Development would be within acceptable levels. Additionally vibration effects due to the Proposed Development are not expected.
- 8.6.10 Dealing first with the impact of noise from the development, specifically construction, a condition was imposed to the Outline Planning Permission (Condition 10) restricting the hours in which noisy activities can take place. The imposition of such condition is supported by the Council's Environmental Health Section. With this condition in place, it ensures the protection of the amenities of existing nearby residents and business operators from unacceptable noise levels outside of the hours specified in the condition.
- 8.6.11 Additional conditions are recommended now to deal with noise mitigation measures, delivery and servicing of the development as well as sound attenuation works and limits on the hours of operation of the proposed Sui Generis (formerly A4 & A5 uses). With these conditions imposed, it would ensure that the amenities of future residents of the proposed development as well as existing adjoining residents would be protected.

Thermal comfort

- 8.6.12 The application includes an assessment of the risk of overheating of the residential spaces. Several sample dwellings were assessed against the overheating criteria set out within the CIBSE's Technical Memorandum (TM) 59 Design methodology for the assessment of overheating risk in homes (2017) guidance. The results of the analysis of the Proposed Development indicate that the assessed dwellings meet the relevant requirements for all occupied bedrooms, kitchen and living rooms as well as commercial units and community areas.

8.7 Means of access and highway safety

- 8.7.1 The proposed highways works in Danestrete have been designed in relation to the proposals for SG1 and the relocated Bus Station. The carriageway width would be reduced to enable a more generous footway on the western side. The proposals would result in footways on both sides of Danestrete to be widened and made either at grade or near to the grade as the carriageway. This would enable proposed parking and loading bays to be provided at grade allowing them to be used by pedestrians when not in use whilst also giving pedestrians greater priority alongside a low speed limit restriction.
- 8.7.2 The existing roundabout on Danestrete would be removed, and the carriageway straightened along its existing alignment. As part of these works, the existing vehicular access to Pinetree Court would be improved and extended out to meet the new road alignment.

Pedestrian crossing

- 8.7.3 Condition 22 of the Outline Consent required the applicant to submit details in relation to a new pedestrian crossing along Danestrete. To facilitate improved pedestrian and cyclists crossing and, in recognition of the changes proposed as a result of the SG1 redevelopment and new Bus Station which will result in significant changes to the public realm around Danestrete, the Applicant is proposing a raised surface on the corner of Danestrete and Danesgate to increase connectivity and permeability between the site and the Town Centre. This would be subject to detailed design with the intention of providing shared pedestrian and cyclist priority.
- 8.7.4 To complement the proposals for Danestrete the Applicant is proposing a similar treatment to Danesgate, reducing the carriageway width, and providing improved facilities for parking and loading. At the western end of Danesgate the proposals look to tie into those already consented as part of the Bus Station application with the proposed building line set back to provide increased footway width and improve the pedestrian experience.
- 8.7.5 On Lytton Way, the existing cycle lane, which currently shares the central private car park adjacent to the application site, would be diverted and upgraded along the site boundary to connect with the route further north across Danesgate. Adjacent to the cycle lane, an improved footway will be provided with active frontages to the proposed development on its eastern edge.

Servicing and Deliveries

- 8.7.6 On-street loading bays are proposed to facilitate the servicing, deliveries, and waste collection of the development, one on Danestrete and two on Danesgate.

Summary

- 8.7.7 The detailed proposals include a range of improvements to the local highway network and would result in additional benefits to the local transport networks, particularly for pedestrians and cyclists, over and above the improvements originally envisaged in the Outline Consent. Co-ordination with the proposals for SG1 and the Bus station would deliver public realm improvements on both sides of Danestrete and significant additional footway width on Danesgate alongside the net reduction of vehicle accesses into the site from Danesgate.
- 8.7.8 The proposed development of the Site would support a sustainable pattern of development. The improved accessibility and connectivity of the Site would ensure development in this location could make a positive contribution to sustainable living. The reduction of car parking within the current application relative to the Outline Permission would further assist in promoting environmentally friendly behavioural change in line with the Council's recent climate emergency declaration.
- 8.7.9 In addition to the above, the Highway Authority consider that the proposed development in terms of access and associated highway works, would not prejudice the safety and operation of the highway network and would help to facilitate modal shift.

8.8 Parking Provision

- 8.8.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. When the Council originally determined the outline application this application was determined against the Car Parking Standards SPD (2012). However, in October 2020, the 2012 standards had been superseded by the Council adopted the Car Parking Standards SPD (2020).

8.8.2 The new standards introduced new requirements for flatted developments as well as an amendment to the residential accessibility zones. Where a site falls within a particular accessibility zone, the standard allowed for a reduction in the maximum number of parking spaces required to serve the development. The table below shows the differences between the previous 2012 standards against the recently adopted 2020 standards.

Parking Standards SPD 2012		Parking Standards SPD 2020	
Maximum Parking Requirement	699 spaces	Maximum Parking Requirement	646 spaces
Accessibility Zone 1 – 25% to 50%	175-350 spaces	Town Centre Accessibility zone – 0% to 25%	0 to 162 spaces
Planning Permission 14/00559/OPM		Proposed Development	
Spaces Proposed	109 spaces	Spaces Proposed	52 spaces

8.8.3 The Outline permission agreed to the loss of the parking serving the existing Matalan store as well as the spaces provided in both of the Council’s car parks. Whilst the car parking spaces for the retail unit would no longer be required, it was agreed that the loss of the spaces in the two Council owned car parks would be absorbed in the St Georges Multi Storey Car Park which was considered capable of offering enough spaces to cope with the displaced spaces from the two Council owned car parks.

8.8.4 With regard to the parking to serve the new development, a total of 109 spaces were proposed. Whilst that was a shortfall of 64 spaces on the standards applied at the time, given the central location and the fact the site is highly accessible in relation to the town's bus and rail stations which are within close walking distance, the parking proposed within the development was considered to be acceptable.

8.8.5 The current application proposes a lower parking provision than that envisaged in the Outline Consent. 52 parking spaces are proposed within the site. These would be provided across a single covered car park at street level and in the centre of the plan which would be accessed from Danestrete from the south with egress onto Danesgate to the north. A further six parking spaces are proposed within the amended highway layout on Danestrete and Danesgate which would be part of the highway and therefore their use will be at the discretion of SBC. The Applicant is proposing the car parking at ground floor level with a gated fob key entry system. The car parking spaces would be provided to residents of the development under a ‘right to park’ basis. This sees spaces effectively leased to residents, therefore ensuring that there is long term flexibility in the operation and management of the spaces.

8.8.6 It is considered that the now proposed parking provision, having regard to the very accessible location, within close proximity to public transport, shopping and leisure facilities, is acceptable and would comply with the Parking SPD. This location, as well as access to a car through the proposed Car Club, would encourage a sustainable lifestyle not reliant on a private car. Furthermore, with the reduced level of parking proposed, the level of traffic generation from that previously determined at the outline stage would be reduced having a

positive impact on the highway network. This is supported by Hertfordshire County Council as Highways Authority.

Cycle parking

8.8.7 The Council's Parking Standards (2020) stipulates the following requirements for cycle parking:-

- 1 space per 1-bed unit;
- 2 spaces per 2-bed unit;

8.8.8 Each of the six residential blocks would be provided with a secure cycle store for the residents of that block. A total of 765 secure long stay cycle parking spaces are provided across the site in long stay/resident cycle storage areas. This would accord with the requirement in the adopted SPD. Visitor cycle parking would be provided within the public realm. A total of 40 spaces for non-residents / visitors would be available across the site in the following locations:

- 7 x Sheffield Stands (equating to 14 cycle parking spaces) would be provided within the eastern courtyard;
- 11 x Sheffield Stands (equating to 22 cycle parking spaces) would be provided within the western courtyard;
- 7 x Sheffield Stands (equating to 14 cycle parking spaces) would be provided within the adopted highway public realm on Danestrete which would be slightly in excess of the standard set in the SPD which would require 13.5 spaces.

Windows are proposed into the cycle stores from the street and the Courtyard to make the spaces pleasant and naturally lit and to bring a level of residential activity to the frontages.

Electric Vehicle Charging

8.8.9 The adopted Parking Standards SPD (2020) stipulates that for all new development, car parking should be designed to fulfil a Passive Electrical Vehicle (EV) Charging Point standard. This means the underlying infrastructure is provided for connection to the electricity network but will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases. In addition, a minimum of 20% of new parking on the site should have access to an active EV charging point.

8.8.10 The requirement to provide electric vehicle charging was introduced by Hertfordshire County Council under Local Transport Plan 4 (LTP 4) which was published in 2019 and more recently been formally adopted by the Council in the Car Parking SPD (2020). Turning to the original 2016 permission, this was determined by the Council before the aforementioned were published. As such, there was no requirement to provide electric vehicle charging provision at the time. The Herts Fire and Rescue Service have raised some concerns about the location of EV charging points in the covered car park. As such, a condition is therefore, recommended requiring the details of these EVCPs and their siting be provided before occupation.

Disabled Parking

8.8.11 In accordance with adopted SPD, 5% of the total number of car parking spaces would be provided for Blue Badge Holders (3 spaces).

8.8.12 In summary, the proposed development would have sufficient off-street parking, cycle parking, disabled parking and electric vehicle charging facilities. Therefore, the proposal would accord with the policies set out in the adopted Local Plan (2019), the Council's Car Parking Standards SPD (2020), the NPPF (2019) and PPG (2014).

8.9 Impact on the Environment

8.9.1 Policy FP5 of the Local Plan (2019) specifies that planning permission will be granted for development on brownfield sites if an appropriate Preliminary Risk Assessment (PRA) is submitted which demonstrates that any necessary remediation and subsequent development poses no risk to the population, environment and ground water bodies.

Groundwater

8.9.2 The site lies outside of the Groundwater Source Protection Zone (SPZs) for drinking water. Therefore, the proposed development during its construction phase would be unlikely to have a detrimental impact on the designated SPZs.

Air quality and air pollution

8.9.3 Policy FP7 of the adopted Local Plan (2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Looking at air quality and air pollution specifically, the development is not located within or in close proximity to an Air Quality Management Area (AQMA). In terms of the impact of the development on air quality, the air quality assessment undertaken by the Applicant's consultant focuses on both the demolition/construction phase and operational phase of the development. Dealing with the construction phase, it is noted that there would be activities which will affect local air quality. These include dust emissions and exhaust emissions from plant, machinery and construction traffic.

8.9.4 The Air Quality Assessment in terms of the construction phase has shown that for the proposed development, limited releases of dust and particulate matter are likely to be generated from on-site activities. However, through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases may be effectively mitigated and the resultant impacts are considered to be negligible. A condition is recommended to control any emissions.

8.9.5 There is no significant traffic associated with the proposed development, therefore the impact of existing traffic has been considered with respect to the suitability of the site for residential use only. It is concluded that air quality does not pose a constraint to the redevelopment of the Site as proposed, either during construction or once operational.

Environmental Wind

8.9.6 The application was accompanied by a Pedestrian Level Wind Microclimate Assessment. The proposed development was assessed with the proposed landscaping scheme in place in order to present the most accurate wind conditions. With the Proposed Development introduced, wind conditions at ground level would range from suitable for sitting to strolling use during the windiest season with isolated instances of walking use wind conditions at the roof level of Blocks C and E. As such, all accessible areas on-Site and off-Site would have suitable wind conditions for the intended use.

8.9.7 In the summer season, wind conditions would range from suitable for sitting use to suitable for strolling use with more areas around the Proposed Development experiencing sitting use wind conditions. Strolling use wind conditions would occur at the roof levels of Blocks C, E and F, however, roof terrace amenity space on Blocks B, C, D and E would have suitable wind conditions for the intended use. Consequently, all accessible areas of the

Proposed Development and surrounding area would also have suitable wind conditions during the summer season.

8.9.8 Initial analysis demonstrated that some proposed balconies would have unsuitable and potentially unsafe wind conditions. Subsequently, these balconies have been removed from the design. As such all balcony locations around the Proposed Development would also have suitable and safe wind conditions for the intended use and would not require mitigation measures.

8.9.9 In summary, the environmental wind conditions when the development is in place are not considered significant. With the Proposed Development in place, all areas of the Proposed Development and surrounding area would have safe and suitable wind conditions for their intended use.

8.10 Development and Flood risk

8.10.1 The site is in Flood Zone 1 which is an area with a low probability of flooding for tidal or fluvial water course. Therefore, all developments are generally directed to Flood Zone 1. The application has been accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy as a Major application. The proposal is to discharge surface water via three connections to the Thames Water sewer network. Attenuation storage would be provided in two attenuation basins as well as two below ground geocellular tanks. The Lead Local Flood Authority has assessed the proposals and considers the proposed drainage strategy is promising and recommends conditions to secure the principles of the scheme and final details.

8.11 Trees and landscaping/open space

8.11.1 Paragraph 175 of the NPPF (2019) states that when determining planning applications local planning authorities should apply the principle, in respect of veteran and ancient trees, that if a development results in the loss or deterioration of irreplaceable habitats it should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Policy NH5 of the Local Plan (2019) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.

8.11.2 There are no statutorily protected trees on the site. The existing trees on the site suffer from poor rooting conditions in the existing hard surfaced car park. The most visually prominent trees are the three horse chestnuts at the north-west corner of the site that are displaying signs of significant decline and would in any management context require removal within the coming few years on the basis of prudent health and safety practice. In addition, the Council's Arboricultural Manager has not raised any concerns with respect to the removal of trees within the site.

8.11.3 The Applicant's approach to tree planting in the new development has been informed by the existing hierarchy of trees within the town centre. A diverse selection of native and non-native trees is proposed to provide colour and interest throughout the year.

8.11.4 'Signature' trees would be planted at key junctions and the entrances to courtyards. Large, long lived species have been selected for these locations with the intention that when they reach maturity they will add to the established structure of the local urban canopy. Street trees would include mixed size species with distinctive colour, flora and leaf shape to add character to the streets surrounding the block. The courtyards would be planted with some signature trees to provide continuity to views in from the streets. Also proposed are several

species with open canopies to allow light through to understorey planting which would include a mix of shrubs, perennials, grasses and ferns. In addition some fruit trees will be included within the courtyards.

- 8.11.5 The layout of the courtyards has been informed by sunlight analysis. Central lawns and play spaces would be located in areas which benefit from sunlight for more than two hours a day throughout the year. The courtyards themselves would provide important amenity spaces for residents for both relaxation and play with a careful balance of safety and privacy for users. Doorstep play would be provided in excess of policy requirements to add animation, with an area of more than 1400sq.m between the two communal gardens dedicated to play spaces.
- 8.11.6 A generous lawn would form a central gathering space in both courtyards with gently undulating topography. Screen planting would frame the lawns and play spaces in the centre with distinct areas for play and relaxation with a degree of privacy for residents.
- 8.11.7 In terms of providing new tree planting at the site to address the proposed loss of existing tree in numerical terms, this amounts to a significant increase in the number of trees within the site. It is considered that the overall effect of the proposed development is therefore positive, both in terms of its impact upon the public realm as provided by tree planting and the proposed hard and soft landscaping in the Courtyards for the enjoyment of future occupiers.

Summary

- 8.11.8 The proposed development demonstrates compliance with the relevant planning policies, at national and local level - specifically, by providing landscaping details that demonstrate a net gain in the amount and the quality of green infrastructure (including trees) at the site.

