



**PLANNING AND DEVELOPMENT COMMITTEE**

**Date: Tuesday, 4 October 2022**

**Time: 6.30pm**

**Location: Council Chamber, Daneshill House, Danestrete, Stevenage**

**Contact: Ian Gourlay (01438) 242703**

**committees@stevenage.gov.uk**

Members: Councillors: M Downing (Chair), A Brown (Vice-Chair), S Barr, T Callaghan, M Creasey, C Howells, G Lawrence CC, Mrs J Lloyd, M McKay, A Mitchell CC, C Parris, G Snell, A Wells and J Ashley-Wren.

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**AGENDA**

**PART I**

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

**2. MINUTES - 6 SEPTEMBER 2022**

To approve as a correct record the Minutes of the previous meeting of the Planning & Development Committee held on 6 September 2022.

Pages 5 – 20

**3. 22/00369/FPM - BARNWELL LOWER SCHOOL, COLLENSWOOD ROAD**

To consider a deferred application for the erection of a new secondary school and new Stevenage Education Support Centre (SESC) building, together with associated works and refurbishments including the provision of games areas, informal play areas, a substation, landscaping and car parking, following the demolition of the vacant former Collenswood and Barnwell School buildings.

Pages 21 – 90

**4. 22/00437/FPM - 10A AND 10B BURWELL ROAD**

To consider an application for the demolition of existing 2no. semi-detached houses and erection of 20no. flats comprising 12 no. 1 bed and 8 no. 2 bed, associated parking and ancillary works.

Pages 91 – 126

**5. 22/00377/FPM - STEWART HOUSE, PRIMETT ROAD**

To consider an application for the erection of one and two-storey extensions with accommodation in the roof, installation of new windows, balconies, lightwells, dormer windows and ancillary works to convert the existing office building (Use Class E) to 21no. residential units, comprising 11no. 1 bedroom and 10no. two bedroom flats.

Pages 127 – 154

**6. 22/00673/FPM - GARAGES AND FORECOURT AREA TO REAR OF 13-19 THE CHACE**

To consider an application for the variation of Condition 1 (plans) of planning permission 20/00672/FP to allow the siting of 3no. three bed dwellings, parking and amenity space as built.

Pages 155 – 166

**7. 22/00664/FP - 244 CANTERBURY WAY**

To consider an application for a change of use from dwellinghouse (Use Class C3) to a HMO (Use Class C4).

Pages 167 – 176

**8. 22/00465/FP - 37 COLESTRETE**

To consider an application for the erection of 1no. detached 4 bedroom dwelling.

Pages 177 – 194

**9. INFORMATION REPORT - DELEGATED DECISIONS**

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

Pages 195 – 212

**10. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS**

To note a report on planning appeals lodged and planning appeal decisions taken by the Planning Inspectorate.

Pages 213 – 222

**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 100A 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.

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STEVENAGE BOROUGH COUNCIL

## PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 6 September 2022

Time: 6.30pm

Place: Council Chamber

**Present:** Councillors: Michael Downing (Chair), Maureen McKay, Sandra Barr, Teresa Callaghan, Matt Creasey, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Adam Mitchell CC, Claire Parris, Graham Snell and Anne Wells

**Start / End**      Start Time:    6.30pm  
**Time:**            End Time:       8.15pm

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

Apologies for absence were submitted on behalf of Councillor Julie Ashley-Wren.

Councillor McGuinness was in attendance as substitute Member.

There were no declarations of interest.

### 2      **MINUTES - 26 JULY 2022**

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 26 July 2022 be approved as a correct record and signed by the Chair.

### 3      **MINUTES - 9 AUGUST 2022**

It was **RESOLVED** that the minutes of the Planning and Development Committee held on 9 August 2022 be approved as a correct record and signed by the Chair.

### 4      **22/00463/FP - LAND ADJACENT TO 68 STIRLING CLOSE**

The Committee considered an application for the erection of 1 no four bedroom dwelling.

The application was before the Committee for determination as the applicant and landowner was Stevenage Borough Council and there had been more than five objections.

The Assistant Director Planning and Regulation gave an introduction to the Committee. He advised that the determining issues with the application related to the principle of development, the loss of the public open space, the impact of the proposal on the character and appearance of the area, residential amenity, car parking provision and highway safety.

The Chair then invited Mr Blythe, an objector to address the meeting. Mr Blythe's concerns related to the fact that the site was not allocated for residential development, overlooking and loss of privacy, loss of open green space, car parking and access issues and the increase in levels of traffic and pollution. Mr Blythe requested that if permission was granted, the replacement trees should be planted in locations to ensure there was no overlooking of his property.

The Chair then invited Mrs Bonti, also an objector to the application to address the Committee. Mrs Bonti advised that her concerns were similar to those reported by Mr Blyth but in addition she had concerns regarding the access to the alleyway at the rear of the property specifically in relation to the safety of the layout of the proposed access to the garden.

The Chair then invited Ash Ahmed, Assistant Director Housing Development Stevenage Borough Council to respond to the concerns raised. Mr Ahmed reminded the Committee of the need for housing in the town and advised that the proposed dwelling would not overburden the space as it was a single house. Parking would be improved and although it would be necessary to remove 5 cherry trees, they were coming to the end of their lives and would be replaced by 5 new trees plus a further 10 trees would be planted in the wider Kenilworth development. Mr Ahmed confirmed that the location for the re-planting of the 5 trees would be in consultation with the Council's Arboricultural Manager and would take into account the comments of the local residents regarding their concerns of overlooking. Mr Ahmed also advised that he would have discussions with Mrs Bonti regarding her access concerns.

The Assistant Director Planning and Regulation advised that it was considered that the public benefits of the proposal in the form of social housing, additional trees, and an increase in car parking provision, improving the communal parking area would outweigh any harms and therefore considered acceptable.

Members requested that consideration be given to the timing of the cutting down of the trees. The Assistant Director advised that the trees would not be removed until a start date for the development had been confirmed.

It was **RESOLVED**:

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

- Funding of 10no. new trees in the Bragbury End area of the Borough.
- S.106 monitoring fee.

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally

sound and most effectively deliver the development that the Planning Committee has resolved to approve. These suggested conditions are as follows:-

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
20166\_S-001A; 20166\_P004-G;
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match the materials used in the construction of the original neighbouring dwellings to the satisfaction of the Local Planning Authority.
- 4 Prior to the first occupation of the dwelling hereby permitted the parking provision as shown on approved plan 20166-P004-G to serve both the existing and new dwellings, shall be constructed, hardsurfaced and made ready for use. The parking areas shall be constructed in a porous material or provision shall be made for a sustainable urban drainage system (SuDS) to be built into the hardsurfaced areas. Once provided the parking facilities shall be retained in that form and thereafter be used for the parking of vehicles only.
- 5 Prior to the occupation of the dwellinghouse hereby permitted, the parking spaces shown on approved plan 20166-P004-G shall be provided with the underlying infrastructure for connection to the electricity network to enable them to be served by an electric vehicle charging point.
- 6 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 07:30 and 18:00 on Mondays to Fridays and between the hours of 08:00 and 13:00 on Saturdays.
- 7 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.
- 8 The first floor windows in the eastern rear elevation of the new dwellinghouse hereby approved shall be glazed with obscured glass and shall be fixed so as to be incapable of being opened below a height of 1.7 metres above floor level, and shall be retained in that form thereafter and no additional windows shall be installed at first floor level in the eastern rear elevation.
- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a

remediation scheme must be prepared in accordance with the requirements of condition 13 which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, as required under condition 9, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
- 12 Prior to the first occupation of the dwelling hereby permitted, the cycle storage as detailed on plan 20166-P004-G shall be implemented accordingly. The cycle storage shall be retained and maintained accordingly during the lifetime of the development.
- 13 Prior to the first occupation of the dwelling hereby permitted, the general waste and recycle store associated with the development hereby permitted shall be implemented in accordance with the details as specified on plan number 20166-P004-G.
- 14 All planting, seeding and turfing shall be carried out in the first planting and seeding seasons following the first use of the site or the completion of the development whichever is the sooner.
- 15 Any trees or plants comprised within the approved plans 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.



- 16 All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March – August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
- 17 Notwithstanding the details shown in this application the treatment of all boundaries including details of any walls, fences, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwelling hereby permitted. The approved boundary treatments shall be completed before the dwelling is occupied.
- 18 Notwithstanding the provisions of Class B of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting this Order) no extensions, enlargements, alterations or dormer windows to the dwellinghouse hereby permitted shall be erected unless permission is granted on an application made to the Local Planning Authority.

## **INFORMATIVE**

### **1 Community Infrastructure Levy**

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

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

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

### **2 Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

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

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

**3 Party Wall etc. Act 1996**

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

**4 Hertfordshire County Council as Highways Authority**

The developer should be aware that the required standards regarding the maintenance of the public right of way and safety during the construction. The public rights of way along the carriageway and footways should remain unobstructed by vehicles, machinery, materials and other aspects of construction works. Prior to commencement of the construction of any development the applicant should submit a construction management plan for LPA's approval in consultation with the highway authority.

**5 Hertfordshire County Council as Highways Authority**

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide 126 (2011)". 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> or by telephoning 0300 1234047

5 **22/00468/FPM - MBDA, SIX HILLS WAY**

The Committee considered a report in respect of application 22/00468/FPM seeking planning permission for the demolition of an existing storage facility and erection of a 3-storey Research and Development facility at MBDA UK, Six Hills Way, Stevenage.

The Principal Planning Officer advised that the main issues for consideration in the determination of the application were its acceptability in land use policy terms, impact on visual amenity, impact on neighbouring amenities, parking provision, means of access and highway safety, impact on the environment and flood risk.

An addendum report had been circulated to members with an update on landscaping with a response from the Council's Arboricultural and Conservation Manager and also an update on flood risk and drainage from the Council's Flood Risk consultant.

The Committee was advised that the proposed development would contribute to building a strong, responsive and competitive economy by replacing redundant storage on the MBDA site with a new R&D facility. The proposed development would increase the number of employees by approximately 15-20 and would support MBDA's role as a key employer in the Town.

In response to a question relating to landscaping and natural drainage, Officers confirmed that the applicant would be submitting a revised drainage scheme which would need to be approved by the Local Planning Authority prior to implementation.

It was **RESOLVED** that application 22/00468/FPM be granted planning permission, subject to the following conditions the applicant having first entered into a S106 legal agreement to secure/provide contributions towards:

- Apprenticeships and construction jobs;

The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of the Planning and Development Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or

additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve and subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 0209799-HRL-XX-XX-DR-E-708001-S03-P01; 5100-FDG-ZZ-00-DR-A-08005-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-08001-S0; 5100-FDG-ZZ-ZZ-DR-A-08002-S0; 5100-FDG-ZZ-ZZ-DR-A-08003-S0; 5100-FDG-ZZ-ZZ-DR-A-08004-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08006-S0; 5100-FDG-ZZ-ZZ-DR-A-08007-S0; 5100-FDG-ZZ-RF-DR-A-08008-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-08008-S0; 5100-FDG-ZZ-ZZ-DR-A-08010-S2-P02; 5100-FDG-ZZ-ZZ-DR-A-11202-S0-P01; 99571-DCL-XX-00-DR-C-10001-P3; 5100-FDG-ZZ-ZZ-DR-A-55100-S0-P01; 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Notwithstanding Section 55 of the Town and Country Planning Act (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the development to which this permission relates shall be used for purposes falling within Class E(g)(ii) of the Schedule to the Use Classes Order 1987 (as amended) (or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification).
4. No site clearance or construction work relating to this permission shall be carried out except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
5. No external lighting shall be installed on the site other than in accordance with External Lighting Layout reference 0209799-HRL-XX-XX-DR-E-708001 Rev. P01 unless otherwise agreed in writing by the local planning authority.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.
7. The development to which this permission relates shall be carried out in accordance with the Energy Statement as set out at Appendix A of report reference REP-2324512-05-WN-20220414-Climate change and energy

statement-Rev01 unless otherwise agreed in writing by the local planning authority.

Prior to Commencement

8. No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
- l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

9. No development shall take place (excluding site clearance and demolition) until a final design of the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

The scheme shall include the following:

- infiltration testing in accordance with BRE Digest 365 to be carried out to determine whether infiltration rates are suitable to form part of the surface water disposal strategy;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year + 40% climate change event, including allowance for infiltration, should testing demonstrate sufficient infiltration capacity exists at the site;
- appropriate stages of treatment in accordance with SuDS Manual requirements;

- an updated full detailed surface water drainage plan showing the proposed discharge points, the location of the proposed SuDS features, any pipe runs and size; and
- detailed engineering drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs;
- evidence that Thames Water has given agreement (of principle and rates) for the surface water from the site to discharge into their network; and
- evidence that the proposed CCTV drainage survey of the surrounding surface water sewerage network which it is proposed to discharge into has been undertaken, and that this has shown that the drainage proposals for this site can be accommodated.

#### Prior to Work above Slab Level

10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.
11. No development shall take place above slab level until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.
12. The development shall be carried out in accordance with the approved landscaping plan 5100-FDG-ZZ-ZZ-DR-A-55199-S4-P03. The approved plan shall be implemented in the first planting and seeding season following completion of the development unless otherwise agreed in writing by the local planning authority.

#### Prior to Occupation/Completion

13. The parking, turning and servicing areas shown on drawing number 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07 shall be provided, marked out and hard surfaced ready for use prior to the first occupation of the building and shall be retained in that form and kept available for those purposes thereafter. The hardstand areas shall be made of a porous material, or provision shall be made to direct surface water run-off water from the hardstanding to a permeable or porous area or surface within the curtilage of the building.
14. Prior to the construction of the car parking spaces shown on approved plan 5100-FDG-ZZ-ZZ-DR-A-51100-S4-P07, details of the specification and siting of active electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be installed in full prior to beneficial occupation of the development and

permanently retained as such thereafter.

15. Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car and cycle parking, servicing, loading, and turning areas shall be implemented in accordance with the approved plans and thereafter kept free from obstruction and retained for their intended purposes.
16. Prior to the beneficial occupation of the development to which this permission relates, a management and maintenance plan for the approved SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  - (a) provision of a complete set of as built drawings, including the final drainage layout for the site drainage network;
  - (b) maintenance and operational activities;
  - (c) arrangements for adoption; and,
  - (d) any other measures necessary to secure the operation of the scheme throughout its lifetime.