8.12 Ecology

- 8.12.1 National Planning Policy on biodiversity and conservation is set out in the National Planning Policy Framework (NPPF). This emphasises that the planning system should seek to minimise impacts on biodiversity and provide net gains in biodiversity wherever possible as part of the Government's commitment to halting declines in biodiversity and establishing coherent and resilient ecological networks. Chapter 15: Conserving and Enhancing the Natural Environment, is of particular. Paragraph 174 states:-"To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

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."

- 8.12.2 The application was accompanied by an Ecological Impact Assessment. This identified the potential ecological impacts, mitigation, compensation and enhancement measures for re-development of the site.
- 8.12.3 It found that the existing building had low suitability for roosting bats and no bats were observed emerging during the emergence survey and therefore the building is now

assessed as having negligible potential. In addition, the site was found to be impacted by strong illumination from the adjacent dual carriageway. There was a horse-chestnut and a willow tree with potential roosting features for bats. It also found some nesting opportunities for birds within the trees, hedgerow and building. There are two ponds within 500m of the site, however, these are situated across major dispersal barriers and there is limited and fragmented terrestrial habitat on site suitable for great crested newts. In addition is considered that there were negligible opportunities for other protected or priority species and that habitat within the site are of negligible intrinsic ecological interest.

8.12.4 In the absence of mitigation, development within the site may result in:

- Destruction of bat roosts within two low-potential trees; and
- Destruction of active birds' nests during vegetation clearance.

To mitigate the loss of the existing trees and hedgerows, a landscape plan has been devised which would involve the planting of trees and the creation of biodiverse roofs. These would be seeded with wildflower mixes suitable to the area and would be enhanced with invertebrate features, including sand piles, log piles, rubble piles and water trays. Swift, sparrow and bat boxes would be integrated into the fabric of the new buildings.

8.12.5 Having regard to the above assessment and following consultation with Herts & Middlesex Wildlife Trust it is considered that a substantial net gain in biodiversity would occur as a result of the development.

8.12.6 Turning to the Knebworth Woods SSSI, the development site falls within the impact zone of this SSSI. However, the site is separated from the SSSI by some distance (0.9km) and urban development and highway infrastructure (including the A1(M)). As such, Natural England had not raised concerns as to the potential impact this development could have on the SSSI (including increased recreational pressure from residents residing from this development). In terms of the nearest Wildlife Site located to the south at Six Hills Barrows, due to the level of separation and the presence of highway infrastructure and the wider urban environment, it is not considered the proposed development would cause harm to this wildlife site.

8.13 Sustainable construction and Climate change

8.13.1 Policy FP1 of the Local Plan (2019) stipulates that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day, including external water use;
- Improving energy performance of buildings;
- Reducing energy consumption through efficiency measures;
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

8.13.2 The application is accompanied by an Energy Strategy Report which incorporates

- Energy efficient fabric and building services design.
- Air source Heat Pumps (ASHP) serving the space heating and cooling for the commercial units and community space.
- Electric instantaneous hot water for the commercial units and community space.
- Electric radiator heating to meet the heating demand for the residential apartments.
- Air source Heat Pumps (ASHP) to meet the domestic hot water (DHW) demand for the residential apartments.

- The site-wide results indicate a regulated carbon saving of 188 tCO₂/year, which is 39% of the site regulated carbon emissions of 486 tCO₂/year based on the new SAP 10 carbon factors.

8.13.3 Water use would be minimised through the specification and use of efficient fittings, sanitary ware and appliances, delivering a development that will use less water than standard. For the non-residential portion of the development, the design will follow the requirements of WAT01: Water Consumption, BREEAM 2018. Water consumption would be monitored through pulsed water meters. These would enable users to monitor their water usage and help them to identify ways to reduce this. They would also enable tenants to install leak detection to raise an alarm if unexpected water use is detected. This minimises water wastage if there are any leaks. As part of an integrated water strategy, the landscape design will consider how best to reduce water consumption for outdoor areas. The plants in general landscape areas have been chosen so that, once established, they will not require irrigation to thrive. All of these measures would all contribute to a reduction in water consumption as part of the development, working towards meeting the target of less than 105 litres of water or less per person per day, for each of the dwellings.

8.13.4 These measures are considered to be appropriate and accord with the Council's sustainability requirements. A condition is recommended to ensure these measures are provided before the development is occupied.

8.14 Impact on Archaeological Remains

8.14.1 The NPPF paragraph 128 states that "*In determining applications...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*".

8.14.2 The County Archaeologist assessed the archaeological assessment submitted with the Outline application and raised no objection to the proposal. The Outline Planning Permission includes a condition requiring the submission and approval of an Archaeological Written Scheme of Investigation prior to the commencement of development.

Other Matters

Community Infrastructure Levy

8.15.1 The proposed amendments to the approved development do not seek to increase the approved level of floorspace to that already approved in the Outline permission. Therefore, this development would not be subject to any CIL liability in this instance.

Fire & Safety

8.15.2 The Applicant's approach to fire safety goes over and above minimum regulatory standards. The external wall build up contains no combustible materials and each residential core includes 2 sets of staircases. The buildings would be provided with sprinklers throughout and smoke ventilation of residential corridors is achieved through mechanical ventilation. The tower has been designed to have full structural fire resistance for 120 minutes and provided with a wet fire main. Fire-fighting and fire evacuation lifts are provided in all cores throughout the development. Fire alarms and smoke detection systems are to be incorporated in all flats. Herts Fire and Rescue Service has confirmed that they are content with the proposals.

Refuse and Recycle Facilities

- 8.15.3 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The submitted plans indicate that there would be sufficient refuse facilities which would serve the proposed residential properties and commercial premises. As such, a condition can be imposed requiring these facilities to be delivered in accordance with the details specified in the application.

Community Engagement

- 8.15.4 The Applicant has sought from an early stage to demonstrate compliance with local and national planning policy and guidance on community engagement. The Applicant and their advisors sought to formulate a community involvement programme that was appropriate for the 'Reserved Matters' nature of the application. It was recognised that the Outline Permission was approved some time ago and that it was important to convey the fundamental principles around quantum of development that was already agreed along with how these principles were now going to be implemented in detailed design terms.
- 8.15.5 Because of the Covid restrictions they were unable to hold traditional physical or face to face public events with the exception of limited and controlled COVID-Secure briefings of small groups. In situ and virtual briefings took place with the residents at Pinetree Court and the Cycle UK Stevenage Group involving 6 residents' representatives and 6 members of the cycling group. The programme was widely promoted through the delivery of some 1,400 letters to a catchment around the Site and transacted through a combination of limited socially distanced physical meetings, a video briefing, use of a website, social media and the holding of a webinar where 32 people attended. The dedicated website attracted 1,248 page views and 69 Facebook page views.
- 8.15.6 Residents in Pinetree Court raised specific issues in relation to the provision of a pedestrian crossing on Danestrete, the treatment of boundaries and the need to ensure that appropriate measures were taken to protect privacy in relation to proposed roof gardens. They also requested that any construction impacts should be mitigated as much as possible. Issues raised by the Cycle UK Stevenage Group related to ensuring the continuity of operation of cycle routes during construction.

Equalities Impact and Human Rights

- 8.15.7 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 8.15.8 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 8.15.9 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 8.15.10 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are:

age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

8.15.11 In terms of inclusive access, the new buildings have been designed to be fully accessible and inclusive. All spaces in the new buildings would be accessible to all; the floors and thresholds are level and there are lifts serving all floors. The routes into the buildings are clear and would be signed and demarcated appropriately using landscape treatments. There are no abrupt changes in levels on the approach to the new proposed buildings.

9. CONCLUSIONS

9.1 The redevelopment of the Matalan site as a mixed use scheme with commercial and community uses at ground floor level with residential dwellings above would support the wider redevelopment of the Town Centre, which is being most significantly progressed through the SG1 Masterplan. It would help the Council to meet its housing requirement by delivering high quality homes within generously landscaped amenity areas. The carefully sited buildings would allow for generous footways with substantial tree planting to provide a high quality public realm while the strategically located tower building would deliver a landmark to the Town visible from road and rail. Although different in character to the mainly low rise residential neighbourhoods surrounding the town centre, the proposal would provide an opportunity for a more sustainable lifestyle that is focused on walking and cycling, and is supported by the close proximity to the Train and bus stations as well as local shops and amenities.

9.2 Although different in character to the mainly low rise residential neighbourhoods surrounding the town centre, the proposal would provide an opportunity for a more sustainable lifestyle that is focused on walking and cycling, and is supported by the close proximity to the Train and bus stations as well as local shops and amenities.

9.3 Given the above, the proposed development is considered to accord with the policies contained within the adopted Local Plan (2019), the Council's Design Guide SPD (2009), the Council's Parking Standards SPD (2012), the NPPF (2019) and PPG (2014).

10. RECOMMENDATION

10.1 That Reserved Matters is GRANTED subject to the following conditions:

1. Approved Plans

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

MTL-MLA-ZZ-00-DR-A-901100-P2; MTL-MLA-ZZ-01-DR-A-901101-P2; MTL-MLA-ZZ-02-DR-A-901102-P2; MTL-MLA-ZZ-03-DR-A-901103-P2; MTL-MLA-ZZ-04-DR-A-901104-P2; MTL-MLA-ZZ-05-DR-A-901105-P2; MTL-MLA-ZZ-06-DR-A-901106-P2; MTL-MLA-ZZ-07-DR-A-901107-P2; MTL-MLA-ZZ-08-DR-A-901108-P2; MTL-MLA-ZZ-09-DR-A-901109-P2; MTL-MLA-ZZ-10-DR-A-901110-P2; MTL-MLA-ZZ-11-DR-A-901111-P2; MTL-MLA-ZZ-12-DR-A-901112-P2; MTL-MLA-ZZ-13-DR-A-901113-P2; MTL-MLA-ZZ-14-DR-A-901114-P2; MTL-MLA-ZZ-15-DR-A-901115-P2; MTL-MLA-ZZ-16-DR-A-901116-P2; MTL-MLA-ZZ-17-DR-A-901117-P2; MTL-MLA-ZZ-18-DR-A-901118-P2; MTL-MLA-ZZ-19-DR-A-901119-P2; MTL-MLA-ZZ-20-DR-A-901120-P2; MTL-MLA-ZZ-21-DR-A-901121-P2; MTL-MLA-XX-EE-DR-A-902150-P1; MTL-MLA-XX-EE-DR-A-903100-P1; MTL-MLA-XX-EE-DR-A-903101-P1; MTL-MLA-XX-EE-DR-A-903102-P1; MTL-MLA-XX-EE-DR-A-903103-P1; MTL-MLA-XX-EE-DR-A-903104-P1; MTL-MLA-XX-EE-DR-A-903105-P1; MTL-MLA-XX-EE-DR-A-903106-P1; MTL-MLA-XX-EE-DR-A-903107-P1; MTL-MLA-XX-EE-DR-A-903108-P1; MTL-MLA-XX-EE-DR-A-903109-P1; MTL-MLA-XX-EE-DR-A-903110-P1; MTL-MLA-XX-XX-DR-A-903200-P1; MTL-MLA-XX-XX-DR-A-903201-P1; MTL-MLA-XX-XX-DR-A-903202-P1;

MTL-MLA-XX-XX-DR-A-903203-P1; MTL-MLA-XX-XX-DR-A-903204-P1; MTL-MLA-XX-XX-DR-A-903205-P1; MTL-MLA-XX-XX-DR-A-903206-P1; MLUK-799-A-SK-080-R02.

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

2. Two year time limit

The development hereby permitted shall be begun before the expiration of two 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. External materials

Before any above-ground work is commenced on any individual phase of the development hereby permitted, samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- i) Facing and roof materials;
- ii) Balcony treatment;
- iii) Window material details;
- iv) The boundary treatment;
- v) External rainwater goods where permitted.

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON:- To ensure the development has an acceptable appearance in accordance with Policy.

4. Surfacing materials

No development (excluding any demolition and enabling works) of the development shall commence until details of the following matters in respect of the outline have been submitted and approved in writing by the Local Planning Authority:

- a) surfacing materials;
- b) contamination;
- c) green/brown roofs;
- d) cycle parking;
- e) electric vehicle parking provision; and
- f) tree protection in accordance with British Standards.

The development shall be carried out in accordance with the approved details.

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

5. Telecommunications/Satellite Strategy

Prior to occupation of each phase(s) of development within the application site, details of any associated communal telecommunications infrastructure and plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details approved and maintained as such thereafter.

REASON:- To ensure satisfactory appearance and facilitate equitable access to telecommunications services.

6. External lighting

Prior to above ground works in each phase of development pursuant to condition 4, details of any external lighting (including access roads, footpaths and footways) proposed shall be

submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall be provided before that phase of development is occupied.

REASON:- To ensure that the development does not prejudice the amenities of adjoining occupiers, visual amenities of the area and to protect bats.

7. Ecology

Prior to occupation of each phase(s) of development within the application site the measures detailed in the Ecological Impact Assessment (Non EIA) prepared by Ecologybydesign dated October 2020 shall be fully implemented.

REASON:- To ensure that the development contributes to improving the ecology and biodiversity of the area.

8. Bird and Bat Boxes

Prior to above ground works for each phase of development, a strategy for the siting and maintenance of permanent nesting and roosting boxes within the façade and roof ledges of built structure and/or trees shall be submitted to and approved in writing by the Local Planning Authority. Nesting and roosting boxes shall be provided in accordance with the approved strategy prior to occupation of the relevant building.

REASON:- To ensure that the development contributes to improving the ecology and Biodiversity of the area.

9. Landscaping

No development shall take place above slab level for each phase of development until there has been submitted to and approved in writing 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 satisfactory landscape treatment of the site which will enhance the character and appearance of the area

10. Long term management

Any trees or plants comprised within the scheme of landscaping , which within a period of five years from the completion of any phase 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 form of development.

11. Energy and Sustainability statement

Prior to any occupation the measures detailed in the submitted Energy and Sustainability Statement to manage adaptability to climate change along with measures to manage overheating and cooling shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To ensure the development is adaptable to climate change and to avoid overheating and minimising cooling demand.

12. Highways Accesses

Prior to the first occupation of Phase 2 of the development hereby permitted, the vehicular access(es) and egresses shall be provided and thereafter retained at the position(s) shown on the approved plan(s) drawing numbers 20164-MA-XX-XX-DR-C-0016 Rev P01 and 20164-MA-XX-XX-DR-C-0017 RevP01. Arrangement shall be made for surface water

drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

REASON:- To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Highways Visibility Splays

Prior to the first occupation of Phase 2 of the development hereby permitted, visibility splay(s) measuring 2.4 x 43 metres shall be provided to each side of the access(es) 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:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Provision of Parking and Servicing Areas

Prior to the first occupation or use of the development hereby permitted, the proposed access, onsite cycle parking for that phase in accordance with SBC standards, servicing / loading, unloading / turning / waiting area(s) shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan(s)

(20164-MA-XX-XX-DR-C-0016 Rev P01, 20164-MA-XX-XX-DR-C-0017 Rev P01 and MTL-MLA-ZZ-00-DR-A-901100 Rev P2), and retained thereafter available for that specific use.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Parking Permits and Car Club

Prior to the occupation of 50% of the dwellings in Phase 1 hereby permitted, details of the following shall be submitted to and agreed in writing by the Local Planning Authority and thereafter be implemented:

(i) 15 parking spaces to be secured, at the Applicant's expense, in Council owned car parks in the Town Centre; and

(ii) The Applicant shall use best endeavours to encourage the use of a Car Club by future residents.