The approved plan shall be fully implemented from the date of approval and thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

#### Post Occupation/Completion

17. Any trees or plants comprised within the approved 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.
18. No tree shown on the 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.

#### **Informatives**

1. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## 6 **22/00385/FPM - UNIT 4A, ROARING MEG RETAIL PARK, LONDON ROAD**

The Committee received a report considering the Variation of Condition 6 (range of goods restriction) attached to planning permission reference number 14/00680/FPM, external alterations to existing retail unit and ancillary works for Unit 4A, Roaring Meg Retail Park, London Road, Stevenage.

Officers advised the Committee that this report would be taken in conjunction with item 7 on the Agenda – 22/003869/FPM also relating to 4A Roaring Meg Retail Park as they dealt with the same site although a vote would be taken separately for each application.

The Chair invited Scott Stephenson from TKMaxx, the Applicant to address the Committee. Mr Stephenson advised that the existing TKMaxx store at Unit 10, The Forum would be closing by Spring 2023 as the landlord of the property had served notice confirming that they were opposing the request for a new lease on the grounds of redevelopment.

Mr Stephenson stated his hope that TKMaxx could remain in the Town and advised that if the application to move TKMaxx to the Roaring Meg retail Park was approved, all existing 40 jobs would be retained and an additional 25 jobs created. If refused, TKMaxx would be forced to leave the Town as the alternative sites suggested by the



Local Planning Authority were not suitable.

The chair thanked Mr Stephenson for his contribution.

Officers advised that the main issues for consideration in the determining the application were its acceptability in retail policy terms, the sequential test, its impact on the vitality and viability of the Town Centre, design and impact (external alterations), flood risk and draining and highways parking.

The Committee was advised that Officers had recommended Refusal of the application to vary the condition to enable the sale of clothing, footwear and fashion goods and the ancillary sale of foodstuffs, external alterations and ancillary works was considered unacceptable on the basis that the submitted sequential test failed to consider the broad type and proposed use which was proportionate and appropriate for the given proposal.

In addition, the Planning Authority considered that there were preferable sites which were available within the Town Centre that could accommodate the broad type, format and scale of the proposed land use subject to this application.

Members expressed concern that the loss of TKMaxx would be to the detriment of the Town's shopping opportunities. They were of the view that the proposal to move to the Roaring Meg Retail Park would be good for the people of Stevenage, the local economy and local jobs.

Members gave consideration to the loss of this principal retail chain from the Town centre but were of the view that the retention of TKMaxx in the Town by the move to the Retail Park would outweigh the concerns regarding the harm to the Town Centre.

Members were also keen to ensure that if approved, the permission should be specifically to TKMaxx. If TKMaxx were to vacate the space the premises would revert to the previous conditions for the site in relation to retail warehousing as per the original condition.

Following further debate it was **RESOLVED** that the recommendation to refuse the application be rejected.

Following further debate, it was moved, seconded and **RESOLVED** 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:  
2264-U4A-L01; 2264-U4A-P01; 2264-U4A-P02; 2264-U4A-P03; 2264-U4A-X01; 2264-U4A-X02; 2264-U4A-X03;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The range of goods to be sold from the development shall be confined to

retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods. Notwithstanding, Unit 4A hereby permitted may also be used for the sale of clothing, footwear and other fashion goods from up to a maximum sales area of 1,323 sqm (net), and the ancillary sale of associated confectionary and seasonal/gift food items from up to 141sqm. The extended range of goods may only be sold on the basis the floorspace is operated as a single, amalgamated unit.

4. Unit 4A hereby permitted shall only operate as one large amalgamated premise with internal connections maintained, as indicated on drawing no. 2264-U4A-P02 Proposed Ground Floor Plan.
5. The occupation of Unit 4A hereby permitted shall be by named retail operator TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing. Should TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing cease to trade from Unit 4A hereby permitted, the range of goods to be sold should revert to retail warehousing of comparison goods only as per condition 6 of planning permission 14/00680/FPM.

## 7 **22/00389/FPM - UNIT 4A, ROARING MEG RETAIL PARK, LONDON ROAD**

The Committee received a report considering the installation of mezzanine floorspace for Unit 4A, Roaring Meg Retail Park, London Road, Stevenage.

The Committee gave consideration to this application along with the previous item (6 - 14/00680/FPM, external alterations to existing retail unit and ancillary works for Unit 4A, Roaring Meg Retail Park, London Road, Stevenage)

Following debate it was **RESOLVED** that the recommendation to refuse the application be rejected.

Following further debate, it was moved, seconded and **RESOLVED** that planning permission be granted, subject to the following legal Agreement and conditions:

### Legal Agreement for Application 22/00389/FPM Mezzanine

A £1,200 per annum for a period of 5 years (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.

### Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
2264-U4A-L01; 2264-U4A-P10; 2264-U4A-P11; 2264-U4A-P12; 2264-U4A-P13; 2264-U4A-X01; 2264-U4A-X02; 2264-U4A-X04

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 3 The range of goods to be sold from the development shall be confined to retail warehousing of comparison goods to exclude expressly the sale of all foodstuffs for consumption off the premises, clothes and footwear (other than specifically for the playing of sport), or other fashion goods. Notwithstanding, Unit 4A hereby permitted may also be used for the sale of clothing, footwear and other fashion goods from up to a maximum sales area of 1,323 sqm (net), and the ancillary sale of associated confectionary and seasonal/gift food items from up to 141sqm. The extended range of goods may only be sold on the basis the floorspace is operated as a single, amalgamated unit.
- 4 Unit 4A hereby permitted, including any mezzanine floor, shall only operate as one large amalgamated premises with internal connections maintained, as indicated on drawing no. 2264-U4A-P11 Proposed Ground Floor Plan.
- 5 The mezzanine floorspace hereby permitted shall at no time be utilised as an independent retail unit.
- 6 The occupation of Unit 4A hereby permitted shall be by named retail operator TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing. Should TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing cease to trade from Unit 4A, the range of goods to be sold should revert to retail warehousing of comparison goods only as per condition 6 of planning permission 14/00680/FPM.
- 7 Before first occupation of Unit 4A hereby approved, a Travel Plan in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council as Highway Authority. The approved Travel Plan shall be in place from the first occupation/use until 5 years post occupation/use or until the retail operator TK Maxx / Homesense or other retail brand under the TJX parent company as agreed with the Council in writing cease trading whichever is sooner.

## 8 CIL GOVERNANCE REPORT

The Committee received and noted an oral update from the Assistant Director Planning and Regulation in respect of Community Infrastructure Levy (CIL) Governance.

The Assistant Director advised the Committee of the following key points:

- CIL was introduced in 2020 and would be reviewed next year;
- Any Expenditure above £75,000 would be submitted to both the Planning and Development Committee and Executive for agreement;
- Each Neighbourhood Area would be allocated £15,000 funding which would

be the responsibility of the Local Ward Councillors as to how to allocate the funds.

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

9 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

11 **URGENT PART I BUSINESS**

None.

12 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

13 **URGENT PART II BUSINESS**

None.

**CHAIR**

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

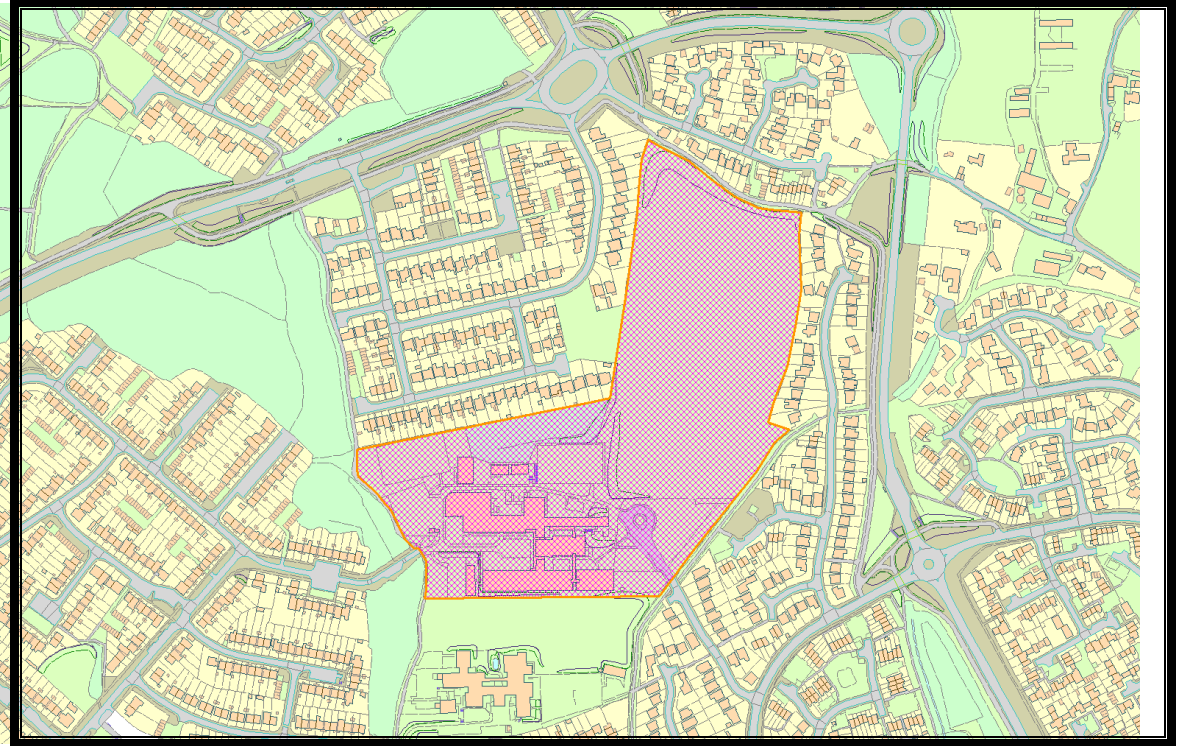
**Date:** 4 October 2022

**Author:** Thomas Frankland-Wells

**Lead Officer:** Zayd Al-Jawad

**Contact Officer:** Thomas Frankland-Wells

Application No:	22/00369/FPM
Location:	Barnwell Lower School, Collenswood Road, Stevenage, Herts, SG2 9HQ
Proposal:	The erection of a new secondary school and new Stevenage Education Support Centre (SESC) building, together with associated works and refurbishments including the provision of games areas, informal play areas, a substation, landscaping and car parking, following the demolition of the vacant former Collenswood and Barnwell School buildings.
Drawing Nos.:	FS0945-ALA-XX-ZZ-DR-L-0001 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0002 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0003 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0004 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0005 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0006 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0007 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0008 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0009 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0014 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0015 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0016 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0017 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0018 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0019 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0020 Rev P01; FS0945-ALA-XX-ZZ-DR-L-0023 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0027 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0029 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0030 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0032 Rev P06; FS0945-ALA-XX-ZZ-DR-L-0033 Rev P06; FS0945-JWA-ZZ-ZZ-DR-A-0002 Rev P03; FS0945-JWA-ZZ-ZZ-DR-A-0003 Rev P03; FS0945-JWA-ZZ-ZZ-DR-A-0004 Rev P02; FS0945-JWA-ZZ-ZZ-DR-A-0005 Rev P02; FS0945-JWA-ZZ-LG-DR-A-1001 Rev P02; FS0945-JWA-ZZ-00-DR-A-1002 Rev P02; FS0945-JWA-ZZ-01-DR-A-1003 Rev P01; FS0945-JWA-ZZ-02-DR-A-1004 Rev P01; FS0945-JWA-ZZ-R1-DR-A-1005 Rev P01; FS0944-JWA-ZZ-LG-DR-A-1050 Rev P01; FS0945-JWA-ZZ-ZZ-DR-A-3001 Rev P01; FS0945-JWA-ZZ-ZZ-DR-A-3002 Rev P01; FS0945-JWA-ZZ-ZZ-DR-A-4001 Rev P01; 714-ALA-XX--ZZ-DR-L-0006 Rev P01; 714-ALA-XX--ZZ-DR-L-0007 Rev P01; FS1024-ALA-XX-ZZ-DR-L-0001 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0002 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0008 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0009 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0010 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0011 Rev P02; FS1024-ALA-XX-ZZ-DR-L-0012 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0020 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0021 Rev P01; FS1024-ALA-XX-ZZ-DR-L-0022 Rev P01; FS1024-ALA-XX-ZZ-DR-L-0023 Rev P03; FS1024-JWA-AA-00-DR-A-1001 Rev P02; FS1024-JWA-AA-01-DR-A-1002 Rev P02; FS1024-JWA-AA-ZZ-DR-A-3001 Rev P02; FS1024-JWA-AA-ZZ-DR-A-3002 Rev P02; FS1024-JWA-AA-ZZ-DR-A-4001 Rev P01.
Applicant:	Bowmer & Kirkland (on behalf of the Department for Education)
Date Valid:	21 April 2022
Recommendation:	GRANT PLANNING PERMISSION



The above plan is for illustrative purposes only.

## **1 SITE DESCRIPTION**

- 1.1 The application site is an irregularly shaped plot of land, extending to approximately 8.15 hectares and located between Six Hills Way and Ashtree Primary School. It was originally the site of Collenswood School, which opened in 1962, before later becoming the site of Barnwell School's East Campus from 2006 onwards. After the Barnwell East Campus closed in 2014, Stevenage Education Support Centre ("SESC") began operating from a portion of the western part of the site, with the remainder left vacant. This arrangement continues to the present day.
- 1.2 The buildings on the site appear typical for a school constructed in the middle of the 20<sup>th</sup> century. Extending to up to four storeys in height, they are laid out in an "H" configuration in the south-western part of the site. The north-western part remains largely undeveloped, having been used as playing fields.
- 1.3 There are two entrances to the site, one in the east and one in the west, both of which provide vehicular and pedestrian access. The western access, via Collenswood Road, was historically the only entrance and has since been used as the main entrance, now serving SESC. The western entrance, via Redwing Close, was a later addition and its use was more limited, generally being reserved for pedestrians and vehicular drop-off, as well as service and emergency vehicles.
- 1.4 The majority of the site is bounded by mature trees, with gaps emerging along the boundary with Ashtree Primary School and where the rear gardens of neighbouring houses back directly on to the school playing fields. The land on the site falls gently towards the east and the north.
- 1.5 The site is allocated for a secondary school in the Local Plan under Policy HC9 and also falls within Non-Residential Parking Accessibility Zone 4 but is otherwise not subject to any local plan designations. In terms of environmental constraints, it is located wholly within Flood Zone 1 (lowest risk) and Source Protection Zone 2 (outer protection zone). It should also be noted that the larger groups of trees on the site make up areas of Lowland Mixed Deciduous Woodland, which is Habitat of Principal Importance for the conservation of biodiversity in England.
- 1.6 Land use in the surrounding area is predominantly residential, comprising two storey dwellings laid out as terraces, pairs or as detached properties. The notable exception to this pattern is Ashtree Primary School, which lies immediately to the south of the site. It should also be noted that the woodland to the west of the site is designated both as Principal Open Space and as a Wildlife Site.

## **2 RELEVANT PLANNING HISTORY**

- 2.1 97/2/0371 – Extension to provide new music and drama facility, replacement/additional car parking provision, new pedestrian/vehicular access from Redwing Close with on-site vehicle turning facility – Planning permission granted on 6 January 1998.
- 2.2 00/00500/REG3 – Retention of four double mobile classroom units – No objection on 21 December 2000.
- 2.3 01/00673/REG3 – New four classroom block – No objection on 14 January 2002.
- 2.4 09/00106/FP – Erection of temporary building containing 3 classrooms – Planning permission granted on 21 May 2009.
- 2.5 22/00360/SCR – EIA screening opinion – Screening opinion closed on 12 May 2022.

## **3 COMMITTEE DEFERAL**

- 3.1 The application was presented at a special meeting of the Planning and Development Committee on 26 July 2022 with a recommendation to grant planning permission subject to conditions and the completion of a S106 agreement to secure travel plan monitoring and employment and apprenticeship opportunities. Members are referred to the Officer's Report at Appendix 1 and the Addendum Report at Appendix 2.
- 3.2 The Committee resolved to defer a decision on the application to allow the applicant the opportunity to provide further information on three key areas of concern, which were as follows:
- Redwing Close – the Committee requested further details of measures to mitigate the impact of traffic on Redwing Close, including but not limited to marshalling and a traffic regulation order;
  - pedestrian access – the Committee requested that the development be served by additional pedestrian accesses, with Marlborough Road, Collenswood Road and Cromwell Road suggested as potential options; and,
  - acoustic fencing – the Committee requested further details of the proposed acoustic fencing, with particular regard to the potential impact on the residents of Marlborough Road.
- 3.3 Following the meeting, the applicant submitted a revised set of plans and supporting documents. The additional information and changes are summarised as follows:
- The applicant has offered to sponsor a Traffic Regulation Order on Redwing Close.
  - Two additional pedestrian accesses would be provided: one from Barham Road and one from Dene Lane (the existing footpath to the south-east of the site).
  - The proposed acoustic fencing has been moved away from the boundaries of the properties on Marlborough Road and would instead be sited closer to the MUGA itself.
  - The applicant has confirmed that the acoustic fence would appear as a typical close boarded timber fence.
  - Three additional groups of trees would be removed: G15 (Category C) and G16 (Category B), located to the rear of 1-15 Cromwell Road; and G21 (Category B), located on the south-eastern boundary of the site.

## **4 PUBLIC REPRESENTATIONS**

- 4.1 Following receipt of the amended plans and documents, the application was advertised by letters sent to surrounding residents.
- 4.2 35 letters of objection were received.
- 4.3 The most often cited reason for objection was the removal of trees to the rear of 1-15 Cromwell Road and the associated impacts on ecology, climate change, drainage and air quality. A number of residents requested that these trees be made subject to a Tree Preservation Order.
- 4.4 Many residents also expressed concerns about the impact of the proposed footpath on privacy, noise pollution and crime / anti-social behaviour.
- 4.5 Another frequently cited reason for objection was the impact of pick-up and drop-off activity. Many of these objections reiterated previous concerns relating to the impact on Redwing Close, Jackdaw Close, Sparrow Drive, and other surrounding roads and junctions. However, with the addition of a pedestrian access in the northern part of the site, similar concerns have also now been expressed about Barham Road, Cromwell Road, and the nearby Six Hills Way Roundabout.



- 4.6 1 letter of support was also received. This cited the benefits of additional school places and sustainable methods of transport.
- 4.7 Full copies of all representations are available on the Council's website.

## **5 CONSULTATIONS**

### **5.1 SBC Arboriculture and Conservation Manager**

- 5.1.1 The Council's Arboriculture and Conservation Manager has been consulted on the revised plans and on the request to make the trees in the far northern part of the site subject to TPO but has yet to comment at the time of writing. Any comments received will be reported to the Committee verbally.

### **5.2 SBC Environmental Health Officer**

- 5.2.1 I have no objection to the proposed relocation of the acoustic fencing.

### **5.3 HCC Highways**

- 5.3.1 HCC Highways has been consulted on the revised plans but has yet to comment at the time of writing. Any comments received will be reported to the Committee verbally.

### **5.4 Crime Prevention Design Service**

- 5.4.1 The Crime Prevention Design Service has been consulted on the revised plans but has yet to comment at the time of writing. Any comments received will be reported to the Committee verbally.

## **6 APPRAISAL**

### **6.1 Traffic Mitigation**

- 6.1.1 The applicant states that they have considered options for marshalling to manage pick-up and drop-off activities on Redwing Close. However, they note that Redwing Close is already used for the same purpose by parents of pupils at Ashtree Primary School. With this in mind, marshalling was discounted, on the basis that it would not be appropriate for teachers at Michaela School to be put into potential conflict with parents of pupils at another school.
- 6.1.2 On-site pick-up and drop-off was also considered by the applicant. It was considered to be inappropriate because it would result in additional vehicle movements along Redwing Close and encourage travel by car more generally.
- 6.1.3 With the above in mind, the applicant has suggested that the best approach to mitigating the impacts of traffic on Redwing Close would be for the Council to promote a Traffic Regulation Order. Such an Order would place limits on parking on Redwing Close during pick-up and drop-off times. The applicant has expressed a willingness to fund the cost of the Order.
- 6.1.4 Officers accept this reasoning and agree that marshalling is unlikely to be appropriate or, more importantly, effective with the presence of traffic from another school present on the same road. Officers also agree that providing dedicated on-site pick-up and drop-off facilities is likely to induce demand for car-based trips to the school and would, in practice, only serve to direct further traffic along Redwing Close, albeit these vehicles would be less likely to stop to park.
- 6.1.5 A Traffic Regulation Order ("TRO") could feasibly be implemented on Redwing Close. However, this would apply not only to the parents of pupils visiting nearby schools but also to

the residents of the road and any visitors. This would inevitably result in some inconvenience to residents, with the extent of that inconvenience dependent on the precise nature of the Order. The Council would be responsible for promoting the TRO but the cost could be recovered from the applicant through the S106 agreement if the Committee wish to pursue this approach.

## 6.2 Pedestrian Access

- 6.2.1 The applicant considered four options for providing additional pedestrian accesses to the site.
- 6.2.2 The first of these was across the green space linking the site to Marlborough Road and Cromwell Road. This option was discounted because it would have required the removal of mature trees and securing rights across third party land, without providing any additional benefits over an alternative access from Barham Road.
- 6.2.3 The second option was a route from Collenswood Road along the southern boundary of SESC, connecting to the existing footpath adjacent to the SESC entrance. HCC confirmed that this would be unacceptable from an operational and safeguarding perspective, since it could create a potential conflict between users of Michaela School and the pupils attending SESC. As such, this option was discounted.
- 6.2.4 The third option was a route from the existing pedestrian and cycle path which runs along the south-eastern boundary of the site and is known as Dene Lane. This was seen as a favourable option and is now shown on the latest set of plans. Forming the entrance would involve the partial removal of a group of Category B trees and removing a section of the existing fence in this location.
- 6.2.5 The final option to be considered was an access leading off the existing cycle route on Barham Road. This again was considered to be a favourable option and is shown on the latest set of plans. The path would run along the north-eastern boundary of the Michaela School side of the site and would lead up to the proposed MUGAs. It would require the removal of a number of Category B trees.
- 6.2.6 As noted above, the most frequently cited reason for objection in the latest round of consultation was the removal of these trees, which are located to the rear of 1-15 Cromwell Road. Officers acknowledge that these objections and agree that the removals would have adverse impacts.
- 6.2.7 However, it is also noted that the removals would not only be necessary to facilitate the proposed footpath but also to install and maintain the proposed drainage scheme. There is an existing surface water sewer running adjacent to the proposed path, which could not be surveyed due to the dense vegetation and is expected to be blocked. The proposed drainage scheme would involve removing this sewer and replacing it with a filter drain, making a final connection to the existing surface water sewer on Barham Road. As such, in order to avoid the removal of the affected trees, it would also be necessary to redesign the drainage scheme.
- 6.2.8 It would be possible to redesign the drainage scheme such that it would connect to the surface water sewer on Redwing Close. However, it is not clear whether this could be done without pumping, since the land on the site falls to the north. Including pumps in the design would introduce a critical point of failure and would be significantly less sustainable than a gravity system.
- 6.2.9 The impacts on the amenities of residents of Barham Road and Cromwell Road was also frequently cited as a reason for objection in the latest round of consultation. The new access in this location is likely to be well-used, since approximately 65% of trips to Michaela School are anticipated to originate from the north. On this basis, officers are in agreement that the new access would result in adverse impacts on the residents of surrounding roads, primarily

by way of noise pollution and competition for car parking spaces. However, this must be balanced against the corresponding decrease in these impacts for residents of Redwing Close.

6.2.10 The proposed new access from Dene Lane would have similar impacts on the residents of Jackdaw Close, again drawing traffic away from Redwing Close. However, it is noted residents of Jackdaw Close were identified as being impacted by the scheme as originally submitted (i.e. with Redwing Close being the sole access).

### 6.3 Acoustic Fencing

6.3.1 Full details of the proposed acoustic fencing have now been provided by the applicant. This would be a Jackoustic 12k Envirofence with a mass of 10-12kg/m<sup>2</sup>, which would have the appearance of a typical close boarded timber fence. It would measure 3m in height along its length.

6.3.2 The applicant has also revised the positioning of the fence for Michaela School such that it would be located adjacent to the MUGA itself rather than along the boundary shared with 88A, 88B and 88C Marlborough Road. The corresponding fencing for SESC has not been relocated, since this would not be practical due to siting of the MUGA on this side of the site.

6.3.3 The Council's Environmental Health Department has confirmed that the repositioning of the MUGA fencing at Michaela School is acceptable in terms of its effectiveness in mitigating noise. In terms of the overbearing appearance and overshadowing impacts that were previously identified for the occupiers of 88A-88C Marlborough Road, officers are satisfied that these concerns have been overcome.

## 7 **CONCLUSIONS**

7.1 The introduction of a Traffic Regulation Order would effectively mitigate the impacts of vehicular traffic on Redwing Close i.e. air quality and parking stress. However, it would come at the expense of causing inconvenience to residents of the road, as well as visitors, at the times specified by the Order.

7.2 The introduction of new pedestrian accesses from Barham Road and Dene Lane would alleviate some of the issues associated with having Redwing Close as the sole access to the site. However, residents of Redwing Close would undoubtedly remain subject to a degree of disturbance, whilst residents of roads which were previously largely unaffected (e.g. Barham Road) would now be subject to similar impacts.

7.3 As such, officers' overall conclusions on the issues surrounding vehicular and pedestrian traffic remain unchanged. That is, residents of surrounding roads would be subject to adverse impacts in terms of noise pollution, air quality and competition in finding on-street car parking spaces. However, the distribution of these impacts would be altered, with the impacts on Redwing Close being reduced at the expense of increased impacts on Barham Road, Cromwell Road and Jackdaw Close.

7.4 The impact of the relocation of the proposed acoustic fence is considered to be a positive change. It would remain effective as a barrier to sound transmission without appearing overbearing to the occupants of 88A-88C Marlborough Road or unduly overshadowing their gardens. As such, officers conclude that the development would now have an acceptable impact on these properties.

7.5 Aside from the above, officers' conclusions on the proposal remain as presented to the Committee on 26 July.

7.6 Having regard to the above, the benefits of granting permission are considered to significantly outweigh the adverse impacts. Accordingly, the proposal is considered to be in accordance

with the development plan when read as a whole. It is therefore recommended that planning permission be granted.

## **8 RECOMMENDATION**

8.1 That planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:

- Travel Plan Monitoring
- Employment and Apprenticeship Opportunities

8.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

### **Conditions**

#### Conditions Relating to All Phases

##### *General Conditions*

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

FS0945-ALA-XX-ZZ-DR-L-0001 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0002 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0003 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0004 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0005 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0006 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0007 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0008 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0009 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0014 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0015 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0016 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0017 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0018 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0019 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0020 Rev P01  
FS0945-ALA-XX-ZZ-DR-L-0023 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0027 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0029 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0030 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0032 Rev P06  
FS0945-ALA-XX-ZZ-DR-L-0033 Rev P06  
FS0945-JWA-ZZ-LG-DR-A-1001 Rev P02  
FS0945-JWA-ZZ-00-DR-A-1002 Rev P02

FS0945-JWA-ZZ-01-DR-A-1003 Rev P01  
FS0945-JWA-ZZ-02-DR-A-1004 Rev P01  
FS0945-JWA-ZZ-R1-DR-A-1005 Rev P01  
FS0944-JWA-ZZ-LG-DR-A-1050 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3001 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3002 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3003 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-3004 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-4001 Rev P01  
714-ALA-XX--ZZ-DR-L-0006 Rev P01  
714-ALA-XX--ZZ-DR-L-0007 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0001 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0002 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0008 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0009 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0010 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0011 Rev P02  
FS1024-ALA-XX-ZZ-DR-L-0012 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0020 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0021 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0022 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0023 Rev P03  
FS1024-JWA-AA-00-DR-A-1001 Rev P02  
FS1024-JWA-AA-01-DR-A-1002 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-3001 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-3002 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-4001 Rev P01

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

2. The development to which this permission relates 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 materials used in the external surfaces of the development to which this permission relates shall be those listed on the application form, approved plans and accompanying documents unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure a satisfactory appearance upon completion of the development.