The Applicant shall be released from obligation (i) detailed above upon the delivery of car parking in Phase 2 of the development hereby permitted.

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Existing Access to be closed

Prior to the first occupation / use of the development hereby permitted, vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing number MTL-MLA-ZZ-00-DR-A-901100 P2 only. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access(es).

REASON:- To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Highway Works

No development shall commence until a detailed scheme for the offsite highway improvement works to facilitate a pedestrian crossing from the site frontage on Danesgate into the new bus interchange as indicated on drawing number 20164-MA-XX-XX-DR-C-0017 Rev P01 have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to any occupation or use of the development hereby permitted.

REASON:- To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Electric Vehicle Charging Points (EVCP)

Prior to the occupation of the Car Park hereby permitted, the details of the [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.

REASON:- To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

19. Cycle Parking

Prior to the occupation of each relevant phase and/or use of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking 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 in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

20. Public Highway

The proposed new highway boundary(ies) or areas of public highway/realm under control of Stevenage Borough Council shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.

REASON:- To prevent unauthorised structures being erected within the highway boundary.

21. Dedication of public highway

The proposed new highway boundary(ies) to facilitate a new public footway and cycleway on land fronting Lytton Way/Danesgate as illustrated on drawing number 20164-MA-XX-XX-DR-C-00 P02

HIGHWAYS AMENDMENTS PROPOSED WORKS AND ORDERS DRAFT shall be marked out on site prior to commencement of construction. No part of the development shall be occupied until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

REASON:- To prevent unauthorised structures being erected within the highway boundary.

22. Access Gates – Configuration

Prior to the first occupation /use of each relevant phase of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards (permit fire tender access), set back, and thereafter retained a minimum distance of 6 metres from the edge of the highway.

REASON:- To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

23. Sustainable Drainage Systems

The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Conisbee reference MTL-CON-xx-xx-RP-C-000001 Version 3 dated 26 October 2020, the Designers Response to LLFA SuDS Review reference 200523/A Prais Version 1 dated 15 January 2021 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 17.5 l/s during the 1 in 100 year event plus 30% 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 255 m³ (or such storage volume agreed with the LLFA) of total storage volume in detention basins, rain gardens and attenuation tanks.
3. Discharge of surface water from the private drain into the 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:-**
1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
 2. To reduce the risk of flooding to the proposed development and future occupants.

24. Surface Water Drainage

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

1. Final, fully detailed drainage layout including detailed engineered drawings of the proposed SuDS features with cross section drawings, their size, volume, depth and any inlet and outlet features including all connecting pipe runs.
2. Final, detailed post-development network calculations including half drain down times up to and including the 1 in 100 year + 30% climate change event. Please note that the main site network to be modelled separately to the Highways network.
3. Evidence that any consequential flood risk to the highway up to the 1 in 100 year + climate change event can be managed without increasing flood risk to adjacent properties. If there is to be flooding, it should be managed effectively with third party agreement.

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

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

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

25. Delivery and Servicing Plan

Prior to the first occupation of each relevant phase of the development hereby permitted, a Delivery and Servicing Plan shall be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

REASON:-To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

26. Noise

Prior to first occupation of the proposed development, details of the proposed noise mitigation measures shall be submitted for approval to the Local Planning Authority. The noise mitigation measures shall be based upon "Redevelopment of the Matalan Site, Stevenage, Residential Planning Noise and Vibration Report" Report reference 20297-R03-C dated 26th October 2020 by Sandy Brown Associates. Following approval, the measures shall be maintained thereafter.

REASON:- To protect the residential amenities of future residents.

27. Noise

At the nearest noise sensitive premises, the cumulative noise levels from the operation of all new plant shall comply with the plant noise limits specified in Table 10 of "Redevelopment of the Matalan Site, Stevenage, Residential Planning Noise and Vibration Report" Report reference 20297-R03-C dated 26th October 2020 by Sandy Brown Associates.

REASON:- To protect the residential amenity of existing and future residents.

28. Sound Attenuation

Before the use of the building for Sui Generis (former Use Class A4 or A5) purposes is commenced a scheme of sound attenuation works shall be submitted to the Local Planning Authority for written approval, installed and thereafter retained. The scheme of works shall be capable of restricting noise breakout from the A4 use to the flat above to levels complying with the following:

Bedrooms. Noise Rating Curve NR20 (2300 to 0700 hrs)

Living Rooms. Noise Rating Curve NR25 (0700 to 2300 hrs)

Noise Rating Curve shall be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

REASON:- To protect the residential amenity of future residents.

29. Deliveries and Servicing Hours

Deliveries and servicing by commercial vehicles shall only be made to or from the commercial premises between 0700 to 1800 hrs on any day, and at no other time without the prior agreement in writing of the Local Planning Authority.

REASON:- To protect the amenities of existing and future residents.

30. Hours of operation

The Sui Generis (formerly A4 and A5) uses hereby permitted shall only operate Monday to Saturday 10.00hrs to 23.00hrs and 10.00hrs to 22.00hrs on Sundays and Bank Holidays.

REASON:- to protect the residential amenity of existing and future residents.

31. Extraction and ventilation

Details of the kitchen extract ventilation scheme to be used by Sui Generis uses (former A4 or A5 class) shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three-stage carbon filtration or similar system based on current standards. Following approval and installation, the system shall thereafter be permanently maintained.

REASON:- to protect the residential amenity of existing and future residents.

32. External Lighting

A detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting, including lighting required for pedestrian walkways, parking areas and security lighting and there shall be no external illumination erected, installed or operated on any part of the site other than in accordance with the approved details.

The following limits shall not be exceeded by the exterior light installations:

Sky Glow ULR (Max%) 5.0

Maximum light into windows Ev (lux) 07.00 to 23.00hrs 10 Lux; 23.00 to 07.00hrs 2 Lux

Source intensity I 07.00 to 23.00hrs 10 kcd; 23.00hrs to 07.00hrs 1 kcd

Building luminance 07.00 to 23.00hrs Average L 10 (cd/m sq)

REASON:- to protect the residential amenity of existing and future residents

33. Landscaping, Public Realm, children's play and Street Furniture

Prior to the first occupation of buildings in each phase of development pursuant to condition 4, a scheme of landscaping scheme including details of both hard and soft landscaping, street furniture, the pond and children's play for that relevant phase(s) shall be submitted and approved in writing by the local planning authority. The scheme shall also include a schedule of all trees (including tree pit design), shrub, plants and other vegetation planting which shall form part of any landscaping scheme. The scheme as approved shall be implemented within the first available planting season following the completion of each relevant phase(s) of development. Any trees, shrubs or plants that die within a period of two years (the period in which the developer is responsible for maintenance) from the completion of each relevant phase(s) of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives written permission for any variation.

REASON:- To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the area.

34. Planting Season

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 each phase of development or the completion of the development whichever is the sooner.

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

35. Hard surfacing

All hard surfacing comprised in the approved details of landscaping shall be carried out within Three; months of the first occupation of each phase of the development or the completion of the development, whichever is the sooner.

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

36. Restriction on change of use

Notwithstanding the requirements of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that order) the non-residential units hereby permitted shall be used only for Use Classes E and Sui Generis (formerly A4 & A5) of the schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purposes (including Use Class C3 – Residential), unless agreed in writing or approved by way of separate planning permission

REASON:- To ensure the retention of active frontage, appropriate infrastructure is retained to support the residential community and because highway and other impacts have been assessed on the basis of the above uses.

INFORMATIVES

HIGHWAY INFORMATIVES:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) 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/business-and-developer-information/development-management/highways-development-management.aspx>

AN2) 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/business-and-developer-information/development-management/highways-development-management.aspx>

AN3) 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/business-and-developer-information/development-management/highways-development-management.aspx>

AN5) 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/business-and-developer-information/development-management/highways-development-management.aspx>

AN6) Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/business-and-developer-information/development-management/highwaysdevelopment-management.aspx>

Flooding

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990.

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

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

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

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

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

Party Wall etc. Act 1996

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

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.

11. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020 and Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2019.
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.

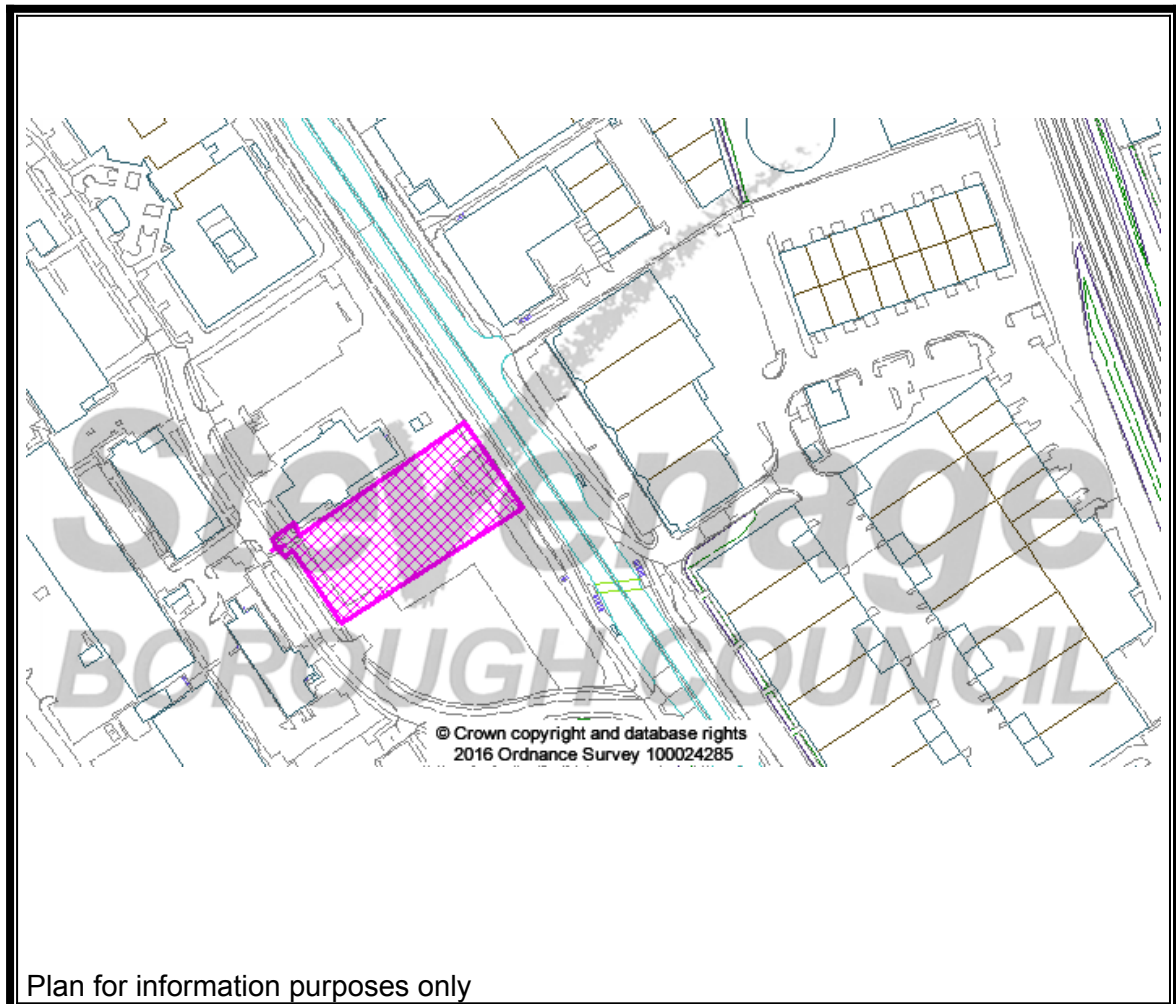
APPENDIX

1. Officer's Report on the Outline application (14/00559/OPM)

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Meeting: Planning and Development Committee **Agenda Item:**
Date: 02 March 2020
Author: James Chettleburgh 01438 242266
Lead Officer: Zayd Al-Jawad 01438 242257
Contact Officer: James Chettleburgh 01438 242266

Application Nos:	20/00772/FPM
Location:	MBDA UK, Six Hills Way, Stevenage, Herts, SG1 2DA
Proposal:	Variation of condition 1 (Approved Plans) attached to planning permission 19/00253/FPM
Drawing Nos.	S170283-001 A; S170283-010 A; S170283-011 A; S170283-012 A; S170283-031 A; S170283-032 A.
Applicant:	Elliott Group Ltd
Date Valid:	18 December 2020
Recommendation:	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site is located on the western side of Gunnels Wood Road which falls within the Gunnels Wood Employment Area. The application site comprises a two-storey modular office building with associated plant and equipment. The building is enclosed by a 2.5m high security fence. The surrounding area comprises the MBDA UK complex which consists of two-storey warehousing and industrial units, modern three-storey office buildings, waste storage compound, portakabins and surface car parking. The warehouse and industrial buildings are generally uniform in design, constructed from profiled sheet metal cladding and windows which run horizontally within the elevations. The buildings also have industrial roller shutters on the western elevation. The office buildings are modular in form and constructed from either brick or steel frames with large areas of glazing. The MBDA site is currently accessed from Six Hills Way and Gunnels Wood Road.
- 1.2 The surrounding area is characterised by a mixture of office, light industrial and warehouse developments. To the south of the application site is the Ford car dealership showroom. The site comprises a two-storey showroom which is constructed from profiled steel cladding with a large glazed frontage. On the rear and eastern elevations are roller shutters for the service areas. To the west of the application site is the A1(M) motorway and to the east is Gunnels Wood Road. To the north of the site is Six Hills Way beyond which is the office complex (Farnham House) occupied by Hertfordshire County Council. This is a three storey brick built building with undercroft car parking. There is also Campus Six immediately adjacent to Farnham House which comprises a number of modern office buildings which are constructed from brick with large glazed areas on the facade.

2. RELEVANT PLANNING HISTORY

- 2.1 There have been numerous planning permissions in the past relating to new development at MBDA.
- 2.2 Planning application 18/00153/FPM for the erection of a two storey modular office building with associated boundary treatments, hard landscaping and services. This application was granted temporary two year permission in March 2018.
- 2.3 Planning application 19/00253/FPM sought planning permission for the erection of a two-storey modular office building with associated boundary treatments and landscaping. This application was granted planning permission in September 2019.
- 2.4 Advertisement consent application 19/00471/AD seeks consent for the erection of an internally illuminated MBDA signage and alterations to existing signage. Advertisement Consent was issued in October 2019.
- 2.5 Planning application 19/00539/FP sought permission to upgrade the existing security fencing and relocation of gatehouse barrier and turnstile access. This application was granted planning permission in October 2019.
- 2.6 Planning application 19/00660/FP sought permission for the erection of a date centre building with associated plant enclosures and hard landscaping. This application was granted planning permission in December 2019.
- 2.7 Non-material amendment application 19/00669/NMA sought an amendment to planning permission 19/00253/FPM to change the base materials of the modular building to profiled steel sheet cladding. Non-material amendment was agreed in November 2019.