4. Unless otherwise agreed in writing by the local planning authority, no demolition, construction or maintenance activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

5. Unless otherwise agreed in writing by the local planning authority, no deliveries or collections relating to demolition or construction activity shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such deliveries or collections shall be carried out on Sundays or Bank Holidays.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.

**REASON:** To prevent unacceptable risks to human health as a result of contamination

8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Table 11 and Table 12 of “Ecological Impact Assessment and Biodiversity Net Gain Report” authored by Surrey Wildlife Trust Ecology Services and dated 1 April 2022 unless otherwise agreed in writing by the local planning authority.

**REASON:** To prevent unacceptable harm to habitats and species.

9. The development to which this permission relates shall be carried out in accordance with the methods specified in Section 5 of “Arboricultural Method Statement” Revision A authored by Middlemarch and dated September 2022, together with the accompanying Tree Protection Plans reference C156848-03-01 Revision 00, unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the health and longevity of trees worthy of retention.

10. The development to which this permission relates shall be carried out in accordance with “Site Waste Management Plan” authored by Bowmer and Kirkland Group and dated 29 June 2022 unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure the proper disposal of site waste.

*Prior to Commencement*

11. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;

- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

12. No development shall take place (excluding site clearance and demolition) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the following principles:

- gravity drainage throughout (i.e. no need for pumping);
- limiting the surface water run off generated by the 1 in 100 year + 40% climate change critical storm to rates agreed by the relevant body to whom discharges would occur;
- Providing attenuation on-site for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
- ensuring site levels are set such that any 'allowable' flooding at the ground surface would be: contained outside of buildings for all events (including exceedance events); and also within the site boundaries to a maximum flood depth of up to 100mm during the 100 year plus 40% climate change storm events.

The scheme shall also provide the following:

- appropriate treatment before discharge;
- evidence of agreement (of principle and rates) from the relevant body or bodies to whom discharges would occur;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event;
- an updated detailed surface water drainage plan, showing all proposed discharge points, SuDS features and pipe runs (with sizes);
- detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features, including any connecting pipe runs, along with all corresponding detailed calculations/modelling;
- updated detailed exceedance flow path drawings for surface water for events greater than the 1 in 100 year plus climate change event, including surface water run-on from upstream of the site.

The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To adhere to the hierarchy of drainage options, as set out in paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance; to maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; to prevent pollutants entering the public water supply and nearby watercourses; and to maximise the sustainability of the development.

13. No development shall take place (excluding site clearance and demolition) until a landscape and ecological management plan (“LEMP”) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (46.38 habitat units, 6.60 hedgerow units) to achieve a net gain in biodiversity and include the following:
- a) Description and evaluation of features to be managed;
  - b) Aims and objectives of management;
  - c) Appropriate management options for achieving target condition for all habitats, as described in the approved metric;
  - d) Prescriptions for management actions, only definitive measures are acceptable;
  - e) Preparation of an annual work schedule for a minimum of 30 years with measures clearly marked on plans;
  - f) Details of the body or organisation responsible for implementation of the plan;
  - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
  - h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

**REASON:** To ensure that the development achieves at least a 10% net gain in biodiversity.

#### Conditions Relating to Phase 1 – Michaela Community School

##### *General Conditions*

14. Cumulative plant noise emissions from Phase 1 of the development to which this permission relates shall not exceed the levels detailed in Table 2.2 of “Noise Assessment” reference 21688R02aPKJB at the nearest residential receptor unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

15. The multi-use games area on Phase 1 of the development to which this permission relates shall not be used after 21:30 hours on any day unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

##### *During Construction*



16. No development shall take place above slab level on Phase 1 of the development to which this permission relates until the post-demolition supplementary environmental investigation and remediation strategy, as detailed in Section 9.4 of “Geo-Environmental Assessment” reference 21-2426.01\_REP\_Michaela-Community-School\_Stevenage\_GEA\_220321, has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved remediation strategy.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

17. Prior to commencement of the enhancement works to the playing field on Phase 1 of the development to which this permission relates, a contractor’s specification for the works prepared in accordance with “A Feasibility Study for the construction of natural turf winter sport pitches at Michaela School and Stevenage SESC” authored by TGMS Sports Surface Consultants and dated 17 March 2022, which includes an implementation programme, shall be submitted to and approved in writing by the local planning authority in consultation with Sport England. The playing field enhancement works shall then be implemented in accordance with the approved specification and implementation programme.

**REASON:** To ensure that the playing field is fit for purpose and of sufficient benefit to the development of sport.

18. Prior to commencement of works to construct the multi-use games area on Phase 1 of the development to which this permission relates, a contractor’s specification for the associated acoustic screening prepared in accordance with “Noise Assessment” reference 21688R02aPKJB shall be submitted to and approved in writing by the local planning authority. The approved acoustic fencing shall be installed prior to first use of the multi-use games area and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

19. Prior to commencement of works to construct the multi-use games area on Phase 1 of the development to which this permission relates, a scheme for pitch lighting shall be submitted to and approved in writing by the local planning authority. No pitch lighting whatsoever shall be installed other than in accordance with the approved pitch lighting scheme.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

20. Prior to the commencement of works to provide the car parking within Phase 1 of the development to which this permission relates, a scheme for the provision of electric vehicle charging, including spaces designed to achieve a passive standard, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of Phase 1 of the development and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of reducing vehicle emissions and noise pollution.

*Prior to Occupation or Use*

21. Prior to the beneficial occupation of Phase 1 of the development to which this permission relates, a verification report, demonstrating that the remediation criteria agreed under Condition 16 of this permission have been achieved, shall be submitted to and agreed in writing by the local planning authority.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

22. Prior to the beneficial occupation of Phase 1 of the development to which this permission relates, all car parking, service and manoeuvring areas shall be implemented in full as shown on the approved plans. Those areas shall be permanently kept free from obstruction and maintained for their intended purpose thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

23. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a delivery and service plan shall be submitted to and approved in writing by the local planning authority. The approved delivery and service plan shall then be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

24. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, the cycle parking shall be implemented in full as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

25. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, an updated travel plan shall be submitted to and approved in writing by the local planning authority. The plan shall include a mechanism to increase the amount of cycle parking provided at the site in future should this be identified as necessary to meet the objectives of the plan during monitoring. It shall also include a timetable for implementation. The approved plan shall then be implemented in accordance with the approved timetable and adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

26. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the local planning authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure the proper storage and disposal of waste.

27. Prior to first use of the multi-use games area on Phase 1 of the development to which this permission relates, a noise management plan prepared in accordance with Paragraph 3.6.3 of "Noise Assessment" reference 21688R02aPKJB shall be submitted to and approved in writing by the local planning authority. The approved noise management plan shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

28. All planting and other soft landscaping as shown on drawing numbers FS0945-ALA-XX-ZZ-DR-L-0003 Rev P06 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P06 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P06 shall be carried out no later than the first planting and seeding seasons following beneficial occupation of Phase 1 of the development to which this permission relates unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure a satisfactory appearance on completion of the development.

29. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved by Phase 1 versus Part L of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

30. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure adequate water infrastructure is provided to enable the fire service to discharge its statutory duties.

31. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement shall be provided to the local planning authority. The agreement shall apply to the sports hall, multi-use games area, natural turf playing field and the supporting ancillary facilities within Phase 1 as a minimum and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in compliance with the approved agreement.

**REASON:** To secure well managed and safe community access to the sports facilities, ensuring sufficient benefit to the development of sport.

#### *Post-Completion*

32. No tree within Phase 1 of the development to which this permission relates and shown as retained on "Tree Retention and Removal Plan" reference FS0945-ALA-XX-ZZ-DR-L-0027 Rev P06 shall be felled, uprooted, destroyed, topped or lopped within five years of the substantial completion of Phase 1 unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the health and longevity of trees worthy of retention.

33. Any trees or other plants comprised in the landscaping works for Phase 1 of the development to which this permission relates (as shown on drawing numbers FS0945-ALA-XX-ZZ-DR-L-0003 Rev P06 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P06 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P06), which within a period of five years from the substantial completion of Phase 1 die, are removed, 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 on completion of the development.

## Conditions Relating to Phase 2 – SESC

### *General*

34. Cumulative plant noise emissions from Phase 2 of the development to which this permission relates shall not exceed the levels detailed in Table 2.2 of “Noise Assessment” reference 21689R02aPKJB at the nearest residential receptor unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

35. The multi-use games area on Phase 2 of the development to which this permission relates shall not be used after 21:30 hours on any day unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

### *During Construction*

36. No development shall take place above slab level on Phase 2 of the development to which this permission relates until the post-demolition supplementary environmental investigation and remediation strategy, as detailed in Section 9.4 of the “Geo-Environmental Assessment” reference 21-2426.01\_REP\_SESC\_Stevenage\_GEA\_220321, has been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved remediation strategy.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

37. Prior to commencement of works to construct the multi-use games area on Phase 2 of the development to which this permission relates, a contractor’s specification for the associated acoustic screening prepared in accordance with “Noise Assessment” reference 21689R02aPKJB shall be submitted to and approved in writing by the local planning authority. The approved acoustic fencing shall be installed prior to first use of the multi-use games area and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

38. Prior to commencement of works to construct the multi-use games area on Phase 2 of the development to which this permission relates, a scheme for pitch lighting shall be submitted to and approved in writing by the local planning authority. No pitch lighting whatsoever shall be installed other than in accordance with the approved pitch lighting scheme.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

39. Prior to the commencement of works to provide the car parking within Phase 2 of the development to which this permission relates, a scheme for the provision of electric vehicle charging, including spaces designed to achieve a passive standard, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of Phase 2 of the development and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of reducing vehicle emissions and noise pollution.

*Prior to Occupation or Use*

40. Prior to the beneficial occupation of Phase 2 of the development to which this permission relates, a verification report, demonstrating that the remediation criteria agreed under Condition 36 of this permission have been achieved, shall be submitted to and agreed in writing by the local planning authority.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

41. Prior to the beneficial occupation of Phase 2 of the development to which this permission relates, all car parking, service and manoeuvring areas shall be implemented in full as shown on the approved plans. Those areas shall be permanently kept free from obstruction and maintained for their intended purpose thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

42. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, the cycle parking shall be implemented in full as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

43. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, an updated travel plan shall be submitted to and approved in writing by the local planning authority. The plan shall include a timetable for implementation. The approved plan shall then be implemented in accordance with the approved timetable and adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

44. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a refuse vehicle strategy, demonstrating how refuse vehicles will enter, service and leave Phase 2, shall be submitted to and approved in writing by the local planning authority. The refuse vehicle strategy shall then be adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

45. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the local planning authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure the proper storage and disposal of waste.

46. Prior to first use of the multi-use games area on Phase 2 of the development to which this permission relates, a noise management plan prepared in accordance with Paragraph 3.6.3 of "Noise Assessment" reference 21689R02aPKJB shall be submitted to and approved in writing by the local planning authority. The approved noise management plan shall be

adhered to for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

47. All planting and other soft landscaping as shown on drawing numbers FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04, FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04 and FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04 shall be carried out no later than the first planting and seeding seasons following beneficial occupation of Phase 2 of the development to which this permission relates unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure a satisfactory appearance on completion of the development.

48. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved by Phase 2 versus Part L of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

49. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

#### *Post-Completion*

50. No tree within Phase 2 of the development to which this permission relates and shown as retained on "Tree Retention and Removal Plan" reference FS0945-ALA-XX-ZZ-DR-L-0020 Rev P04 shall be felled, uprooted, destroyed, topped or lopped within five years of the substantial completion of Phase 2 unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the health and longevity of trees worthy of retention.

51. Any trees or other plants comprised in the landscaping works for Phase 2 of the development to which this permission relates (as shown on drawing numbers FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04, FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04 and FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04), which within a period of five years from the substantial completion of Phase 2 die, are removed, 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 on completion of the development.

#### **Informatives**

1. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227.

5. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

- Excavation for foundations
- Damp proof course
- Concrete oversite
- Insulation
- Drains (when laid or tested)
- Floor and Roof construction

Work relating to fire safety  
Work affecting access and facilities for disabled people  
Completion

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

6. Community Infrastructure Levy

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

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

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

7. The applicant is reminded that asbestos removal and remediation falls under the authority of the Health and Safety Executive. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary, this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

8. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

9. School Travel Plan: Modeshift STARS is the national schools accreditation scheme that has been established to recognise schools that have demonstrated excellence in supporting cycling, walking and other forms of sustainable and active travel. The scheme encourages schools across the country (including Hertfordshire) to promote and increase levels of sustainable and active travel in order to improve the health and well-being of children and young people, as well as reducing local highway impacts arising from school pick up / drop off. Every school in England (outside of London) can participate in Modeshift STARS for free and on completion of an application, schools will automatically have a brand new national standard School Travel Plan. To register for Modeshift Stars, visit <https://www.modeshiftstars.org/contact>. Support is available to schools in Hertfordshire from Hertfordshire County Council's Active & Safer Travel Team by contacting [activeandsafertravel@hertfordshire.gov.uk](mailto:activeandsafertravel@hertfordshire.gov.uk) or [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

10. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that



impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

### **Pro-active Statement**

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

## **10. BACKGROUND DOCUMENTS**

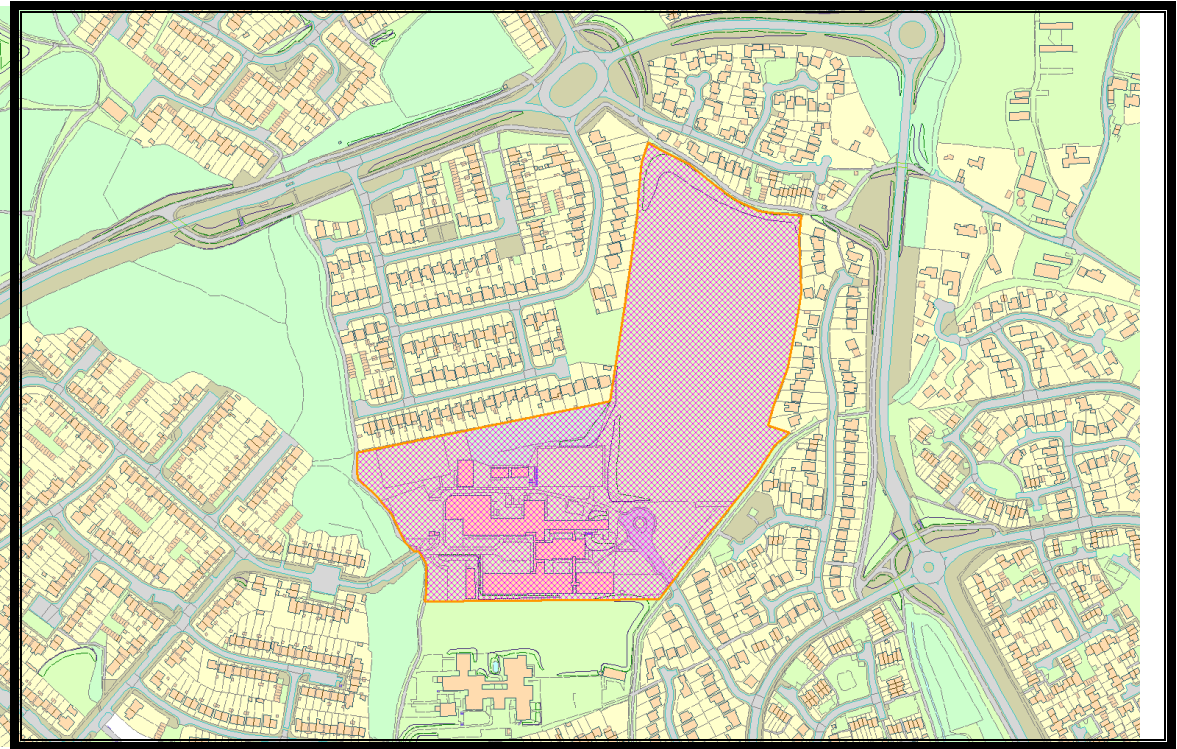
1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2009).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
8. The Officer's Report and Addendum Report presented to the Planning and Development Committee on 26 July 2022.