- 2.8 Planning application 20/00072/FP sought planning permission to infill the courtyard to building 200 and additional lobby to provide additional internal office space with associated landscaping works. This application was granted planning permission in March 2020.
- 2.9 Discharge of condition application 20/00095/COND sought to discharge condition 7 (remediation scheme) attached to planning permission reference number 19/00660/FP. The condition was discharged in March 2020.
- 2.0 Planning application 20/00206/FP sought permission for 2 No. external shipping containers to house specialist mechanical plant. This application was granted planning permission in March 2020.
- 2.11 Planning application 20/00511/FP sought planning permission for a lobby extension to the existing multi-purpose building. This was granted planning permission in November 2020.

3. THE CURRENT APPLICATION

- 3.1 This current application seeks to vary condition 1 (Approved Drawings) attached to planning permission 19/00253/FPM. This condition stated the following:-

Condition 1 (Approved Drawings)

The development hereby permitted shall be carried out in accordance with the following approved plans: A010 P2; A011 P2; A012 P2; A013 P2; A014 P2; A015 P2; A016 P2; A017 P2; A018 P2.

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

- 3.2 The proposal seeks only to alter the approved design of the horizontal Brise Soleil ('sun breaker') external screening system attached to the modular office building. The proposal does not seek to increase the approved level of office floorspace or create any additional employment.
- 3.3 This current application before the Council has been referred to the Planning and Development Committee for its decision. This is because the proposal seeks to amend the approved design of the Brise Soleil which was previously determined by the Committee.

4. PUBLIC REPRESENTATIONS

- 4.1 As a major planning application, the proposal has been publicised by way of letters to adjoining premises, site notices and a press notice. At the time of drafting this report no responses have been received.

5. CONSULTATIONS

- 5.1 No relevant consultees.

6. RELEVANT PLANNING POLICIES

- 6.1 **Background to the Development Plan**

6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage Borough Local Plan 2011-2031 (2019) (Adopted Local Plan).

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits.

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)

SP1: Presumption in favour of sustainable development;
SP2: Sustainable development in Stevenage;
SP3: A strong, competitive economy;
SP8: Good design;
EC1: Allocated sites for employment development;
EC2: Gunnels Wood Employment Area and Edge-of-Centre Zone;
EC4: Remainder of Gunnels Wood;
EC5: Active frontages and gateways.

6.5 Supplementary Planning Documents

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

- 7.1.1 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.

- 7.1.2 The main issues for consideration of this application are, therefore, the impact on the visual amenity of the area.

7.2 Impact on visual amenity

- 7.2.1 Paragraph 127 of the NPPF 2019 stipulates that planning decisions should ensure development function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting. In addition, the NPPF sets out that developments should establish or maintain a strong sense of place, using arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also stipulates that development should optimise the potential of the site to accommodate and sustain an appropriate mix of development and finally, create places that are safe, inclusive and accessible.

- 7.2.2 Paragraph 130 of the NPPF states that “permission should be refused for development of poor design that fail to make available opportunities for improving the character and quality of an area and the way it functions”.

- 7.2.3 Policy GD1 of the Local Plan (2019) generally reflects the above policy. Turning to Gunnels Wood Road specifically, Policy EC5: Active frontages and gateways of the Local Plan states that planning permission for the (re-) development of sites with a frontage along, in this case Gunnels Wood Road, will be granted where:-

a. Proposals face directly onto the identified road and provide active frontages and natural surveillance;

b. Buildings are not set back significantly from the identified road;

c. Car parking and service areas are located away from the street frontage of the identified road;

d. On corner plots, where the roads intersect, schemes incorporate landmark architecture and gateway features wherever this would be compatible with the proposed use(s).

- 7.2.4 The application site is located on land which is owned and operated by MBDA. The application site currently consists of an existing two-storey modular office building which was implemented as part of planning permissions 18/00153/FPM and 19/00253/FPM. The site itself is currently enclosed by a 2.5m high security fence and is bordered by a modern three-storey office building and mature landscaping which runs parallel with Gunnels Wood Road and an internal road. To the west and south-west of the application site are three-storey office buildings, business and industrial units and surface car parking.
- 7.2.5 The existing warehouse and industrial buildings are generally uniform in design, constructed from profiled sheet metal cladding and windows which run horizontally within the elevations. The buildings also have roller shutters on the western elevation. The existing offices within the MBDA campus are generally modern in design and articulated in built form, constructed from either brick or steel cladding, with large areas of glazing and full height glazed entrance features.
- 7.2.6 The development site is located in close proximity to modern three-storey office buildings which form part of the MBDA site and approximately 41m from the cycle track which runs along the edge of Gunnels Wood Road. The original development proposal under planning permission 19/00253/FPM, in order to improve the visual appearance of the modular offices, incorporated the installation of brise soleil louvres (finished in grey, silver, green and yellow) screening system at first floor level. The screening system would wrap around the southern, eastern and western elevations along with new external cladding to the building. The proposal before the Council seeks to extend the brise soleil around the northern elevation of the building (which was not originally included in the 2019 permission). This is in order to further help enhance the buildings visual appearance as viewed from within the MBDA campus.
- 7.2.7 The utilisation of an extended brise soleil combined with the textured cladding to the building would significantly improve its visual appearance. This is because it would give the building a contemporary modern appearance and would help to break up visual mass. In addition, the use of the contrasting colours of the brise soleil louvres also helps to add variety and interest into the visual appearance of the building. In addition, the colours adopted for the Brise Soleil give the building a softer appearance.
- 7.2.8 Given the aforementioned assessment, it is considered that the proposed development would not have a detrimental impact on the character and appearance of the site or the visual amenities of the area. Therefore, it would be in accordance with Policies SP8, GD1 and EC5 of the adopted Local Plan (2019), the Council's Design Guide SPD (2009), the NPPF (2019) and PPG (2014).

7.3 Other matters

Community Infrastructure Levy

- 7.3.1 The proposed amendments to the approved development do not seek to increase the approved level of floorspace to that already approved. Therefore, this development would not be subject to any CIL liability in this instance.

Human Rights and Equalities

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

- 7.3.3 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.3.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.3.5 It is not considered that the proposal detailed in this application would have an impact on persons who fall under the specified protected characteristics of the Equality Act.

8 CONCLUSIONS

- 8.1 In summary, the principle of the proposed amendments sought under this Section 73 application are acceptable. This is because the proposed amendments to the approved scheme would not have a detrimental impact on the visual amenities of the wider street scene.
- 8.2 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2019), the Council's Supplementary Planning Documents, the NPPF (2019) and PPG (2014).

9 RECOMMENDATIONS

- 9.1 That planning application be GRANTED subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the following approved plans:

S170283-001 A; S170283-010 A; S170283-011 A; S170283-012 A; S170283-031 A; S170283-032 A.

REASON:- For the avoidance of doubt and in the interests of proper planning.
 2. The materials to be used in the construction of the development hereby permitted shall be in accordance with the details as specified in the application submission unless otherwise agreed in writing by the Local Planning Authority.
REASON:- To ensure the temporary developments visual impact on the street scene of Gunnels Wood Road is minimalised.
 3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, the approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any 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.

4. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. The hours specified relate to works which are audible at the site boundary.

REASON:- To protect the amenities of adjoining land users.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Statement, prepared by AVIE Consulting Ltd dated 20.04.18, Rev No. A, and the following mitigation measures:

1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 30% for climate change event.
2. Implement drainage strategy based on restricted surface water discharge at 1.9l/s and an attenuation tank as indicated on the Proposed Drainage Layout, Drawing No. P2484-01-01, Rev C.

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 storage of and disposal of surface water from the site.

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

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

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

7. 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 pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

REASON:- In order to protect groundwater from potential contamination which may be present in the application site.

8. If contamination is found on or nearby the site, the disposal of surface water via infiltration is not recommended.

REASON:- In order to protect groundwater from potential contamination which may be present in the application site.

9. Any work involving excavations below the chalk groundwater table (for example piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.
REASON:- In order to protect groundwater from potential contamination which may be present in the application site.
10. Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise the risk. The applicant would need to give Affinity Water 15 days prior notification in advance of any such work, in order to intensify Affinity Waters monitoring and plan potential interruption of the service.
REASON:- In order to protect groundwater from potential contamination which may be present in the application site.
11. Prior to the first occupation of the development hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all existing trees on the land and details showing all trees to be removed (if any) together with details of all new planting to take place including species, size and method of planting. All planting, seeding or turfing comprised in the approved details of landscaping scheme shall be carried out in the first planting and seeding seasons following the completion of the development.
REASON: - To ensure a satisfactory appearance for the development.
12. Any trees or plants 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.

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.

10 BACKGROUND DOCUMENTS

- 1 The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework February 2019 and Planning Policy Guidance March 2014.

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Planning & Development Committee Report Cover:

Report name:

Adoption of the SBC Impact of Development on Biodiversity Supplementary Planning Document 2021

Officer(s) presenting:

Debbie Coates

Reason for it being before Planning & Development Committee:

Following consultation on a draft version of the SPD, the Executive will shortly be asked to approve the Adoption of the Impact of Development on Biodiversity SPD. Once adopted, the SPD will become a material consideration in decision making. The SPD provides steps for developers to follow to calculate the amount of biodiversity compensation that needs to be provided. This is calculated through the use of the DEFRA biodiversity metric which has been produced by Natural England in conjunction with Government and other stakeholders.

A copy the final version of the SPD is attached.

The officer will present an overview of the content of the SPD to members of Planning & Development Committee who will need to be aware of its content for future decision making.

Other briefings:

The Draft SPD was presented to P&D Committee, the Executive and Overview and Scrutiny Committee in addition to officer-level SLT and Clearance Board meetings in October and November 2020. The updated final version of the SPD has not yet been presented to any Councillor meetings.

Likely next steps:

The final SPD will be presented to the Executive on 10 March 2021 to inform the Executive about the representations received during the consultation period and how the representations have been incorporated in to the final SPD document. The Executive will be asked to formally adopt the SPD. The SPD will subsequently be presented to Overview and Scrutiny on 17 March 2021 for Councillors to scrutinise the decision taken by the Executive. Assuming Overview & Scrutiny Committee are content with the decision of the Executive to approve the SPD, it will be adopted the following day and become a material consideration in decision making on 18 March 2021.

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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



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](#).

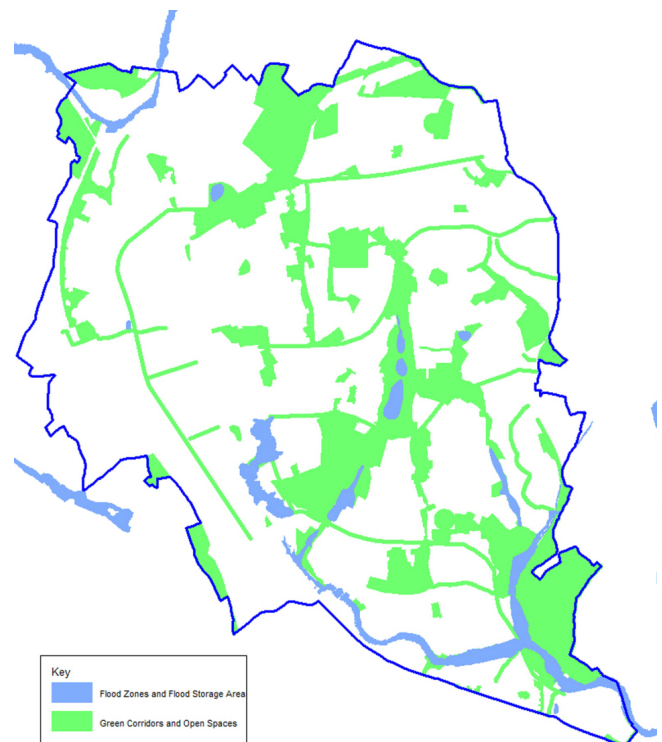
All these recommend this system of biodiversity accounting ('offsetting') as an appropriate mechanism for delivering biodiversity compensation.

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

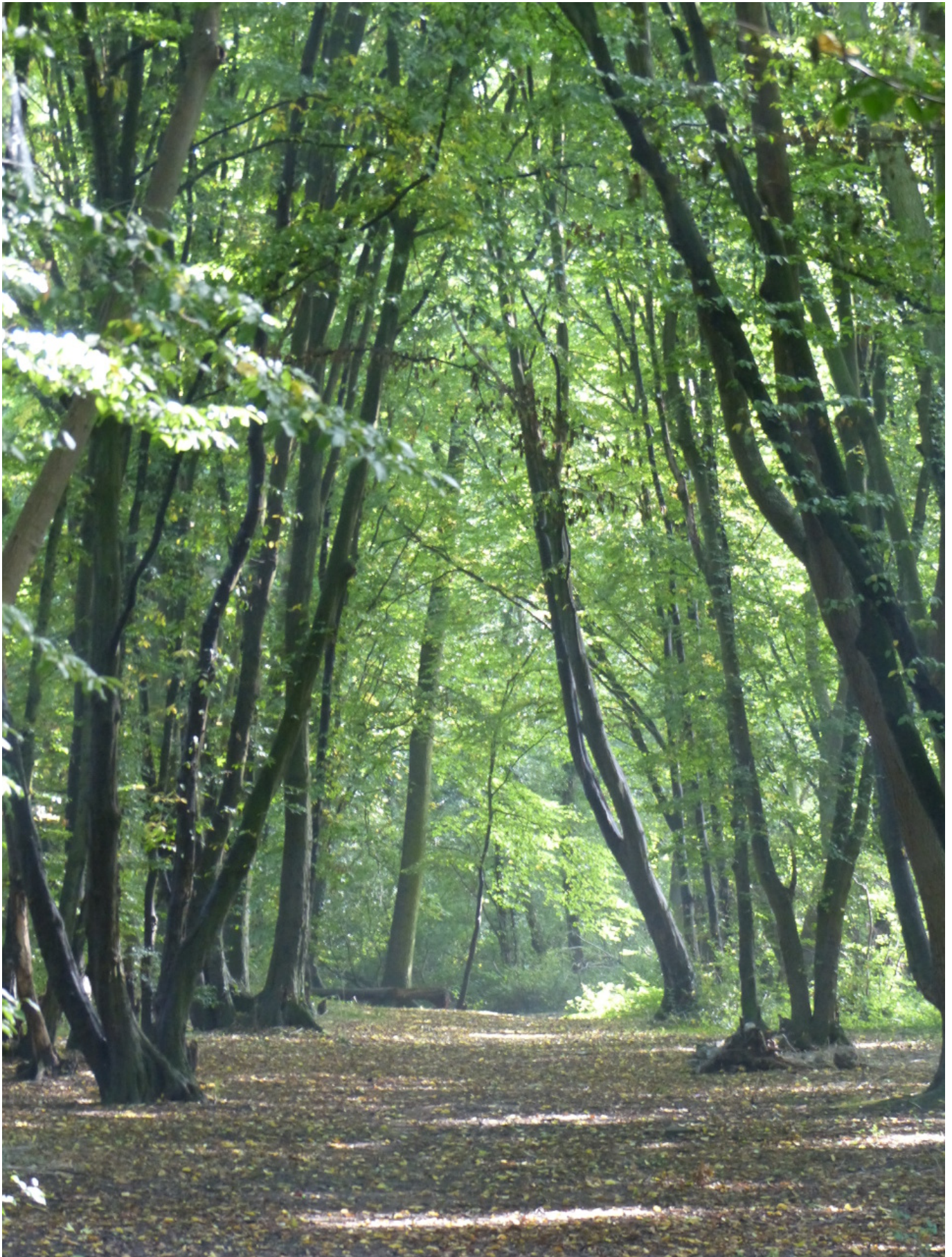


Figure 1 Ancient Lanes and Hedgerows in Stevenage

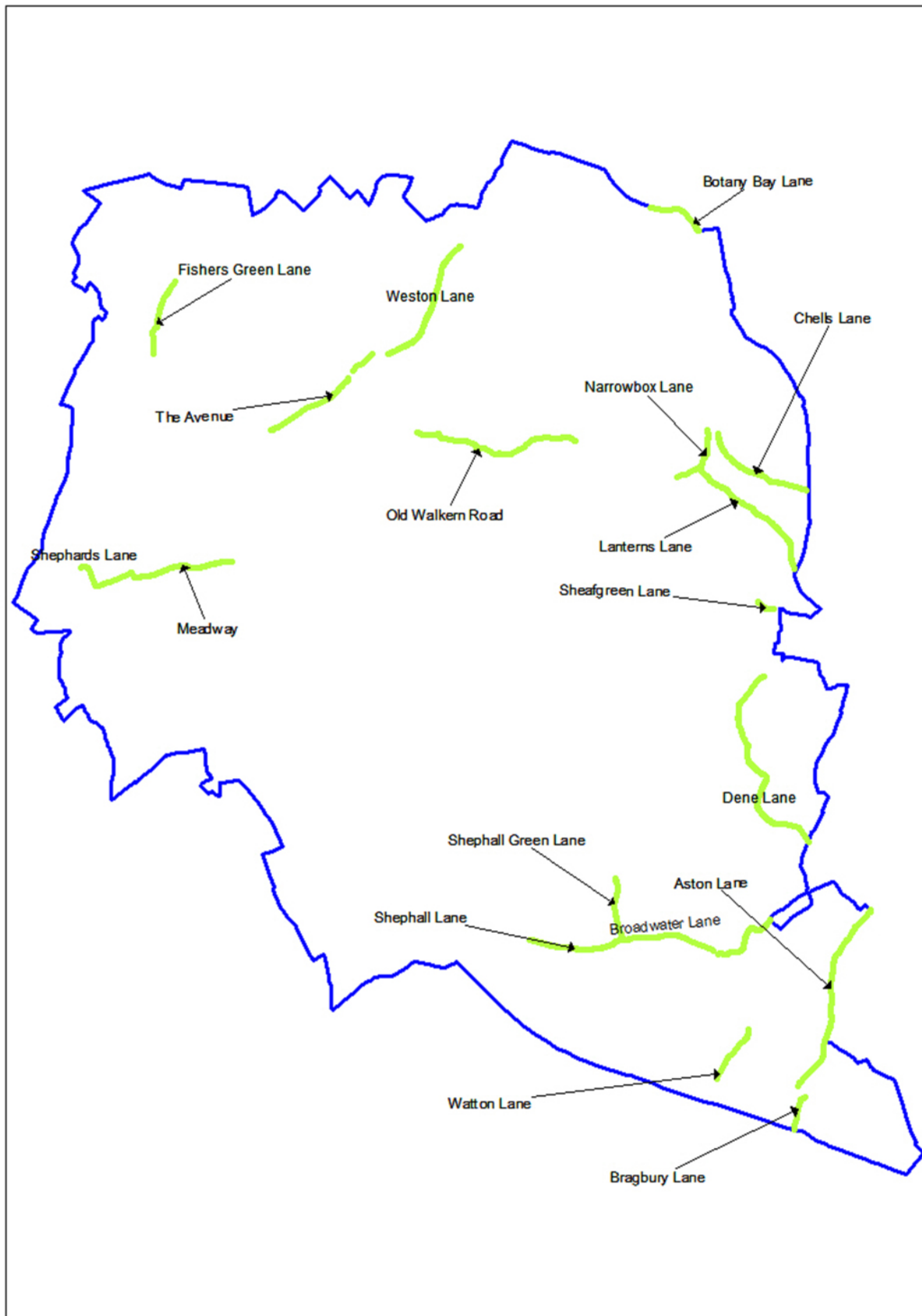


Figure 2 Wildlife Sites in Stevenage

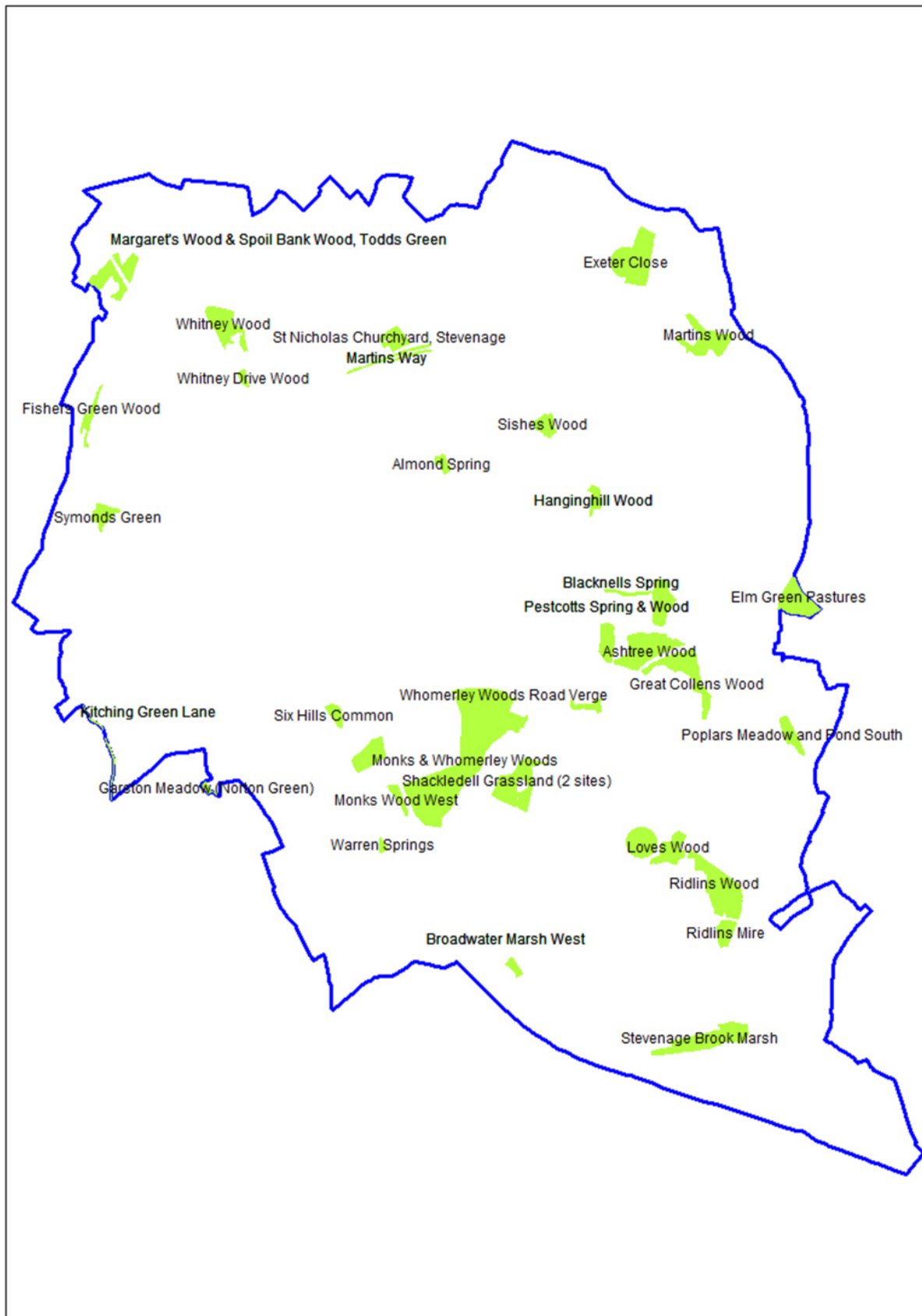
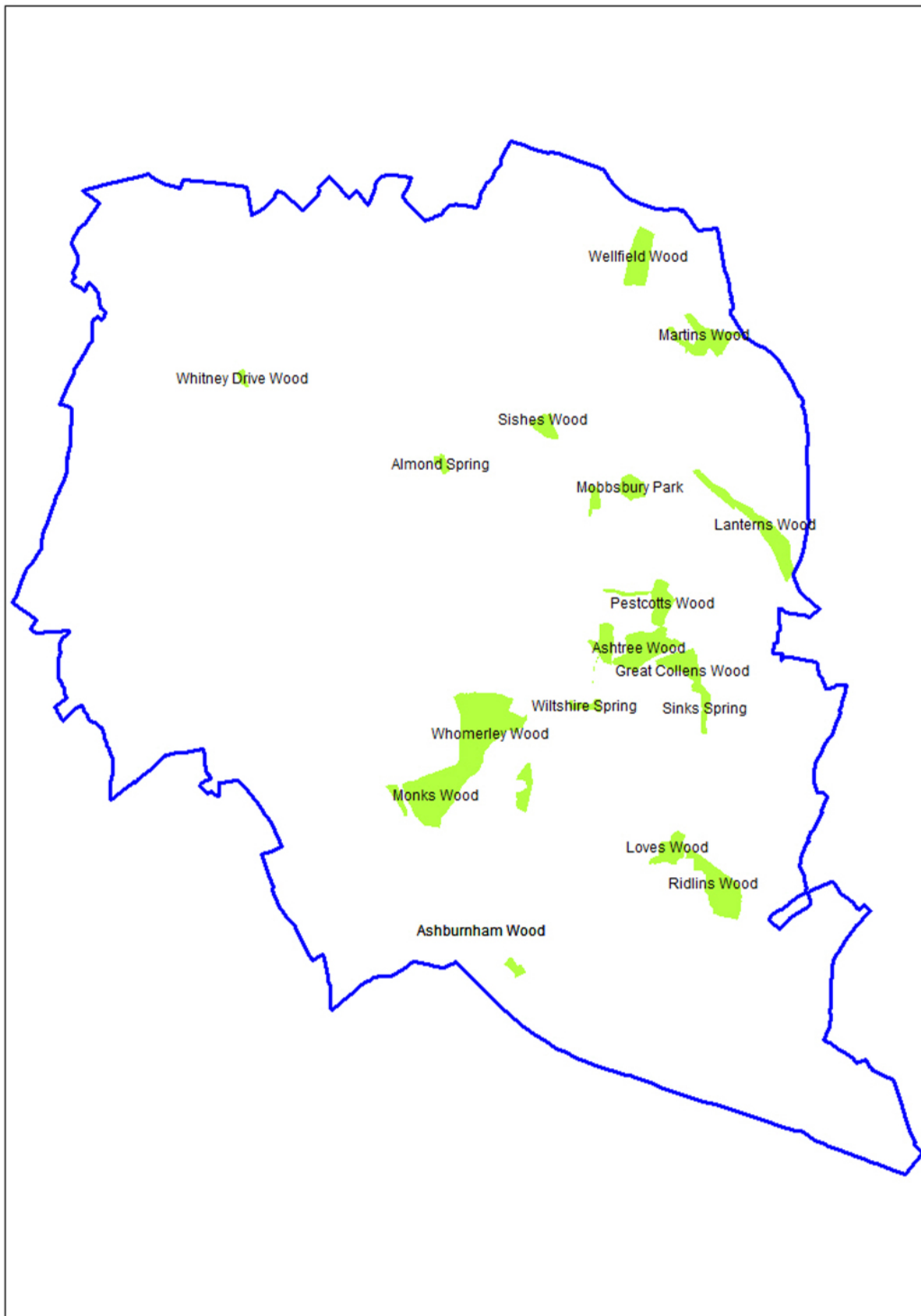


Figure 3 Woodlands in Stevenage



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.



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.

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 2.0](#) must be applied by to all minor and major planning applications when requested to do so (described further below).

The DEFRA biodiversity metric 2.0 (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

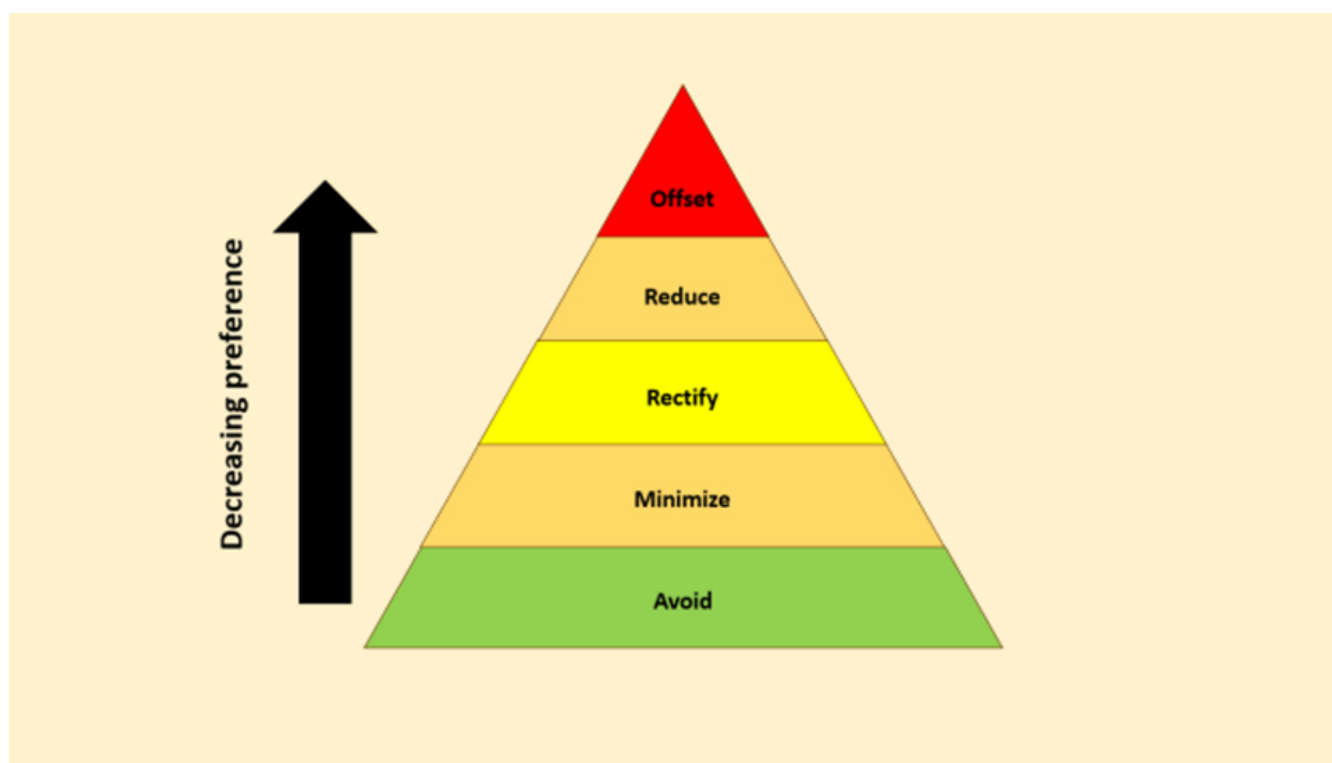
Stevenage Borough Council will follow these exemptions, until such time as exemptions are set out in primary or secondary legislation, at which point those exemptions will be followed.

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.