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**Meeting:** Planning and Development  
Committee  
**Date:** 26 July 2022  
**Author:** Thomas Frankland-Wells  
**Lead Officer:** Zayd Al-Jawad  
**Contact Officer:** Thomas Frankland-Wells

**APPENDIX A1**

Application No:	22/00369/FPM
Location:	Barnwell Lower School, Collenswood Road, Stevenage, Herts, SG2 9HQ
Proposal:	The erection of a new secondary school and new Stevenage Education Support Centre (SESC) building, together with associated works and refurbishments including the provision of games areas, informal play areas, a substation, landscaping and car parking, following the demolition of the vacant former Collenswood and Barnwell School buildings.
Drawing Nos.:	FS0945-ALA-XX-ZZ-DR-L-0001 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0002 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0003 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0004 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0005 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0006 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0007 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0008 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0009 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0014 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0015 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0016 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0017 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0018 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0019 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0020 Rev P01; FS0945-ALA-XX-ZZ-DR-L-0023 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0027 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0029 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0030 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0032 Rev P04; FS0945-ALA-XX-ZZ-DR-L-0033 Rev P04; FS0945-JWA-ZZ-ZZ-DR-A-0002 Rev P03; FS0945-JWA-ZZ-ZZ-DR-A-0003 Rev P03; FS0945-JWA-ZZ-ZZ-DR-A-0004 Rev P02; FS0945-JWA-ZZ-ZZ-DR-A-0005 Rev P02; FS0945-JWA-ZZ-LG-DR-A-1001 Rev P02; FS0945-JWA-ZZ-00-DR-A-1002 Rev P02; FS0945-JWA-ZZ-01-DR-A-1003 Rev P01; FS0945-JWA-ZZ-02-DR-A-1004 Rev P01; FS0945-JWA-ZZ-R1-DR-A-1005 Rev P01; FS0944-JWA-ZZ-LG-DR-A-1050 Rev P01; FS0945-JWA-ZZ-ZZ-DR-A-3001 Rev P01; FS0945-JWA-ZZ-ZZ-DR-A-3002 Rev P01; FS0945-JWA-ZZ-ZZ-DR-A-3003 Rev P02; FS0945-JWA-ZZ-ZZ-DR-A-4001 Rev P01; 714-ALA-XX--ZZ-DR-L-0006 Rev P01; 714-ALA-XX--ZZ-DR-L-0007 Rev P01; FS1024-ALA-XX-ZZ-DR-L-0001 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0002 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0008 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0009 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0010 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0011 Rev P02; FS1024-ALA-XX-ZZ-DR-L-0012 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0020 Rev P04; FS1024-ALA-XX-ZZ-DR-L-0021 Rev P01; FS1024-ALA-XX-ZZ-DR-L-0022 Rev P01; FS1024-ALA-XX-ZZ-DR-L-0023 Rev P03; FS1024-JWA-AA-00-DR-A-1001 Rev P02; FS1024-JWA-AA-01-DR-A-1002 Rev P02; FS1024-JWA-AA-ZZ-DR-A-3001 Rev P02; FS1024-JWA-AA-ZZ-DR-A-3002 Rev P02; FS1024-JWA-AA-ZZ-DR-A-4001 Rev P01.
Applicant:	Bowmer & Kirkland (on behalf of the Department for Education)
Date Valid:	21 April 2022
Recommendation:	GRANT PLANNING PERMISSION



The above plan is for illustrative purposes only.

## **1 SITE DESCRIPTION**

- 1.1 The application site is an irregularly shaped plot of land, extending to approximately 8.15 hectares and located between Six Hills Way and Ashtree Primary School. It was originally the site of Collenswood School, which opened in 1962, before later becoming the site of Barnwell School's East Campus from 2006 onwards. After the Barnwell East Campus closed in 2014, Stevenage Education Support Centre ("SESC") began operating from a portion of the western part of the site, with the remainder left vacant. This arrangement continues to the present day.
- 1.2 The buildings on the site appear typical for a school constructed in the middle of the 20<sup>th</sup> century. Extending to up to four storeys in height, they are laid out in an "H" configuration in the south-western part of the site. The north-western part remains largely undeveloped, having been used as playing fields.
- 1.3 There are two entrances to the site, one in the east and one in the west, both of which provide vehicular and pedestrian access. The western access, via Collenswood Road, was historically the only entrance and has since been used as the main entrance, now serving SESC. The western entrance, via Redwing Close, was a later addition and its use was more limited, generally being reserved for pedestrians and vehicular drop-off, as well as service and emergency vehicles.
- 1.4 The majority of the site is bounded by mature trees, with gaps emerging along the boundary with Ashtree Primary School and where the rear gardens of neighbouring houses back directly on to the school playing fields. The land on the site falls gently towards the east and the north.
- 1.5 The site is allocated for a secondary school in the Local Plan under Policy HC9 and also falls within Non-Residential Parking Accessibility Zone 4 but is otherwise not subject to any local plan designations. In terms of environmental constraints, it is located wholly within Flood Zone 1 (lowest risk) and Source Protection Zone 2 (outer protection zone). It should also be noted that the larger groups of trees on the site make up areas of Lowland Mixed Deciduous Woodland, which is Habitat of Principal Importance for the conservation of biodiversity in England.
- 1.6 Land use in the surrounding area is predominantly residential, comprising two storey dwellings laid out as terraces, pairs or as detached properties. The notable exception to this pattern is Ashtree Primary School, which lies immediately to the south of the site. It should also be noted that the woodland to the west of the site is designated both as Principal Open Space and as a Wildlife Site.

## **2 RELEVANT PLANNING HISTORY**

- 2.1 97/2/0371 – Extension to provide new music and drama facility, replacement/additional car parking provision, new pedestrian/vehicular access from Redwing Close with on-site vehicle turning facility – Planning permission granted on 6 January 1998.
- 2.2 00/00500/REG3 – Retention of four double mobile classroom units – No objection on 21 December 2000.
- 2.3 01/00673/REG3 – New four classroom block – No objection on 14 January 2002.
- 2.4 09/00106/FP – Erection of temporary building containing 3 classrooms – Planning permission granted on 21 May 2009.
- 2.5 22/00360/SCR – EIA screening opinion – Screening opinion closed on 12 May 2022.

## **3 THE CURRENT APPLICATION**

- 3.1 The application seeks full planning permission for the redevelopment of the site to provide upgraded facilities for SESC and a new secondary school (the Michaela Community School).
- 3.2 The Michaela Community School would occupy the eastern portion of the site and would accommodate 900 secondary pupils, 360 sixth form pupils (1260 pupils total), as well as approximately 80 staff. The works to provide the school would involve:
- clearing the existing site, including removal of all of the existing buildings;
  - constructing a new school building with a gross internal area of 9,810m<sup>2</sup> set over four storeys;
  - constructing of a new multi-use games area (“MUGA”) with four courts;
  - upgrading the existing playing fields;
  - providing new hard and soft landscaping, including tree planting and boundary fencing;
  - providing new play spaces, cycle parking, car parking, pick up and drop off areas, and refuse stores; and,
  - siting a new substation in the south-eastern corner of the site.
- 3.3 It should also be noted that the sports facilities at the Michaela Community School would be open for public use outside of teaching hours.
- 3.4 SESC would continue to occupy the western portion of the site and would accommodate 36 pupils at key stages three and four. The works to upgrade the facilities would involve:
- clearing the existing site, including the demolition of all but one of the existing buildings;
  - constructing a new single storey building, with a gross internal of 914m<sup>2</sup>;
  - providing new hard and soft landscaping, including tree planting and boundary fencing; and,
  - providing new play spaces, cycle parking, car parking, pick up and drop off areas, and refuse stores.
- 3.5 The application comes before the Planning and Development Committee because it is an application for major development.

## **4 PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by neighbour letters, the posting of site notices, and an advertisement in the local newspaper.
- 4.2 13 letters of objection were received. The material issues raised are summarised as follows:
- The MUGA fencing will be clearly visible from neighbouring properties
  - Balls are likely to travel into neighbouring gardens, causing nuisance
  - Noise disturbance, particularly from sports pitches, car parking, and pupils travelling to and from the site
  - Light pollution from sports pitch floodlighting
  - Loss of privacy
  - Loss of habitat and biodiversity, particularly adjacent to Marlborough Road
  - The footprint of the existing facilities should be utilised as much as possible in order to minimise the impact on the environment and neighbouring residents
  - The amount of car parking proposed is excessive
  - Redwing Close was not historically used as an access to the site
  - Redwing Close is already suffering parking and highway safety issues, with insufficient space for two cars to safely pass each other

- Redwing Close was not built to accommodate the heavy construction traffic that would be necessary for the development
- The proposed development would result in a significant uplift in the number of pupils when compared with the historic use of the site, which would result in a corresponding increase in disturbance to neighbouring residents, as well as littering and anti-social behaviour
- The demolition and construction work would cause significant disturbance to neighbouring residents
- The proposed community use of the sports facilities would extend disruption into the evenings and weekends
- The development will result in significant congestion on Magpie Crescent
- Overspill car parking on Magpie Crescent is not feasible
- The additional traffic generated by the development will cause a deterioration in air quality
- The pre-application engagement by the developer was inadequate

4.3 6 letters of support were also received. The material issues raised are summarised as follows:

- The development will provide necessary school places, accommodating children living in recent housing developments
- The development will provide parents with more choice
- The values and ethos of the school will benefit pupils and the wider community

4.4 5 letters were received which expressed neither support nor opposition to the application. The issues raised in these letters are summarised as follows:

- A new school is needed but the impact on habitats and biodiversity is a concern
- The proposed development should be at least carbon neutral and ideally, carbon negative, incorporating air source heat pumps and solar panels
- Concern regarding construction traffic routes and potential parking restrictions

4.5 Finally, a number of very specific comments and recommendations were made by Cycling UK regarding the entrances to the site, the cycleways adjoining the entrances to the site, and parking.

4.6 Full copies of all representations are available on the Council's website.

## **5 CONSULTATIONS**

5.1 The following section contains summaries of consultation responses. Full copies of the responses are available on the Council's website.

### **SBC Arboriculture and Conservation Manager**

5.2.1 Having studied the plans and visited the site, I have no objection from an arboriculture viewpoint.

5.2.2 My only slight concern would be the encroachment of the existing mature trees from Collenswood onto the new development. If this is likely to be an issue, I would suggest that the applicant employ their own arboricultural contractor to carry out any necessary cut back work.

### **SBC Environmental Health Officer**

5.3.1 I have reviewed the submitted noise assessment reports dated 15 June 2022.

- 5.3.2 Whilst the proposed plan details are not known at this stage, cumulative plant noise emission limits are proposed. I suggest a condition based on Section 2.2 of the reports.
- 5.3.3 With regard to the MUGAs, the reports find that noise mitigation measures are required. A 3m high acoustic barrier is proposed, as is a noise management plan. I recommend conditions such that the MUGAs are not used after 21:30hrs, that the acoustic barriers are installed prior to first use, and that noise management plans are submitted based on Section 3.6.3 of the noise assessment reports.
- 5.3.4 Construction has the potential to cause nuisance in terms of dust, noise etc.
- 5.3.5 The lighting details submitted in the Design and Access Statement are satisfactory and may be approved.
- 5.3.6 I have no objections to the proposed development.
- 5.4 HCC Minerals and Waste
- 5.4.1 Waste Policy 12 requires all relevant construction project to be supported by a site waste management plan ("SWMP"). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.
- 5.4.2 The project will involve a large amount of demolition. All buildings on the site are set to be demolished except for the self-contained SESC teaching block.
- 5.4.3 A SWMP has been submitted and is considered to be acceptable.
- 5.5 HCC Highways
- 5.5.1 HCC as highway authority reviewed the application submission and raised several areas that required addressing before being reviewed again. A revised transport assessment was submitted in light of these comments. HCC have yet to provide full comments on this but has indicated that they will not object to the application, subject to conditions. Their full comments will be provided to the committee as an update.
- 5.6 SBC Planning Policy
- 5.6.1 The proposed development would reuse a vacant school site for the provision of a community school which would accommodate a significant portion of the demand for school places arising from housing growth. The applicant proposed high quality sustainable building design, a robust biodiversity strategy and a sports hall for community use. However, the applicant should strongly consider reducing parking provision to preserve HPI woodland and disincentivise staff car use, and accordingly provide additional cycle parking to accommodate staff and students. Additionally, consideration should be given to means of prohibiting parent parking on Redwing Close and adjacent streets.
- 5.7 North Herts Council
- 5.7.1 North Hertfordshire Council raises no objections to the proposed development and has no wish to make any further comments.
- 5.8 HCC Growth and Infrastructure
- 5.8.1 I write in respect of planning obligations sought by HCC towards early years, primary and secondary education, and library and youth services. These obligations should only be sought for major residential developments. Therefore, we will not be seeking financial contributions.