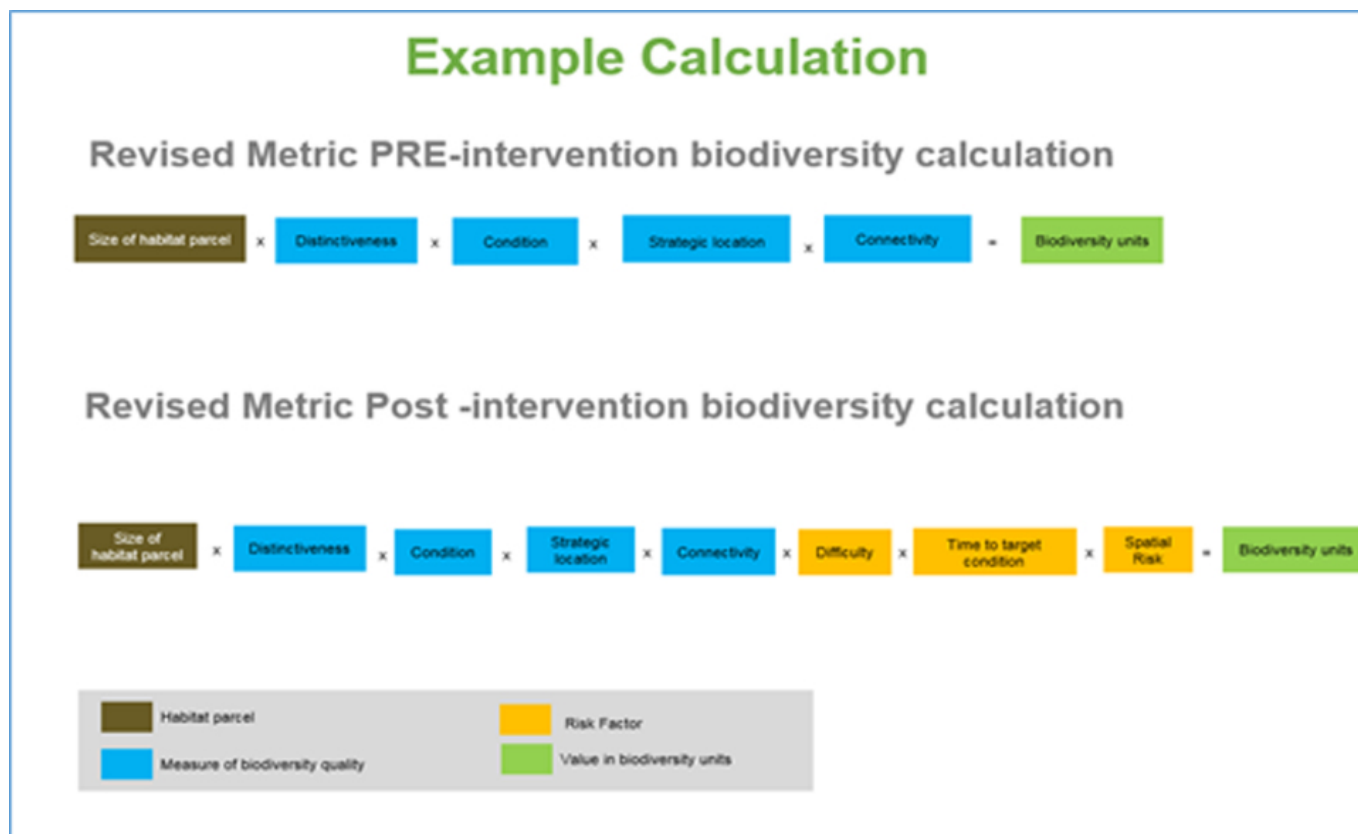
The metric does *not* assume compensatory sites will be required and can, in fact, demonstrate on-site biodiversity gain has been achieved. If an offset is required, the same metric is used to evaluate the predicted gains at compensation sites so that measurable net gain, of biodiversity is achieved.

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: 1.1 – category 3b**
- Area/compensation not in local strategy/ no local strategy. **Non-strategic: 1.15 – 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 up to 1.15. 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.

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

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.

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.

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.

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', together with a table outlining the average areas of amenity grassland needed to deliver 1 habitat unit of uplift.

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

1 Cumulative indexation for a 30-year management period

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

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.

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

10 Appendix 1 – Ecological Networks Map for Hertfordshire

[Link to Hertfordshire Ecological Networks Map](#)

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.

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 (2020 estimate subject to annual inflationary charges) 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

Average Area Requirements

The table below shows the average areas required to deliver 1 habitat unit uplift on amenity or modified grassland. These figures are based on offset achieving maximum target condition:

Habitat	Average area required to deliver 1 habitat unit on amenity grassland including residual value
Grassland - Lowland meadows	0.3 ha
Grassland - Other natural meadows	0.18 ha
Woodland and forest - Lowland mixed deciduous woodland	2.5 ha
Heathland and shrub - Mixed scrub	0.12 ha

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 2 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 3 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"> 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 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 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 Undesirable species and physical damage is below 5% cover Cover of bare ground less than 10% (including localised areas, for example, rabbit warrens) 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).

14 Appendix 5 - The Defra Biodiversity Metric with supporting documents

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

15 Appendix 6 - Scientific evidence for habitat creation and restoration

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

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.”

Planning & Development Committee Report Cover:

Report name:

Adoption of the SBC Developer Contributions Supplementary Planning Document 2021

Officer(s) presenting:

David Hodbod

Reason for it being before Planning & Development Committee:

Following consultation on a draft version of the SPD, the Executive will shortly be asked to approve the Adoption of the Developer Contributions SPD. Once adopted, the SPD will become a material consideration in decision making. The SPD will help inform officers, developers and infrastructure providers when infrastructure, or financial contributions in-lieu of infrastructure, will be sought in addition to payment of a Community Infrastructure Levy charge.

A copy the final version of the SPD is attached.

The officer will present an overview of the content of the SPD to members of Planning & Development Committee who will need to be aware of its content for future decision making.

Other briefings:

The Draft SPD was presented to P&D Committee, the Executive and Overview and Scrutiny Committee in addition to officer-level SLT and Clearance Board meetings in October and November 2020. The updated final version of the SPD has not yet been presented to any Councillor meetings.

Likely next steps:

The final SPD will be presented to the Executive on 10 March 2021 to inform the Executive about the representations received during the consultation period and how the representations have been incorporated in to the final SPD document. The Executive will be asked to formally adopt the SPD. The SPD will subsequently be presented to Overview and Scrutiny on 17 March 2021 for Councillors to scrutinise the decision taken by the Executive. Assuming Overview & Scrutiny Committee are content with the decision of the Executive to approve the SPD, it will be adopted the following day and become a material consideration in decision making on 18 March 2021.

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Developer Contributions SPD (Adopted 2021)

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1 Introduction

Purpose of the Document

1.0.1 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.

1.0.2 The aim of this SPD 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.

1.0.3 It is important to note that SPDs should not introduce new policies and should not add significantly to the financial burden on developments.

What are Developer Contributions?

1.0.4 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 1990⁽²⁾ 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

1.0.5 The other main form of developer contribution is the Community Infrastructure Levy (CIL).

1.0.6 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 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.

1.0.7 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.

1.0.8 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.

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

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

3 [Community Infrastructure Levy Regulations 2010](#)

Scope

1.0.9 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.

1.0.10 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.

1.0.11 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. We advise that applicants always engage fully with the LPA and other infrastructure/service providers near the time of submitting an application to gain a better understanding of the exact amounts they may be expected to contribute.

1.0.12 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

Production of this SPD

1.0.13 The procedure to adopt a new SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012⁽⁴⁾.

1.0.14 The Council published a draft version of this Developer Contributions SPD for public consultation between 30 November 2020 and 25 January 2021. Respondents' comments were considered and incorporated into this final version. The Council formally adopted the Developer Contributions SPD on 18 March 2021 after a decision made by the Council's Executive.

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

2 Policy Context

Local Policy

2.0.1 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;

2.0.2 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

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

NPPF paragraph 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.

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

PPG Paragraph: 003 Reference ID: 23b-003-20190901

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.

2.0.5 The Council is a CIL Charging Authority and under recent amendments to CIL Regulations⁽⁵⁾, is required to publish an Infrastructure Funding Statement which states what the Council's spending priorities for its CIL receipts are.

2.0.6 The PPG also states that:

PPG Paragraph: 003 Reference ID: 23b-003-20190901

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.

2.0.7 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:

CIL Regulation 2010 (as amended) Regulation 122

- (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](#)

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

PPG Paragraph: 003 Reference ID: 23b-004-20190901

...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...

2.0.9 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.

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3 Community Infrastructure Levy

CIL

3.0.1 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.

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

Table 1 SBC CIL Charging Schedule (rates set 01 April 2020)

Development Type	CIL Rate (per sqm)	
	Zone 1 (Stevenage Central, Stevenage West Urban Extension, North of Stevenage Extension)	Zone 2: Everywhere else
Residential		
Market Housing	£40	£100
Sheltered Housing	£100	
Extracare Housing	£40	
Retail Development	£60	
All other development	£0	

3.0.3 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.

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

3.0.5 It is expected that the majority of applications for built development, with the exception of the majority of 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 Hertfordshire County Council Contributions

County Council Services

4.0.1 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.

4.0.2 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.

HCC Household Waste Recycling Centre



4.0.3 For further information and an explanation of the current position of HCC S106 requirements and developer contributions please contact them on the following email Growth@hertfordshire.gov.uk.

4.0.4 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 mitigation on a proposal-by-proposal basis.

4.0.5 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. This is a process outside of the decision-making process for individual planning applications.

4.0.6 For individual planning proposals, 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. Where the need for mitigation is demonstrated, 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).

4.0.7 For minor developments, it is unlikely that developer contributions will be sought through S106s for any of these services in addition to the CIL charge associated with the proposal. However, the County Council reserves the right to seek financial contributions if it can demonstrate that contributions are required to make the proposal acceptable in planning terms.

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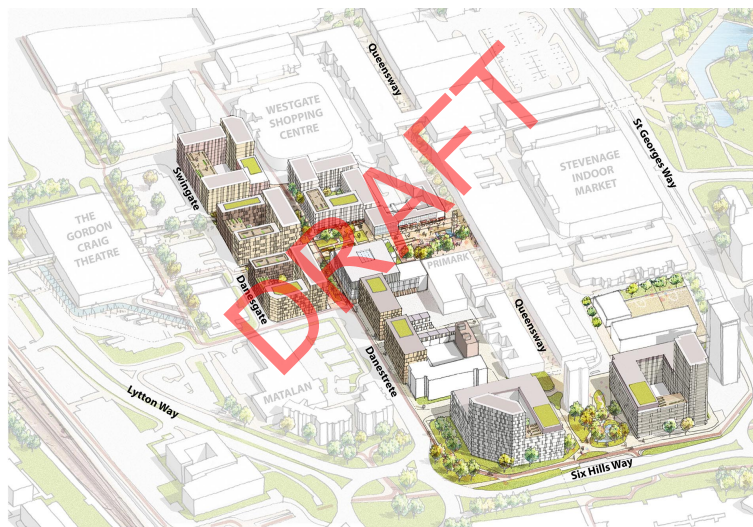
5 Strategic Sites

Strategic Sites

5.0.1 Strategic sites allocated in the Local Plan have a large number of policy requirements as identified through by stakeholders during Local Plan production and agreed through the Local Plan Examination process. 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.

5.0.2 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. Statutory consultees, such as the County Council or Highways England, are able to secure developer contributions where necessary to mitigate an impact of a proposed development to make the proposal acceptable in planning terms.

SG1 Masterplan



5.0.3 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, non-exhaustive, list of infrastructure/services in addition to collecting a CIL charge:

- Affordable Housing
- Primary Education
- NHS GP provision
- Passenger transport
- Travel plans
- Fire hydrants

5.0.4 More detail can be found on these items in the Chapters 7, 8 and 9 of this document.

5.0.5 It is also important to note that the demand for infrastructure is not restricted by local authority boundaries. Stevenage is a constricted authority and our neighbouring planning authorities may promote and/or approve sites within their administrative boundaries which are essentially

extensions to the town of Stevenage. In these instances, developers outside of the borough may be required to fund infrastructure within the borough, and this could also occur vice versa where developments within Stevenage would use infrastructure outside of the borough.

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6 Viability

Assessments

6.0.1 National policy states that where up-to-date local policies set out the contributions required of development, policy-compliant planning applications should be assumed to be viable⁽⁷⁾. 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.

6.0.2 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. This should include establishing a benchmark land value for a site on the basis of the existing use value of the land, plus a premium for the landowner to reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. Viability assessments should use standardised inputs as the core data for the assessment.

6.0.3 Overpayment of land will not be considered a reason for a scheme being considered unviable to reduce developer contributions.

Review Mechanisms

6.0.4 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 will seek the inclusion of a viability review mechanism and overage clause in the S106 agreement.

6.0.5 This will ensure that viability can be reassessed at a later date, with more up to date evidence, that may show that the scheme ended up being more profitable than was originally predicted at the planning application stage, based on the evidence used at the time of the original assessment.

6.0.6 If a viability review concludes that there has been an uplift in viability and that there will be a larger surplus that could be used to provide developer contributions in line with the latest guidance and best practice, the overage clause will ensure the Council can request greater contributions than stated in the original S106 agreement and will be able to ensure their payment prior to occupation of an agreed number of units (to be agreed and specified in the S106 covenant). If there is an uplift in viability, the Council's preference will first be to increase the supply of affordable housing and will first 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.

6.0.7 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. This will be dependent on the size of the scheme and expected rate of build-out. If a development has multiple phases, it may be appropriate to review the viability at a point during each phase for example, or at the submission of any subsequent Reserved Matters applications. All viability reviews will be undertaken at a cost to the applicant.

7 NPPF Paragraph 57

7 Housing

Affordable Housing

7.0.1 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.

7.0.2 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.

7.0.3 The Council's overriding preference is for the provision of affordable housing on-site. However it is accepted that this is not appropriate or possible 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.

Affordable Housing as part of Kenilworth Road Scheme



7.0.4 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.

7.0.5 As far as practicably possible, all affordable housing should be indistinguishable from market housing and should be distributed evenly around development sites and in line with national guidance, 100% of socially rented housing should be built to M4(2) Category 2 accessible and adaptable standards.

7.0.6 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

7.0.7 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.

7.0.8 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.

7.0.9 In some instances, such as proposals for a retirement village where accommodation is not all classed as a C3 land-use, it might be appropriate to take a proportionate approach to the provision of Affordable Housing. In these instances, much of the proposed floorspace would be required to support the residential units and would not be saleable floorspace so the viability of affordable housing would like be less than for proposals entirely made up of C3 units.

Affordable Housing at Archer Road scheme



7.0.10 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 as that would result in a non-compliant provision of affordable housing.

7.0.11 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 an appropriate range of 1-, 2- and 3-bed flats whereas for a housing scheme, it would be more appropriate to use a cost to provide a range of houses. What constitutes an appropriate range of houses to base the payment on should be agreed with the Council's Housing Team.

7.0.12 Developer contributions are often subject to expenditure deadlines 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. Financial contributions related to 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

7.0.13 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 large family homes.

7.0.14 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 Housing

7.0.15 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.

7.0.16 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.

7.0.17 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.

7.0.18 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.

7.0.19 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.

7.0.20 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.

7.0.21 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.

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8 Commuted Sums In-Lieu of On-Site Provision

Policy Compliance

8.0.1 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, however either because of constraints on-site or viability reasons, this is not always possible.