## 5.9 Thames Water

5.9.1 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 will have no objection.

5.9.2 With regard to surface water and foul water network infrastructure capacity, we have no objections based on the information provided.

5.9.3 With regard to water supply, this comes within the area covered by the Affinity Water Company. The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction.

## 5.10 Crime Prevention Design Service

5.10.1 The site has previously been a hot spot for anti-social behaviour. This was due to the route through the school linking Collenswood Road and Redwing Close. As a result, the school regularly suffered from criminal damage in the form of broken windows. I am pleased therefore, to see that the architects have used the Police preferred minimum security standard that is Secured by Design ("SBD") as a design guide.

5.10.2 However, it would have been better if they had contacted Hertfordshire Constabulary with a view to seeking SBD accreditation. I request that an informative recommending this is added to any grant of permission.

5.10.3 My only other comment is that palisade fencing should not be used since it is aggressive in appearance and can easily be damaged. It would be better to consider using a weld mesh style fence that is third party certified to LPS 1175 Issue 8 B3 or equivalent.

## 5.11 East Herts District Council

5.11.1 I can confirm that East Herts Planning do not have any comments to make.

## 5.12 Herts and Middlesex Wildlife Trust

5.12.1 The application is acceptable from an ecological perspective. It is recommended that a Landscape and Ecology Management Plan is secured by condition to ensure that the outputs of the biodiversity net gain metric are delivered.

## 5.13 Affinity Water

5.13.1 You should be aware that the proposed development site is located with a Source Protection Zone, corresponding to our pumping station. This is a public water supply, comprising a number of abstraction boreholes.

5.13.2 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and best practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site, then the appropriate monitoring and remediation works will need to be undertaken.

5.13.3 Any works 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 to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

5.13.4 Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning, and watering gardens. This in turn reduces the carbon emissions associated with treating water to a standard suitable for drinking and will help in our efforts to get emissions down in the Borough.

#### 5.14 Sport England

5.14.1 Unless the development meets one or more of five specific exceptions as set out in Sport England's Playing Fields Policy and Guidance, Sport England will oppose the granting of planning permission for any development which would lead to the loss of or would prejudice the use of: all or any part of a playing field; land which has been used as a playing field and remains undeveloped; or land allocated for use as a playing field.

5.14.2 The development would encroach onto the former school's natural turf playing field and would result in a loss of around 0.54 hectares. However, the majority of this area would consist of the proposed MUGA, which would offer a number of benefits. The development would also facilitate getting the playing field back into school and community use after several years of no formal sports use and works would be undertaken to reinstate the site so that it is suitable for such use including drainage and levelling works. As shown by the provided playing pitch layouts, a range of winter and summer playing pitches could be accommodated on the remaining playing field, which would meet the needs of the new school and offer football pitches that would be suitable for meeting community needs. Furthermore, there is no current formal community use of the school's playing field that would be affected by the proposal. The proposals on the SESC site would represent an enhancement as one of the redundant MUGAs would be refurbished to allow use of it by the SESC for a range of formal sports, while the remaining area would be converted to informal natural turf play space.

5.14.3 In conclusion, the benefits to sport offered by the development would be considered to clearly outweigh the detriment caused by the impact on the playing field. Given the above assessment, Sport England does not wish to raise an objection to this application because it is considered to meet Exception 5 of Sport England's Playing Fields Policy and Guidance. This position is subject to a number of conditions being attached to the decision notice should the local planning authority be minded to approve the application.

#### 5.15 Wood Group UK (Flood Risk and Drainage Consultant)

5.15.1 The full consultation response has not yet been received and will be published as an update in advance of the Committee meeting.

## **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 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- The Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted 2012)
- The Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (adopted 2014)
- The Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)

## 6.2 National Planning Policy Framework

6.2.1 A revised National Planning Policy Framework (“NPPF”) was published in July 2021. This largely reordered the earlier 2012 version of the NPPF, albeit with some revisions to policy substance. 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 purposes of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (Paragraph 11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (Paragraph 12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 The Council will nevertheless be commencing preliminary work into a review of its Local Plan, which was adopted in May 2019. This is to further ensure that the policies within the Local Plan are up-to-date, as well as to ensure the Plan is performing well against its objectives.

## 6.3 Planning Practice Guidance

6.3.1 The Planning Practice Guidance (“PPG”), with which Members are fully familiar, is an online resource containing guidance supplementing the NPPF. The PPG is a material consideration which should be taken into account in determining planning applications.

## 6.4 National Design Guide

6.4.1 The National Design Guide 2021 is Government guidance on the characteristics of well-designed places and demonstrates what good design means in practice. It has the same status as the PPG and should similarly be taken into account when determining planning applications.

## 6.5 Stevenage Borough Local Plan

6.5.1 The Local Plan policies most relevant to determining the application are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Sustainable Development in Stevenage
- SP5 Infrastructure
- SP6 Sustainable Transport
- SP8 Good Design
- SP9 Healthy Communities
- SP11 Climate Change, Flooding and Pollution
- SP12 Green Infrastructure and the Natural Environment
- IT4 Transport Assessments and Travel Plans
- IT5 Parking and Access
- IT6 Sustainable Transport
- GD1 High Quality Design
- HC9 Former Barnwell East Secondary School
- FP1 Climate Change
- FP2 Flood Risk in Flood Zone 1
- FP5 Contaminated Land
- FP7 Pollution
- FP8 Pollution Sensitive Uses
- NH1 Principal Open Spaces
- NH2 Wildlife Sites
- NH4 Green Links
- NH5 Trees and Woodland

## 6.6 Supplementary Planning Documents

6.6.1 The following supplementary planning documents are relevant to determining the application:

Developer Contributions SPD 2021  
Parking Provision and Sustainable Transport SPD 2020  
The impact of Development on Biodiversity SPD 2020  
Design Guide SPD 2009

## 6.7 Community Infrastructure Levy

6.7.1 Stevenage Borough Council adopted a Community Infrastructure Levy (“CIL”) Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location, and floor space of a development. The proposal would be liable for CIL but would be zero-rated since it falls into the “all other development” category.

# 7 APPRAISAL

7.1 The main issues in the assessment of the application are as follows:

- The principle of the development
- Character and appearance
- Impact on the environment and neighbouring occupiers
- Parking
- Highway safety
- Ecology, Arboriculture and Biodiversity
- Flood risk and drainage
- Climate change and sustainability
- Fire safety
- Crime prevention
- Developer obligations and CIL

## 7.2 Principle of Development

### 7.2.1 *Provision of Education*

7.2.1.1 Hertfordshire County Council, as Local Education Authority, are responsible for the planning of secondary school places for Stevenage. The Borough is currently served by six secondary schools, which together provide a total of 1,366 places at Year 7.

7.2.1.2 In the years leading up to the adoption of the Local Plan, building schemes at The Nobel School and Marriotts School saw both schools rebuilt or significantly refurbished and expanded. Barnwell School, which serves the south of the Borough, also received investment from HCC to expand its buildings. Its occupation of the application site ceased at the end of the 2013/2014 academic year, and it now operates over its main site and the neighbouring former Heathcote School site.

7.2.1.3 The Local Plan states that additional demand for secondary school places will be accommodated via the expansion of existing secondary schools and the reoccupation of the former Barnwell East Campus, which is the application site. Accordingly, the site is reserved to meet secondary school needs by Policy HC9 of the Local Plan and its development for anything other than education is explicitly restricted unless it can be demonstrated that such a need does not exist.

7.2.1.4 Projected demand for secondary school places in Hertfordshire is presented in the HCC’s Secondary Schools Forecast, which was most recently updated for Summer 2022. This shows that there is likely to be very little spare capacity over the next few academic years, with only

a 3.4% surplus of spaces in the 2022/2023 academic year and a shortfall of -0.4% in the following year.

- 7.2.1.5 The projected situation does improve towards the end of the forecast, reaching a peak surplus of 10.7% by 2028/2029. However, this reflects a fall in expected pupil numbers rather than an expected increase in the number of available places. In other words, there is currently limited capacity to accommodate further growth in demand for school places within the Borough.
- 7.2.1.6 The need for school places is also reflected in national planning policy. Paragraph 95 of the NPPF emphasises the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities are required to take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education.
- 7.2.1.7 The proposed development would create 1,260 additional secondary school places within the new Michaela Community School on the eastern part of the site. This is clearly in accordance with Policy HC9, which reserves the site to meet secondary school needs. It would also align with national planning policy insofar as it would widen the choice of school places which, according to the above figures, is very limited in the Borough.
- 7.2.1.8 The development would also provide upgraded facilities for SESC. SESC is not a secondary school but is nonetheless an educational institution, providing support for young people at key stages three and four who are permanently excluded or at risk of permanent exclusion from schools in Stevenage or elsewhere in North Hertfordshire, with the aim of returning them to permanent full time education. Their presence on the site is current, well established, and in accordance with the existing lawful use of the site for the provision of education.
- 7.2.1.9 Whilst Policy HC9 reserves the site to meet secondary school needs, development for other educational purposes is not restricted. SESC clearly fulfils an educational purpose and the proposal to provide upgraded facilities for SESC on the site is therefore in accordance with the policy. In any event, it would be wholly unreasonable to resist the proposal on the basis that an existing, well established, and lawful use would remain on the site, let alone one that provides such clear benefits to the public.
- 7.2.2 *Provision of Sports Facilities*
- 7.2.2.1 The Stevenage Borough Sports Facility Assessment and Strategy 2014-2031, part of the evidence base for the Local Plan, identifies a requirement for at least two additional four court sports halls within the plan period. The Local Plan itself recommends that one of these is provided at the secondary school on the site, with long term community access encouraged to ensure that it remains available to the public.
- 7.2.2.2 Accordingly, Policy HC9 of the Local Plan requires the school on the site to provide a sports hall, made available to the public through a community use agreement or similar arrangement. The hall must be at least four courts in size.
- 7.2.2.3 The Sports Facility Assessment and Strategy also identifies that the playing fields at the site offer an opportunity to provide a high-quality football facility. However, it is recognised that this opportunity is reduced if the site is brought back into secondary school use, since the playing fields will need to be brought back into curriculum use.
- 7.2.2.4 The proposal for the Michaela Community School would involve the provision of a new four court sports hall. According to Sport England, this would be significantly superior in quality to the existing gyms at the site and would provide a modern, fit for purpose sports hall that could be used for a wide range of sports and physical activities. The new sports hall would be accompanied by a new set of changing rooms to support both the indoor and outdoor facilities at the site.

- 7.2.2.5 The school would also provide a MUGA, which again would be superior in quality to the existing games court areas that they would replace. The MUGA would potentially be suitable for tennis, basketball, and hockey, providing four courts that would be fenced. England Netball has confirmed that the dimensions of the courts would be suitable for netball to take place.
- 7.2.2.6 The playing field on the site would be reinstated to use as part of the proposals. Three junior football pitches would be marked out on the playing field in the winter months, which would help meet community youth football pitch needs. The Hertfordshire FA has advised that there is demand for further community football pitches in Stevenage and the development could help meet this need. The quality of the pitches would be significantly improved through installing a primary drainage scheme within the footprint of the pitches, together with earthworks to improve their gradients.
- 7.2.2.7 The applicant has confirmed that all of the above facilities would be made available for public use outside of school hours and is willing to secure this through a community use agreement. The proposed development would therefore not only provide the sports hall required by Policy HC9 of the Local Plan but would also provide a range of other modern facilities to help meet community sports needs, as well as providing greatly enhanced facilities for use by the new school. Sport England have been consulted on the application and have confirmed that they the proposed sports facilities are acceptable.
- 7.2.3 *Loss of Sports Facilities*
- 7.2.3.1 The proposed development would encroach onto the existing, natural turf playing field at the site, resulting in the loss of approximately 0.54 hectares. However, there is currently no formal school or community use of the field and the majority of the area that would be lost would be replaced by the proposed MUGA, which would offer the benefits set out above.
- 7.2.3.2 Furthermore, the proposal would involve bringing the playing field back into school and community use after several years of no formal sports use and works would be carried out to improve the quality of the pitches provided on the field. The submitted pitch layout drawings show that a range of winter and summer playing pitches could be accommodated on the remaining playing field, which would meet the needs of the new school and offer football pitches that would be suitable for meeting community needs. Sport England have been consulted on the application and have confirmed that the proposed loss of sports facilities is acceptable.
- 7.2.4 *Conclusions on Principle of Development*
- 7.2.4.1 In summary, the proposed development would create 1,260 additional secondary school places in modern facilities, providing the means to accommodate future growth in demand for school places, as well as offering greater choice for residents of the Borough. It would also provide enhanced facilities for an existing institution which provides valuable educational support for young people who are permanently excluded or at risk of exclusion from full time education.
- 7.2.4.2 Although the development would result in the loss of approximately 0.54 hectares of the existing playing field at the site, this would not impact any existing school or community use. The replacement facilities provided by the development, which would be made available to the public through a community use agreement, would be greatly superior in quality to those currently on the site, providing a significant overall benefit to sports facility provision in the Borough.
- 7.2.4.3 Having regard to the above, the proposal is considered to be in full accordance with Policy HC9 of the Local Plan, which reserves the site to meet secondary school needs, with provision for a community sports hall. Sport England have also confirmed that they consider the principle

of the development to be acceptable. Accordingly, the development is considered to be acceptable in principle.

### 7.3 Character and Appearance

7.3.1 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 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 surrounding urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.

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

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

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

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

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

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

7.3.5 The Council's Design Guide SPD (2009) sets out that a high-quality environment is essential for providing a good quality of life. 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.

7.3.6 *Existing Site*

- 7.3.6.1 In its current condition, the site is dominated by the former school. This is largely made up of a series of connected buildings and wings, ranging from one to four storeys in height, laid out in a sprawling “H” configuration across the majority of the southern portion of the site. It has a typical appearance for a school building of its era and is now generally in poor condition.
- 7.3.6.2 Immediately surrounding the main school buildings are a series of smaller ancillary buildings, including the sole building on the site which is proposed for retention. This is a single storey teaching block, constructed of yellow brick and topped by a shallow, tiled gable roof. As with the other buildings on the site, it is not of any particular architectural merit, but it is however in a relatively good state of repair.
- 7.3.6.3 Between the buildings and immediately surrounding them is a large amount of hardstanding, particularly towards the west of the site, which contains the existing car park and games court. The north-eastern part of the site is largely given over to the grassed playing field.
- 7.3.6.4 Bounding the site are a significant number of mature trees, which form larger groups around the entrance from Redwing Close, along the boundary with the houses on Marlborough Road, and in the west of the site towards Great Collens Wood. These largely screen the school buildings in views from surrounding areas, with large gaps only emerging along the boundary between the site and Ashtree Primary School, and where the back gardens of houses on Cromwell Road and Jackdaw Close back directly onto the school playing field.
- 7.3.7 *Surrounding Context*
- 7.3.7.1 The surrounding area has a typical suburban character, with low density housing set amidst areas of open space and woodland. The houses are typically two storey and of brick and tile construction, topped by tiled pitched roofs. They are laid out in a variety of formats, with most to the north and east of the site being detached, while to the south, short terraces and pairs of semi-detached properties become more common. To the west, the houses are almost all laid out as terraces, in some cases more than ten properties in length.
- 7.3.7.2 In terms of landscape, the site is separated from the housing estates focused around Shephall Way and Gresley Way by contiguous areas of green space. The larger of these is a contiguous band of woodland and open spaces running from Fairlands Valley Park, along the western boundary of the site, and on as far south as Bandle Rise. The other is entirely wooded and runs from Jackdaw Close to Aston End Brook. A smaller group of trees separates the site from Marlborough Road, while the southern side of the site is comparatively more open.
- 7.3.8 *Michaela Community School*
- 7.3.8.1 The new Michaela Community School building would be by far the largest and most visually impactful element of the proposed development. This would comprise two linear wings, both extending to four storeys in height, arranged in a “T” configuration and linked by a short, glazed walkway. It would be sited slightly north-east of the existing school building but would be orientated in the same direction, with the larger of the two wings running east to west and the smaller wing projecting out to the south.
- 7.3.8.2 In terms of overall height, the proposed building would be slightly taller than the existing. The existing building reaches a maximum height of approximately 13.5m above ground level, whereas the proposed building would rise to a height of a little over 15.5m. While this increase is not insignificant, the positioning of the building, its overall scale, and the screening afforded by surrounding trees is such that the increased height in itself is unlikely to be readily appreciable from beyond the site’s boundaries. In any event, the building would not appear unduly tall for its form and purpose, nor would it appear misproportioned given its significant width.



- 7.3.8.3 A more significant difference between the existing school and the proposal would be in the massing. Whereas the existing school varies quite significantly in its proportions as it extends across the site, the proposed school would be much more uniform, maintaining a consistent roof height across its entire footprint, save for the main hall / drama studio and sports hall on its western side, which would be set slightly lower. The effect of this is that the proposed school would have a much greater physical presence on the site than the existing.
- 7.3.8.4 However, this would be softened somewhat by the proposed materials, in particular their colour and pattern. The larger of the two wings would be mostly clad with cement fibre panels in a neutral, light grey colour. These would be in a narrow format, giving the wing a slightly more vertical emphasis rather than exaggerating its considerable width.
- 7.3.8.5 The grey panels would be occasionally punctuated by gold and light green panels, again in a narrow format, which would link together windows and help to break up the mass of the wing. Brick slips, which have a more robust appearance, would only be used at very low level.
- 7.3.8.6 The main hall / drama studio and sports hall would again be clad with cement fibre panels but this time in a golden matt finish throughout, providing a marked contrast with the colour of the larger main wing and further helping to break up the massing of the school as a whole. The panels would be in large format at lower level but narrower further up, adding an important degree of visual interest to a part of the building that would be largely devoid of glazing. As with the large main wing, brick slips would be consigned to the base of the structure, providing some consistency between the two parts of the building, and ensuring that the design as a whole is coherent.
- 7.3.8.7 The smaller of the two main wings would depart from the above design more significantly by being predominantly clad in brick slips. Although this is a far more robust material and would emphasise the physical presence of the building, it would nonetheless provide a contrast with the other parts of the school and break up its mass as a whole. The use of slightly more imposing materials would also be in keeping with the function of this part of the school, since it would contain some of the most important shared spaces, such as the dining halls, learning resource centre, and sixth form suite.
- 7.3.8.8 The tone of the brick slips would be lighter at lower ground floor level and this same lighter tone would be used to link windows together, providing a degree of visual interest. Light grey cement fibre panels would occasionally be used for the same purpose, helping to tie the design in with the larger of the two main wings.
- 7.3.9 *SESC*
- 7.3.9.1 In comparison to the Michaela School, the proposed new building for SESC would have a much less significant visual impact. It would have a much smaller footprint and would be limited to a single storey, reaching a maximum height of approximately 9m around the central main hall area, with the majority of the building being approximately 6.5m in height.
- 7.3.9.2 This variation in heights would help to break up the long, linear form of the building and would emphasise the main shared space in the building. Finished entirely in brick slips and topped by a tiled, pitched roof, it would tie in well with the existing SESC building which is proposed for retention.
- 7.3.9.3 The brick slips would predominantly be in a neutral, brown colour, with dotted interventions throughout. A lighter brown brick would be used to link windows together, with a glazed yellow brick being used much more sparingly to mark the entrances to the building. Soldier courses applied over the lintels would add further interest to the elevations.
- 7.3.10 *Landscaping*

- 7.3.10.1 The proposed landscaping would involve the laying of a significant amount of new hardstanding, in particular to provide the new car parks at either ends of the site, the hard informal play spaces surrounding each of the new buildings, and the new multi-use games area ("MUGA") for the Michaela School.
- 7.3.10.2 While a significant amount of new hardstanding would be laid, a significant amount of existing hardstanding would also be returned to grass, particularly in areas where the existing footprint of the school will not be built over and in the areas between separating the Michaela School from SESC. Overall, the proportion of the site that would be developed, whether by buildings or hardstanding, would remain very similar to the existing if not for the proposal to replace a portion of the existing playing field with a MUGA, which on its own accounts for nearly 3,000m<sup>2</sup> of new hardstanding.
- 7.3.10.3 A significant number of trees would also be felled to facilitate the development, including 21 individual specimens and 15 groups. Most of these trees fall within category C (low quality with limited life expectancy) and are of modest visual amenity value but there are some notable exceptions, including the partial loss two groups of category A (trees of high quality) trees and one group of category B (trees of moderate quality) trees to accommodate the new car park for the Michaela School.
- 7.3.10.4 However, the vast majority of the trees on the site would be retained. Those along the northern boundary of the site, adjacent to Marlborough Road, would be retained except for one group of category C trees which make up a very small proportion of the trees in this area overall. The trees along the far northern boundary of the site, adjacent to Barham Road, and either side of the playing field would be retained in full, as would the trees along the boundary with Ashtree Primary School. Despite the loss of trees to accommodate the Michaela School car park, sufficient trees would be retained along the site boundary to provide screening from Redwing Close and Jackdaw Close.
- 7.3.10.5 In terms of replacement planting, 54 new trees would be planted at the site, which would be between 4m and 6m in height at the time of planting. Along with this, new hedges would be planted on either side of the fence dividing Michaela School and SESC, while groups of shrubs would be planted throughout the site, including around the base of the proposed new buildings.
- 7.3.10.6 As noted above, a new fence would be erected to mark the boundary between Michaela School and SESC. This would be weldmesh fencing, measuring 3m in height. Similar fencing would be erected around both of the new MUGAs, as well as around the soft informal play area at SESC. 1.8m high fencing would be used within the site to separate secure areas from publicly accessible areas.
- 7.3.10.7 The Council's Arboriculture and Conservation Manager was consulted on the application and has not raised any objections to the landscaping proposals.
- 7.3.11 *Conclusions on Character and Appearance*
- 7.3.11.1 In summary, the existing site is generally in a poor condition and none of the buildings within the site are of any particular architectural merit. Therefore, the demolition of all but one of those buildings would not be detrimental to the character or appearance of the area, and the proposed development represents an opportunity to significantly improve the visual quality of the site.
- 7.3.11.2 The proposed Michaela Community School building would have a significant visual impact, being both taller and bulkier than the existing school buildings, with a more uniform massing and overall having a very different appearance. However, the impact would be significantly lessened beyond the site's boundaries owing to the screening afforded by surrounding trees. In any event, the design is considered to be high quality, making effective use of materials to draw attention away from the bulk of the new building and add interest to its elevations.

- 7.3.11.3 The impact of the new SESC building would be comparatively more muted, since it would have a much smaller footprint and be limited to a single storey. It would however be of a similarly high quality, featuring materials that would be sympathetic to the existing building, used in a way that would provide a good degree of interest in the elevations and break up its mass.
- 7.3.11.4 The proposed landscaping would see significant changes in the distribution of hardstanding and trees across the site but the overall amount of green space and tree cover would remain similar to the existing, albeit a large area of the grassed playing field would be lost to make way for a MUGA. Importantly, the vast majority of trees along the boundaries of the site would be retained, providing ample screening of the site in views from surrounding areas. The Council's Arboriculture and Conservation Manager has raised no objection to these proposals. Moreover, the proposed development would have significant long-term benefits to trees, as detailed in the submitted ecological impact assessment.
- 7.3.11.5 Having regard to the above, it is considered that the proposed development would have a positive impact on the character and appearance of the area by replacing the ageing and vacant former school buildings with bright, modern educational facilities set amidst adequate landscaping. In these respects, the proposal is considered to be in accordance with Policies SP8 and GD1 of the Local Plan which, among other things, require developments to be high quality and make a positive contribution to their surroundings.

#### 7.4 Impact on the Environment and Neighbouring Occupiers

- 7.4.1 Policy FP5 of the Local Plan requires development proposals to consider contamination and be supported by an appropriate preliminary risk assessment (PRA), demonstrating that any necessary remediation and subsequent development poses no risk to the population, environment or groundwater bodies.
- 7.4.2 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.4.3 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.4.4 *Contamination*
- 7.4.4.1 The application is supported by Geo-Environmental Assessments authored by Delta-Simons and covering both the Michaela School and SESC parts of the site. These reports detail the intrusive ground investigation work carried out at the site in January 2022 and the conclusions reached in respect of the risks of contamination on the site.
- 7.4.4.2 The ground investigation work comprised the drilling of 16 boreholes across the site, eleven to a depth of 5m below and ground level and five to a depth of 20m below ground level. Samples of soil and groundwater were taken from the boreholes and in-situ testing was carried out at regular intervals. The samples were then sent for laboratory analysis.
- 7.4.4.3 The site generally comprises made ground underlain by the clays of the Lowestoft Formation and the clays and silts of the Lewes Nodular and Seaford Chalk Formations. Groundwater was encountered at between 2.4m and 12.8m below ground level during drilling and at between 0.7m and 4.82m upon return monitoring.
- 7.4.4.4 Elevated localised asbestos, arsenic and lead contamination was identified within the shallow made ground in the south-west of the site associated with the existing car park. Arsenic was also identified towards the centre of the site and detectable concentrations of heavy metals,

polycyclic aromatic hydrocarbons and petroleum hydrocarbons were identified within made ground across the site.

- 7.4.4.5 The main exposure pathway for these contaminants is ingestion and direct contact. As a result, the main risk is to future site users and the contaminant linkage can be broken by the installation of a clean cover system. Furthermore, the two areas where asbestos, arsenic and lead were identified are both under the proposed building footprint, further limiting the risk of an exposure pathway. The risk to human health from these contaminants is therefore considered to be low to medium and no remediation is necessary in areas where only natural clay and chalk is present. In soft landscaped areas, a topsoil layer of at least 150mm should be provided.
- 7.4.4.6 Detectable concentrations of five heavy metals were identified in groundwater samples and soil leachate samples from across the site. The most significant receptors for these contaminants are the aquifers underlying the site and the associated public water supply abstraction. Given that the site is underlain by cohesive deposits which limit vertical and lateral migration of contaminants, the risk to controlled waters is considered to be low to medium.
- 7.4.4.7 Based on the above findings, the reports recommend that supplementary environmental investigation is carried out following demolition. Upon completion of this work, a remediation strategy should be prepared to mitigate any unacceptable risks to human health. The Environmental Health Officer has not raised any objection to this approach and it is therefore recommended that the supplementary investigation and remediation strategy be secured by the imposition of conditions.
- 7.4.4.8 A detailed asbestos removal and remediation plan has also been submitted but this falls within the remit of the Health and Safety Executive and an informative is recommended to remind the applicant of this. The risks arising from demolition and construction are considered separately below.

#### 7.4.5 *Air Pollution*

- 7.4.5.1 The air pollution risks arising from the proposed development principally stem from the emissions produced by vehicular traffic. These emissions would undoubtedly increase as a result of the development but this is an unavoidable consequence of bringing the site back into full use as a school, which is the lawful and historic use of the site.
- 7.4.5.2 It should be noted that the distribution of emissions will differ from the historic situation, since the main entrance to the Michaela School will be via Redwing Close rather than Collenswood Road as was the case with the former Collenswood School and Barnwell East Campus. However, the overall impact on air quality would be similar and the effects would be localised.
- 7.4.5.3 The site is not within an Air Quality Management Area, nor is it within close proximity to one. Therefore, the applicant was not required to carry out an air quality assessment. An Environmental Health Officer was nevertheless consulted on the application and they raised no concerns in respect of air pollution caused by vehicular emissions. The impacts of demolition and construction on air quality are considered separately below.

#### 7.4.6 *Noise Pollution*

- 7.4.6.1 Aside from demolition and construction impacts, which are considered separately below, the main contributors to noise pollution would be: vehicular traffic, including deliveries; the comings and goings of pupils, staff and visitors to the site by other means; the use of the school facilities, including community use and in particular the MUGAs; and plant installed at the site.
- 7.4.6.2 The application is supported by two noise assessments, one for the Michaela School and one for SESC. These reports consider the impact of plant and use of the MUGAs on nearby

residential properties. They are informed by noise surveys carried out at various positions around the site to determine a representative background noise level.