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

Open Space

8.0.3 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.

8.0.4 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.

Stevenage Open Space



8.0.5 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.

8.0.6 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.

8.0.7 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

8.0.8 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. The Council will seek advice from Sports England on these matters to help inform and justify the Council's position.

8.0.9 On 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.

Canterbury Playing Fields



8.0.10 For sports facilities on school sites, there will be a need to agree to a Community Use Agreement to ensure that local communities can benefit from the facility and have access to it in evening and at weekends. Often this will be secured by S106 agreement, but for minor schemes where there are no other requirements for a S106 this should be secured via planning conditions.

8.0.11 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

8.0.12 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.

8.0.13 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.

8.0.14 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.

8.0.15 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.

Sustainable Drainage

8.0.16 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.

8.0.17 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.

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

8.0.19 Where developers propose SuDS schemes that need to be adopted by the relevant sewerage company (Anglian Water or Thames Water being the two sewerage companies for the Stevenage area), the relevant sewerage company should be consulted. It should be noted that under the Water Industry Act, sewerage companies obtain charges directly from developers to ensure sites drain effectively where a connection to the public sewerage network is required so won't seek developer contributions for this purpose. However, they may require planning conditions to address the risk of downstream flooding when a foul and/or surface water connection is required

9 Site-Specific Mitigation

CIL Regs 2010 - Regulation 122

9.0.1 There will be instances where developments will have to provide S106 contributions in addition to paying a CIL charge in order to mitigate the impacts of their development and make the proposal acceptable in planning terms. Where the Council or infrastructure/service provider (such as HCC as Education Authority) identify a site-specific impact of a development that requires mitigation through a S106 agreement, they will have to justify how the requirement meets the three tests of Regulation 122 from the CIL Regulations 2010 (as amended) as discussed in paragraph 2.0.7.

9.0.2 The rest of this Section sets out what we expect to be some of the most commonly required contributions to mitigate site-specific impacts.

NHS GP Surgeries

9.0.3 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.

9.0.4 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 area, the Council will continue to seek NHS contributions where there is a clear demand placed on existing GP surgeries from proposed developments.

9.0.5 For strategic sites identified in the Local Plan, provision of new GP surgeries is a policy requirement which will be confirmed through engagement with the NHS at the time of an application being submitted. If the NHS confirms they are no longer seeking 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.

9.0.6 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

9.0.7 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.

9.0.8 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.

9.0.9 However, in instances where a development creates an impact and mitigation must be implemented to ensure a proposed scheme is acceptable in planning terms, HCC will request financial contributions to fund that scheme.

9.0.10 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.

9.0.11 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 and this facility will be used to meet the needs of the majority of new developments in the surrounding area, not just the Town Centre, as defined in the Local Plan, because of the lack of alternative schools nearby, the lack of future capacity within these schools and in the wider area, and also the lack of ability for those schools to expand due to constraints on-site as identified by HCC.

9.0.12 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 Town Centre education, predominantly at the new school.

9.0.13 The contributions will be sought in line with the aforementioned HCC Guide to Developer Contributions, or replacement/updated versions.

Sustainable Transport and Passenger Transport

9.0.14 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.

Proposed Town Centre Bus Station



9.0.15 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. It should be noted that the top of the Hierarchy is to prevent the need to travel in the first place which will be considered in the first instance, and active and sustainable forms of transport should be considered thereafter.

9.0.16 Developments will therefore be expected to provide excellent links for cycling and walking. In particular, vulnerable pedestrians such as those with disabilities, with sight impairments, the elderly and children should be actively accommodated. 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.

9.0.17 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. Where bus stops already exist in suitable locations, upgrades in the form of raised Kassel kerbing, shelters, and RTI displays may be considered necessary.

9.0.18 In some instances, likely to be edge-of-town extensions, new bus services 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

9.0.19 All major developments will require a travel plan. For the latest good practice, see HCC's Travel plan Guidance 2020 ⁽⁸⁾ 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. The Annual Review will be undertaken by HCC Highways.

9.0.20 Potential mitigation measures should also be set out, costed and indexed within the S106 agreement so that a developer can be obligated to fund mitigation work if HCC's annual monitoring shows that the objectives of the Travel Plan are not being met by the agreed timescales.

Management of Public Realm

9.0.21 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.

9.0.22 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 Councils existing maintenance regime to the proposed new areas of public realm.

8 <https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>

9.0.23 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.

9.0.24 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

9.0.25 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.

9.0.26 The need for hydrants will be determined through consultation with HCC at the time of application although 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. Historically, fire hydrants have been secured by S106 agreement but where possible they will be secured through the planning system.

Remediation of Contaminated Land

9.0.27 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.

9.0.28 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

9.0.29 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.

9.0.30 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 Construction Employment Opportunities for Stevenage Residents

Local Employment and Apprenticeships

10.0.1 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.

10.0.2 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 development⁽⁹⁾ 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,
- attempt to fill one apprenticeship position per 10 construction jobs on-site 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.

10.0.3 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.

10.0.4 The Local Employment Strategy might include targeting recognised local initiatives or partnerships, or the use of in-house schemes. It is advised that the developer engages with Stevenage Works when producing their Local Employment Strategy. Stevenage Works is a partnership between the Council, Stevenage Job Centre Plus and North Hertfordshire College to provide training and job opportunities including apprenticeships for young and unemployed people. The North Hertfordshire College campus within Stevenage provides training and seeks to provide apprenticeship opportunities for construction industries amongst many others and Job Centre Plus looks to help unemployed people find employment opportunities. Stevenage Works has committed to maintaining a database of suitable candidates for apprenticeship or employment roles and will field responses to any requests from developers looking for local candidates for such opportunities.

⁹ 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.

10.0.5 The monitoring report, to be submitted at an agreed time after construction has commenced, should be submitted to the Council showing how the developer/contractor has met or failed to meet the targets.

10.0.6 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,
- £2,000 per number of targeted apprenticeships not filled by Stevenage residents or students, and
- £250 per apprenticeship position as an administrative fee towards the brokerage system to fill apprenticeship positions.
- If a major development could not provide suitable apprenticeship opportunities due to the quick construction of the development project, and the resultant lack of suitable opportunity to provide apprenticeships, they should pay a lesser fee of £1,000 per number of targeted apprenticeships not created rather than the £2,000 fee.

10.0.7 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:

- Stevenage residents to help fund training opportunities, and/or
- Local micro-businesses⁽¹⁰⁾ to fund short term employment opportunities for Stevenage residents.

10.0.8 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:

10 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

Worked Example

The Local Employment Strategy of a major development estimates it will create 30 on-site construction jobs.

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 subsequent monitoring 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 subsequent monitoring 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.

Administrative Fee

3 = a target of 3 apprenticeships on-site

3 x £250 = **£750** administrative fee towards brokerage system to fill apprenticeship positions.

Overall:

£4,000 + £2,000 + £750 = £6,750 in lieu payment towards the Local Training Fund and brokerage system

10.0.9 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.

10.0.10 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 Parking and Sustainable Transport

Parking Controls

11.0.1 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.

11.0.2 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.

11.0.3 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.

11.0.4 Depending on the projected or recorded issues, the Council may request contributions towards increased parking controls by wardens or towards 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 through engagement with the Council's internal Parking Team, and will be based on the size of the development, the findings of any relevant parking studies and the size of the affected area.

Car Pooling Clubs and Other Sustainable Schemes

11.0.5 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.

11.0.6 The Council will support the provision and ongoing management of car pooling 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.

11.0.7 Car pooling has the additional benefit of offering the ability to reduce private 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.

11.0.8 Alternatively, developers could improve the sustainability of their development by contributing to projects such as bike hire schemes, electric charging points and lift-share clubs.

12 Processes and Procedures

Pre-Application

12.0.1 It is not always possible for the Council to give details regarding the likely S106 agreement at this early stage of a development due to the level of detail needed to calculate some financial contributions. 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.

12.0.2 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 type 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 may have to generate estimates of any expected developer contributions by scaling up or down similar historic, policy-compliant schemes which were considered, at this early stage, to have a similar level of impact.

12.0.3 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

12.0.4 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.

12.0.5 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.

12.0.6 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.

12.0.7 Where applicants and infrastructure/service providers cannot agree developer contributions and cannot agree to the heads of terms in order to sign a S106 agreement, the Council may consider that a reason to refuse the application based on Policy SP5: Infrastructure of the Local Plan.

12.0.8 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.

12.0.9 Where it is considered that the drafting and agreement of a S106 agreement would put an unnecessary cost or delay to a development, the Council will look to use a Unilateral Agreement to secure the financial contributions instead of a S106 agreement. This could be in instances where there are only a small number of contributions or where the overall level of contribution is low. For example, this could be for a development which is only due to provide a payment towards biodiversity net gain and/or apprenticeship opportunities. The Council will publish a template Unilateral Agreement for use in such circumstances.

Planning and Development Committee

12.0.10 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

12.0.11 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 requesting payments for Hertfordshire County Council, the NHS or Sport England for example.

12.0.12 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

12.0.13 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 Monitoring Fees

Monitoring Fees

13.0.1 The Council will request fees to cover monitoring S106 agreements. This includes requesting payments, ensuring transfer and/or expenditure of money, and keeping/publishing records of developer contributions in line with the regulations. Monitoring of S106 is a time-consuming tasks that can remain ongoing for the best part of a decade in many instances.

13.0.2 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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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 – James Chettleburgh 01438 242266

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 : 19/00654/FP
Date Received : 07.11.19
Location : Dale End Twinwoods Stevenage Herts
Proposal : Demolition of existing dwelling and erection of 3no. four bed detached dwellings, associated parking, landscaping and ancillary works.
Date of Decision : 11.02.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed development of three detached dwellings would result in an overdevelopment of the site, out of keeping with the existing grain of development, including an unacceptable level of hardstanding for access and car parking to the frontage of the proposed properties. This would be harmful to the character and visual amenity of the site and the wider area contrary to policies SP8, HO5 and GD1 of the Stevenage Borough Local Plan 2011-2031 (2019) and the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

The siting of plot 3 to the south of the site, close to the tree belt to the rear and outside of the site ownership would result in an unacceptable relationship with these trees such that the rear garden and external amenity space would be overshadowed to an unacceptable level and to the detriment of future occupiers. This may lead to future requests for works to these trees that may not be acceptable. If approved the proposal would be contrary to policy GD1 of the Stevenage Borough Local Plan 2011-2031 (2019) and the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

2. Application No : 20/00304/COND
Date Received : 11.06.20
Location : DuPont (UK) Ltd Wedgwood Way Stevenage Herts
Proposal : Discharge of conditions 17 (Archaeology) attached to planning permission reference number 17/00376/FPM.
Date of Decision : 25.01.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
3. Application No : 20/00318/FPH
Date Received : 16.06.20
Location : Dominic Cottage Rectory Lane Stevenage Herts
Proposal : Two storey side extension and new detached double garage to rear following demolition of existing garage.
Date of Decision : 25.01.21
Decision : **Planning Permission is GRANTED**
4. Application No : 20/00319/LB
Date Received : 16.06.20
Location : Dominic Cottage Rectory Lane Stevenage Herts
Proposal : Two storey side extension, internal and external alterations to dwelling and demolition of existing garage.
Date of Decision : 25.01.21
Decision : **Listed Building Consent is GRANTED**
5. Application No : 20/00503/FP
Date Received : 09.09.20
Location : Grosvenor Court Stevenage Herts SG1 2JN
Proposal : Erection of Air Source Heat Pumps and associated enclosure.
Date of Decision : 12.02.21
Decision : **Planning Permission is GRANTED**

6. Application No : 20/00558/OP
Date Received : 02.10.20
Location : Chells Way Service Station Chells Way Stevenage Herts
Proposal : Outline application for demolition of existing building and replacement with up to 9 dwellings, re-siting of existing accesses and associated works
Date of Decision : 25.01.21
Decision : **Planning Permission is GRANTED**
7. Application No : 20/00671/FP
Date Received : 10.11.20
Location : Land Adjacent To 24 Shackledell Stevenage Herts SG2 9AE
Proposal : Construction of 1no Two storey three bed house with associated parking and 3 additional public parking spaces.
Date of Decision : 11.02.21
Decision : **Planning Permission is GRANTED**
8. Application No : 20/00707/COND
Date Received : 23.11.20
Location : The Bragbury Centre Kenilworth Close Stevenage Herts
Proposal : Discharge of conditions 21 (Surface Water Drainage) and 22 (Detailed drainage scheme) attached to planning permission 18/00398/FPM
Date of Decision : 05.02.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
9. Application No : 20/00712/TPTPO
Date Received : 24.11.20
Location : Greenside School Shephall Green Stevenage Herts
Proposal : Removal of 1no. Horse Chestnut (G8) protected by TPO 8
Date of Decision : 29.01.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

10. Application No : 20/00724/FPH
Date Received : 28.11.20
Location : 11 Dryden Crescent Stevenage Herts SG2 0JG
Proposal : Part two storey, part single storey rear and side extension
Date of Decision : 22.01.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed first floor side extension by virtue of its height and location within 1 metre of the side boundary with the neighbouring property would be contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), and the advice contained within the Stevenage Design Guide SPD (2009). This seeks to resist the erection of such extensions which would otherwise result in the loss of the existing gap between properties and to prevent a terracing effect or the ability of an adjoining property to similarly extend. Furthermore, if approved, it would be difficult for the Local Planning Authority to resist similar applications elsewhere in the area, the cumulative effect of which would be an unacceptable impact on the street scene. The proposal would also fail to meet the aims of the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014) which seek to achieve high quality design.

11. Application No : 20/00728/CLPD
Date Received : 01.12.20
Location : 3 Hayfield Stevenage Herts SG2 7JP
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 21.01.21
Decision : **Certificate of Lawfulness is APPROVED**

12. Application No : 20/00735/CLPD
Date Received : 02.12.20
Location : 209 Collenswood Road Stevenage Herts SG2 9HE
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 21.01.21
Decision : **Certificate of Lawfulness is APPROVED**

13. Application No : 20/00737/FP
Date Received : 03.12.20
Location : 66 - 98 Queensway And 20 - 22 The Forum Town Centre
Stevenage Herts
Proposal : Removal of existing canopy and erection of replacement canopy
Date of Decision : 27.01.21
Decision : **Planning Permission is GRANTED**
14. Application No : 20/00738/FPH
Date Received : 03.12.20
Location : 13 Chester Road Stevenage Herts SG1 4JX
Proposal : Single storey front and rear extensions
Date of Decision : 21.01.21
Decision : **Planning Permission is GRANTED**
15. Application No : 20/00744/FPH
Date Received : 06.12.20
Location : 39 Dryden Crescent Stevenage Herts SG2 0JH
Proposal : Two storey rear and single storey side extensions
Date of Decision : 27.01.21
Decision : **Planning Permission is GRANTED**
16. Application No : 20/00751/FP
Date Received : 08.12.20
Location : Vista Tower Whole Block Southgate Stevenage Herts
Proposal : Removal and replacement of building facing materials
Date of Decision : 08.02.21
Decision : **Planning Permission is GRANTED**

17. Application No : 20/00755/FP
Date Received : 10.12.20
Location : 564 York Road Stevenage Herts SG1 4ES
Proposal : Change of use from highway land to residential land for garden use only
Date of Decision : 26.01.21
Decision : **Planning Permission is GRANTED**

18. Application No : 20/00757/FPH
Date Received : 10.12.20
Location : 9 Sefton Road Stevenage Herts SG1 5RH
Proposal : Two storey rear extension
Date of Decision : 29.01.21
Decision : **Planning Permission is GRANTED**

19. Application No : 20/00758/FPH
Date Received : 11.12.20
Location : 21 Augustus Gate Stevenage Herts SG2 7QY
Proposal : Two storey side and single storey front extensions
Date of Decision : 04.02.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed two storey side extension, by virtue of its height, excessive width and proximity to the southern side boundary of the site, would be out of keeping with the character and appearance of the area and would result in an unduly prominent and obtrusive addition to the host dwelling when viewed from Fairlands Way to the detriment of the visual amenities of the area. Accordingly the development is contrary to Policies GD1 and SP8 of the Stevenage Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), the National Planning Policy Framework (2019) and the National Planning Practice Guidance (2014).

20. Application No : 20/00761/COND
Date Received : 11.12.20
Location : Bunyan Baptist Church Basils Road Stevenage Herts
Proposal : Discharge of condition 3 (Materials) attached to planning permission 19/00271/FP
Date of Decision : 04.02.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
21. Application No : 20/00766/HPA
Date Received : 15.12.20
Location : 11 Rye Close Stevenage Herts
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.26 metres, for which the maximum height will be 3.95 metres and the height of the eaves will be 2.35 metres
Date of Decision : 30.01.21
Decision : **Prior Approval is NOT REQUIRED**
22. Application No : 20/00768/FPH
Date Received : 16.12.20
Location : 42 Fishers Green Stevenage Herts SG1 2JA
Proposal : Single storey front and side extensions and loft conversion
Date of Decision : 09.02.21
Decision : **Planning Permission is REFUSED**
For the following reason(s);
The side extension, by virtue of its siting from the shared boundary and introduction of bi-fold patio doors in the western side elevation at first floor level, would result in an unacceptable level of overlooking and loss of privacy, having a harmful impact on private amenity space of No. 40 Fishers Green and the proposed dwelling granted permission under reference numbers 10/00321/EOT (which has been confirmed in writing by the Council that this permission has been implemented) and 20/00482/NMA. 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).

23. Application No : 20/00769/AD
Date Received : 17.12.20
Location : Austins Funeral Directors 74A High Street Stevenage Herts
Proposal : Installation of 1no. externally illuminated fascia sign and 2no. externally illuminated projecting signs
Date of Decision : 17.02.21
Decision : **Advertisement Consent is GRANTED**
24. Application No : 20/00770/FP
Date Received : 17.12.20
Location : 5-13, 35-42, 47-52 And 68-76 Baron Court Ingleside Drive Stevenage Herts
Proposal : New roof perimeter safety guarding to flat roofs above communal areas.
Date of Decision : 12.02.21
Decision : **Planning Permission is GRANTED**
25. Application No : 20/00771/FPH
Date Received : 18.12.20
Location : 133 Minehead Way Stevenage Herts SG1 2JL
Proposal : Single storey front extension
Date of Decision : 09.02.21
Decision : **Planning Permission is GRANTED**
26. Application No : 20/00778/FPH
Date Received : 21.12.20
Location : 107 Chells Way Stevenage Herts SG2 0LT
Proposal : Single storey front extension and part two storey, part single storey rear extension
Date of Decision : 28.01.21
Decision : **Planning Permission is GRANTED**

27. Application No : 20/00779/AD
Date Received : 21.12.20
Location : Plot 2000 Gunnels Wood Road Stevenage Herts
Proposal : 6no. internally illuminated fascia signs, 8no. non illuminated fascia signs and 1no. externally LED illuminated orange rope light
Date of Decision : 02.02.21
Decision : **Advertisement Consent is GRANTED**
28. Application No : 20/00780/CLPD
Date Received : 22.12.20
Location : 63 Gordian Way Stevenage Herts SG2 7QH
Proposal : Certificate of Lawfulness for proposed single storey rear extension
Date of Decision : 30.01.21
Decision : **Certificate of Lawfulness is APPROVED**
29. Application No : 20/00781/FP
Date Received : 23.12.20
Location : 63 Warwick Road Stevenage Herts SG2 0QT
Proposal : Change of use from public highway land to residential use for garden land only
Date of Decision : 09.02.21
Decision : **Planning Permission is GRANTED**
30. Application No : 20/00782/FPH
Date Received : 23.12.20
Location : 41 Lime Close Stevenage Herts SG2 9QB
Proposal : Single Storey Rear Extension
Date of Decision : 03.02.21
Decision : **Planning Permission is GRANTED**

31. Application No : 20/00783/FPH
Date Received : 23.12.20
Location : 14 Glenwood Close Stevenage Herts SG2 9QT
Proposal : Single storey rear extension
Date of Decision : 16.02.21
Decision : **Planning Permission is GRANTED**
32. Application No : 20/00784/FP
Date Received : 24.12.20
Location : 303 Ripon Road Stevenage Herts SG1 4LS
Proposal : Conversion of existing property to 2no: Studio flats and 1 No: 1 bedroom flat, conversion of garage and single storey front and rear extensions
Date of Decision : 16.02.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The internal amenity space of the proposed flats would be below the nationally described space standards set out in Appendix C of the Stevenage Borough Local Plan 2011-2031 (adopted 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 and result in an overdevelopment of the site.

The proposal fails to demonstrate that adequate provision for car parking can be provided on site in accordance with the Council's standards set out in the Parking Provision Supplementary Planning Document (2020). The proposal would, therefore be likely to result in on-street parking contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), the Council's Parking Provision SPD (2020), the National Planning Policy Framework (2018) and Planning Practice Guidance (2014).

33. Application No : 20/00785/FPH
Date Received : 24.12.20
Location : 38 Franklins Road Stevenage Herts SG1 3BW
Proposal : Single storey side and rear extensions
Date of Decision : 11.02.21
Decision : **Planning Permission is GRANTED**
34. Application No : 20/00786/FPH
Date Received : 24.12.20
Location : 18 Boxfield Green Stevenage Herts SG2 7DR
Proposal : Single storey rear extension
Date of Decision : 16.02.21
Decision : **Planning Permission is GRANTED**
35. Application No : 20/00787/FPH
Date Received : 27.12.20
Location : 93 Chapman Road Stevenage Herts SG1 4RJ
Proposal : Single storey rear extension
Date of Decision : 12.02.21
Decision : **Planning Permission is GRANTED**
36. Application No : 20/00774/FP
Date Received : 29.12.20
Location : 21 Bude Crescent Stevenage Herts SG1 2QJ
Proposal : Change of use from public amenity land to residential use
Date of Decision : 12.02.21
Decision : **Planning Permission is GRANTED**

37. Application No : 21/00006/FP
Date Received : 06.01.21
Location : 137 Trumper Road Stevenage Herts SG1 5JY
Proposal : Change of use from highway land to residential land including creation of a hardstand
Date of Decision : 11.02.21
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed dropped kerb does not meet the requirements of Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 2: Highway Layout and Strategies. Accesses should be as far as possible aligned perpendicular to the road alignment and no access should be at an angle of more than 10 degrees from the perpendicular. An application to Hertfordshire County Council as Highways Authority for a dropped kerb in this location would be refused as it would cause interference to the safe use of highway users, leading to vehicles coming into conflict with all highway users of Trumper Road. The development is therefore contrary to Policy IT5 of the Stevenage Local Plan 2011-2031 (2019), the Council's Car Parking Standards SPD (2020), Hertfordshire County Council's Roads in Hertfordshire: Highways Design Guide (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

38. Application No : 21/00015/TPCA
Date Received : 13.01.21
Location : Medbury Rectory Lane Stevenage Herts
Proposal : Felling of 1no. Laurel tree and reduction of canopy by 2m on 1no. Magnolia tree
Date of Decision : 11.02.21
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

39. Application No : 21/00016/HPA
Date Received : 13.01.21
Location : 43 Skipton Close Stevenage Herts SG2 8TN
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.30 metres, for which the maximum height will be 3.70 metres and the height of the eaves will be 2.56 metres
Date of Decision : 11.02.21
Decision : **Prior Approval is NOT REQUIRED**
40. Application No : 21/00024/PADEMO
Date Received : 15.01.21
Location : Glaxo Sycamore House Leyden Road Stevenage Herts
Proposal : Prior approval for the demolition of a water tank
Date of Decision : 12.02.21
Decision : **Prior Approval is NOT REQUIRED**
41. Application No : 21/00031/PADEMO
Date Received : 18.01.21
Location : Garages 1-8 Ridgeway Stevenage Herts SG1 1PS
Proposal : Prior approval for the demolition of eight brick garages
Date of Decision : 11.02.21
Decision : **Prior Approval is NOT REQUIRED**
42. Application No : 21/00035/COND
Date Received : 20.01.21
Location : 18B Boulton Road Stevenage Herts
Proposal : Discharge of condition 2 (cycle parking) attached to planning permission 18/00045/FP
Date of Decision : 02.02.21
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

43. Application No : 21/00066/CLPD
Date Received : 03.02.21
Location : 123 Walkern Road Stevenage Herts SG1 3RE
Proposal : Certificate of lawfulness for a loft conversion with rear facing dormer, 2 no. roof lights and erection of 1no. outbuilding in rear garden
Date of Decision : 18.02.21
Decision : **Certificate of Lawfulness is APPROVED**
44. Application No : 21/00072/CLPD
Date Received : 05.02.21
Location : 8 Minerva Close Stevenage Herts SG2 7RA
Proposal : Certificate of lawfulness for a single storey rear extension
Date of Decision : 18.02.21
Decision : **Certificate of Lawfulness is APPROVED**

BACKGROUND PAPERS

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.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Tuesday 2 March 2021

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242837

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

1. APPEALS RECEIVED

- 1.1 19/00474/FPM, Land West of Lytton Way. Appeal against refusal of planning permission for the demolition of existing office building (Use Class B1) and structures, and the construction of seven apartment buildings comprising 576 dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works.
- 1.2 20/00697/FP, 10 Gorleston Close. Appeal against refusal of planning permission for the erection of first floor cantilevered rear extension.

2. DECISIONS AWAITED

- 2.1 20/00228/FP, 30 Orchard Crescent. Appeal against refusal of permission for two storey front, side and rear extensions.
- 2.2 20/00384/FP, 8A Magellan Close. Appeal against refusal of permission for the 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.
- 2.3 20/00146/FP, 330 Canterbury Way. Appeal against refusal of permission for the erection of 1no. one bedroom dwelling.

3. DECISIONS RECEIVED

- 3.1 Appeal decision received for 20/00175/FP for 86 Marlborough Road. Appeal against the refusal of planning permission to construct a domestic garage to the front of the property.

Main issues

- 3.2 The main issues are the effects of the proposal on the character and appearance of the local area, and the safety of pedestrians using the public highway.

Reasons

- 3.3 Marlborough Road is a modern cul-de-sac of mainly detached houses with an area of open space. Houses are set back in the street with frontage parking with front boundaries generally being open in character.

- 3.4 The proposed garage would sit incongruously in the street sitting well forward of any established building pattern. It would also detract from the open and pleasant street scene. The proposal would therefore harm the character and appearance of the area as it conflicts with Local Plan policies GD1 and SP8, the Stevenage Design Guide SPD and NPPF.
- 3.5 The garage would be too small to count as a parking space although there is still sufficient space in front of the house to meet parking standards. The garage has been designed and intended for a car and would likely be used for that purpose.
- 3.6 The garage, however, due to its siting and position where its door opening close to the footway, would result in drivers not having an adequate view of pedestrians on the footway. This would create a potentially dangerous situation. In addition, due to the lack of a private driveway space to the front of the garage, this would encourage cars to stop or park in a position which would block the footway. This would force pedestrians out into the road and therefore, creates an element of danger to what would be an unsatisfactory situation.
- 3.7 The proposal, given the aforementioned, would unacceptably prejudice the safety of pedestrians using the public highway. It therefore conflicts with the shared aims of Local Plan policy IT5, Roads in Hertfordshire – A Design Guide 3rd Edition, the Parking SPD, the NPPF and Manual for Streets to make provision for pedestrians.

Other matters

- 3.8 The appellant confirmed that the proposal would be for personal need and not a business, but not considered to have put forward a sufficient justification to overcome inspectors concerns as to the impact of the development.

Conclusion

- 3.9 Appeal dismissed; copy of the decision notice attached.

Appeal Decision

Site visit made on 22 January 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/K1935/D/20/3257631

86 Marlborough Road, Stevenage SG2 9HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Colwell against the decision of Stevenage Borough Council.
 - The application Ref 20/00175/FPH, dated 25 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is the construction of a domestic garage to the front of the property.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area; and
 - ii) The safety of pedestrians using the public highway.

Reasons

Character and appearance

3. Marlborough Road is a modern cul-de-sac of mainly detached houses with an area of open space at the end. No 86 sits near to the end of the street, next to the turning head. The proposal is to build a single garage at the front of the property, near to the footway.
4. The houses on Marlborough Road are set back from the street to allow for frontage parking, with front boundaries generally open or enclosed only by low fences, shrubs or hedges. The proposed garage would be a functional, plain building sitting well forward of any other significant structures where it would be an incongruous and intrusive feature. The appellant argues that it would enhance local character by alleviating the regimented layout and blandness of the street. The street does, however, already benefit from variations in building design, frontage treatments and landscape planting. The proposed garage would be unsympathetically sited and would detract from the open, pleasant street scene.

5. I conclude that the proposal would harm the character and appearance of the local area. It therefore conflicts with the aims of Stevenage Borough Local Plan 2011-2031 (LP) Policies GD1 and SP8, the Stevenage Design Guide Supplementary Planning Document and the National Planning Policy Framework (the Framework), to ensure high quality development that respects and makes a positive contribution to its location.

Highway safety

6. The proposed garage would not be long enough to easily accommodate cars and for this reason would be too small to count as a parking space, in line with the Council's Parking Provision Supplementary Planning Document (PPSPD) and Government guidance in Manual for Streets. Although there would still be enough parking space in front of the house to meet the standards set out in the PPSPD, the garage is designed and intended for a car and would likely be used for that purpose.
7. The garage would sit parallel to the street, with its door opening close to the footway where it bends around the cul-de-sac's turning head. As a result, drivers exiting the garage would not have an adequate view of pedestrians on the footway, creating a potentially dangerous situation.
8. Furthermore, the lack of private driveway space directly in front of the garage would encourage cars to stop or park in a position which would block the footway, potentially forcing pedestrians to move into the roadway. Although light traffic and slow speeds can be expected here, this would still add a further element of danger to what would in any case be an unsatisfactory situation.
9. The Council has referred to another appeal¹ for a different site where the size of the garage and the frontage parking area was also in question. The circumstances in that appeal were much different and are not directly relevant to the particular circumstances of this case.
10. I conclude that the proposal would unacceptably prejudice the safety of pedestrians using the public highway. It therefore conflicts with the shared aims of LP Policy IT5, Roads in Hertfordshire – A Design Guide 3rd Edition, the PPSPD, the Framework and Manual for Streets, to make safe provision for pedestrians.

Conclusion

11. The applicant confirms that the proposal is to meet personal (not business) needs, but has not put forward any need of sufficient importance to override my concerns about the impacts of the proposed development. For the reasons set out above, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ APP/K1935/W/16/3164393