- 7.4.6.3 Detailed specification of the plant has not yet been carried out. However, the noise assessments recommend cumulative plant noise emission limits as measured at the nearest noise sensitive properties. These noise limits are considered to be acceptable and it is recommended that they be secured by the imposition of conditions.
- 7.4.6.4 The assessments of the MUGAs showed that without mitigation, maximum permissible noise limits would be exceeded by up to 9dB. The only practical solution to this would be to install acoustic screening along the site boundaries in two locations: on the boundary shared with 58 to 66 Marlborough Road; and on the boundary shared with 88A to 88C Marlborough Road. The screening would take the form of a 3m high close boarded timber fence.
- 7.4.6.5 To further limit noise disturbance from the outdoor sports areas, it is suggested that the MUGAs are not used after 9:30pm. It is also suggested that noise management plans be drawn up to cover the following items:
- A restriction on the use of whistles during community use
  - Methods of connecting fence panels to effectively isolate and reduce impact sounds, including separating fence panels on the sides of the MUGAs to limit vibration transmission following ball impact
  - Maintenance regimes to ensure that fence panels do not become loose and rattle excessively following ball impact
  - Installation of padding to goal boards and fencing during hockey games to limit the noise of ball impact
  - A restriction on fixed items of sports equipment (e.g. basketball hoops) being attached to fencing
  - Measures to inform users that swearing and anti-social behaviour is unacceptable and may result in their dismissal from the site
  - A facility for neighbouring residents to report excessive noise and anti-social behaviour directly to the site operator
- 7.4.6.6 In light of the comments made by the Environmental Health Officer, it is considered that the above measures would be appropriate and would adequately mitigate the noise arising from use of the MUGAs. Accordingly, it is recommended that they be secured by condition.
- 7.4.6.7 Turning to vehicular traffic and the comings and goings of pupils and staff, the noise arising from these sources has not been quantified, nor would it be possible to accurately do so. However, it is self-evident that this will have significant impacts on the living conditions of neighbouring occupiers, particularly those on Redwing Close, even if the worst of those impacts are limited to two relatively brief periods of the day i.e. drop-off and pick-up times.
- 7.4.6.8 Once at capacity, 1260 pupils and 80 staff will enter and leave the Michaela School each day and the submitted transport assessment anticipates that this would result in 582 two-way vehicle trips each morning and a further 582 each afternoon. The majority of these would be parents dropping off or picking up children from the roads surrounding the site, since vehicular drop-off and pick-up would not be permitted within the school grounds. Parents would be instructed not to use Redwing Close for drop-off and pick-up but officers have considerable doubts as to whether this would be effective and assess the application on the basis that Redwing Close would in fact be used for this purpose.
- 7.4.6.9 The figure above would also include trips by staff, who would enter the site and park until departing later in the day. Sixth form students would also be permitted to park on site.
- 7.4.6.10 On top of this would be the traffic generated by the community use of the sports facilities on the site. This is expected to be much lower than the traffic generated by the school use but the

details will not be fully known until the community use agreement for the facilities has been completed and it is nonetheless a further source of noise.

- 7.4.6.11 Servicing and deliveries would also generate noise, although it would be possible to mitigate the resulting disruption by limiting the hours when delivery and service vehicles are permitted to enter the site. Accordingly, it is recommended that a service and delivery plan be secured by condition for the Michaela School.
- 7.4.6.12 Vehicular drop-off and pick-up, service, and delivery traffic associated with SESC would remain largely as existing, since neither pupil nor staff numbers would be increased. However, it is anticipated that pedestrian traffic would increase along Collenswood Road as pupils come and go from the Michaela site.
- 7.4.6.13 As mentioned above, it is not possible to accurately quantify the noise generated by this traffic. However, it is clear that it would be significant and would result in disturbance, particularly at drop-off and pick-up times and particularly for the residents of Redwing Close.
- 7.4.6.14 Although there is already an access to the site from Redwing Close, it was historically only used for limited purposes and not as the main entrance to Collenswood School or Barnwell East Campus. As a result, it is currently a relatively peaceful residential access road and the proposed development, in bringing the site back into use as a school with Redwing Close as the main vehicular and pedestrian entrance, would have a material adverse impact on the living conditions of its residents by way of noise disturbance.

#### 7.4.7 *Light Pollution*

- 7.4.7.1 The external lighting strategies for the Michaela School and SESC are set out in their respective design and access statements. The overall strategy is to provide external lighting to the main pedestrian access routes, car parks, main building entrances, bin stores, and cycle parking areas. This would be designed in accordance with relevant Institution of Lighting Professionals Standards relating to the reduction of obtrusive light and British Standards relating to the lighting of workplaces.
- 7.4.7.2 Four illuminance levels would be targeted, with the brightest lighting being applied to the bin stores at 40 lux maintained average and then the building perimeters at 20 lux maintained average. The car parks and pedestrian routes would be comparatively dimmer, at 10 lux and 5 lux maintained average respectively.
- 7.4.7.3 The external lighting proposals have been reviewed by an Environmental Health Officer, who has confirmed that they are acceptable. It is recommended that a condition be imposed to ensure that no light is allowed to spill beyond the site's boundaries.
- 7.4.7.4 One area that is not covered in any detail by the submission is the lighting of the proposed MUGAs, with the lighting strategies stating that these will be lit according to Sport England guidance. The applicant has not stated which guidance this is, nor has Sport England specified lighting in their consultation response.
- 7.4.7.5 Clearly this is a significant potential source of light pollution, which could cause considerable nuisance to neighbouring occupiers. It would therefore not be appropriate to leave this to chance and it is recommended that full details of MUGA lighting be reserved by conditions.

#### 7.4.8 *Privacy*

- 7.4.8.1 Impacts on privacy tend to arise from the construction of buildings or structures above ground level, providing views that would not otherwise be possible from the natural landscape. In this case, the only proposed building that would have more than a single storey would be the new Michaela School.

- 7.4.8.2 The Michaela School side of the site is bounded by mature trees both to the north and south-east. While some of those to the south-east would be felled, sufficient numbers would remain to provide an effective screen. The south of the site is comparatively more open but here the site adjoins Ashtree Primary School and a degree of overlooking between two schools is not considered to be problematic.
- 7.4.8.3 Even if the tree cover at the site cannot be relied upon to provide a screen in perpetuity, the Michaela School building would be sited well within the site's boundaries, with a distance of 50m separating it from the boundary of the nearest residential property at the closest point. This distance is considered to be sufficient to ensure that no harmful overlooking would occur.
- 7.4.8.4 Turning to SESC, the proposed new building would be entirely single storey, would again be substantially screened by vegetation, and would be sited approximately 40m from the boundary of the nearest neighbouring property. Consequently it would not give rise to any harmful overlooking.
- 7.4.8.5 Finally, it is recognised that the potential for loss of privacy arising from use of the outdoor spaces has caused concern amongst residents. Whilst it is true that use of the outdoor spaces will increase as a result of the development, this is primarily the result of bringing the site back into use as a school, which is its lawful use, rather than the introduction of a novel use or altered relationship between the site and its neighbours.
- 7.4.8.6 The one exception to this is the new MUGA at the Michaela School, which is an entirely new feature. However, the views from this, as well as from the MUGA at SESC, would effectively be from ground level and considering the surrounding vegetation, as well as the 3m high acoustic screening that would be installed, it is considered that the views would not result in any harmful loss of privacy.
- 7.4.9 *Natural Light*
- 7.4.9.1 As noted above, both of the proposed school buildings would be sited well within the site's boundaries. In addition, neither would be unduly tall. Consequently it is considered that they would not result in any materially harmful overshadowing or loss of daylight to neighbouring occupiers.
- 7.4.9.2 It is also necessary to consider the impact of the proposed acoustic fences, since these would be close boarded, 3m in height, and sited in close proximity to the boundaries of neighbouring properties. In the case of 58 to 66 Marlborough Road, they would result in some overshadowing of rear gardens towards the middle of the day, although this would generally be limited to the months of the year when the sun is lower in the sky. In the case of 88A and 88B Marlborough Road, nearby trees already cast a significant shadow and it is considered that the proposed fencing would not have a materially harmful impact.
- 7.4.9.3 In the case of 88C Marlborough Road, the situation is different because this property shares a boundary with the site on both its southern and eastern sides and both would be subject to the acoustic fencing. On the southern side, existing trees already cast a significant shadow during the middle part of the day but on the eastern side, the boundary is open. The proposed fencing will therefore cast a shadow over the garden of 88C Marlborough Road during the morning hours and it is considered that this would be materially harmful.
- 7.4.10 *Overbearing Appearance*
- 7.4.10.1 Very similar conclusions are reached in terms of overbearing appearance with respect to 88C Marlborough Road. It is considered that the erection of a 3m high close boarded fence along the entirety of the eastern boundary of this property would appear overbearing and would be harmful to the occupiers of this property.

#### 7.4.11 *Parking Pressure*

7.4.11.1 As already mentioned, parents would not be permitted to drop-off or pick-up by car within the Michaela School grounds and this traffic would therefore be accommodated within the surrounding highway network. On-street car parking is currently unrestricted on these roads, with the exception of the numerous dropped kerbs on Redwing Close and the other residential access roads in the vicinity.

7.4.11.2 It is evident that residents of Redwing Close make use of the available on-street car parking and the proposed development would increase competition for these spaces. At times, particularly drop-off and pick-up times, this is likely to cause considerable inconvenience to local residents trying to find a car parking space. This harm is a material consideration.

#### 7.4.12 *Demolition and Construction Impacts*

7.4.12.1 The disruptive effect of demolition and constructions work is a material consideration. If the application is approved, work is scheduled to start with site clearance on 5 December of this year and would finish with external works in late July 2024. The works would attract a significant amount of vehicular traffic, they would often be noisy, and they could result in significant emissions of dust.

7.4.12.2 Some disruption is inevitable, insofar as vehicle movements and noisy work will be necessary to complete the development. However, the impacts can be mitigated, for example by employing dust suppression techniques, limiting the hours when deliveries can be made, and limiting the hours when work can be carried out.

7.4.12.3 To this end, it is recommended that a construction management plan be secured by condition. Subject to this condition, it is considered that the impacts of demolition and construction could be mitigated to an acceptable degree.

#### 7.4.13 *Conclusions on Environment and Neighbouring Occupiers*

7.4.13.1 In summary, contamination is present on the site and further investigation would be necessary following demolition to determine appropriate remediation. However, on the basis of the investigations carried out so far, and subject to the recommended conditions, the risk to human health is considered to be acceptable.

7.4.13.2 Further work is also required to mitigate the impacts of demolition and construction work on neighbouring occupiers. Some disruption and impacts on the environment are inevitable but subject to the recommended conditions, it is considered that the impact of this would be acceptable.

7.4.13.3 The lighting strategies for the two parts of the site are considered to be acceptable, subject to conditions to prevent spillage beyond the site's boundaries. Lighting of the proposed MUGAs requires further consideration but subject to conditions, it is considered that a suitable design can be produced so as not to result in undue nuisance to neighbouring occupiers.

7.4.13.4 The development would attract a significant amount of vehicular traffic both onto the site and surrounding roads. Although the distribution of emissions from these vehicles would differ from the historic situation, the overall impact would be similar and the effects localised. The impact on air quality is therefore considered to be acceptable.

7.4.13.5 It is recognised that loss of privacy is a significant concern amongst neighbouring residents and it is acknowledged that bringing the site back into full use would have some impact. However, it must be recognised that this is the existing lawful use of the site and that the views into neighbouring properties would effectively be from ground level. In other words, the views



would be very similar to those already possible from the site and the proposed development would therefore not result in material harm. Accordingly, the impact on privacy is considered to be acceptable.

- 7.4.13.6 In terms of overbearing appearance and loss of natural light, the proposed development would, for the most part, have a negligible impact. The one exception to this is the impact of the proposed acoustic fencing, which would be close boarded, 3m in height, and erected on or very close to the site boundary in two specific locations. Although it would not be so impactful as to make living conditions unacceptable, it would nonetheless cause harm to the occupiers of 88C Marlborough Road by way of overbearing appearance and overshadowing. This carries weight against the proposal.
- 7.4.13.7 The most significant adverse impacts associated with the development would result from noise and competition for on-street car parking spaces, particularly for residents of Redwing Close. Notwithstanding any proposed mitigation measures, such as instructing parents not to use Redwing Close for drop-off and pick-up, hosting the main entrance to a school of up to 1,260 pupils and 80 staff brings with it unavoidable impacts on living conditions.
- 7.4.13.8 It is a mitigating factor that there is already an entrance to the site from Redwing Close, albeit this was not historically used as the main entrance to either Collenswood School or Barnwell East Campus. It is also relevant that the worst of the disruption would be limited to two relatively short periods of the day.
- 7.4.13.9 Nonetheless, it is considered that the proposed development would have adverse impacts on the living conditions of the residents of Redwing Close by way of noise and inconvenience in finding on-street parking spaces. This also carries weight against the proposal.

## 7.5 Parking

- 7.5.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. The car parking standard for schools is that all of the following should be provided:
- 1 space per full time member of staff
  - 1 space per 100 pupils
  - 1 space per 8 pupils aged 17+
  - 1 space per 20 pupils aged under 17
- 7.5.2 However, the site is located within Non-Residential Parking Accessibility Zone 4, which means the number of car parking spaces can be reduced by up to 25% depending on the nature of the development, local traffic conditions, the relevance of rail services, and the existing public parking supply. A provision higher than the maximum standard will only be permitted in exceptional circumstances and where it can be demonstrated in a transport assessment that this is justified.
- 7.5.3 5% of the total number of car parking spaces should be suitable for use by disabled motorists and reserved for this purpose. Likewise, around 5% of the total number of publicly accessible vehicle parking spaces should be reserved for motorcycles.
- 7.5.4 20% of car parking spaces should have access to an active electric vehicle charging point (“EVCP”), with the remainder being designed to fulfil a passive charging point standard (i.e. the underlying infrastructure is installed but a charging point is not provided). The blend of access to charging points provided within new developments (i.e. public, restricted access, open access, shared) should be determined having regard to a travel plan.

- 7.5.5 A flexible approach to the requirement for speed of charging will be taken due to the pace of change of this technology. Ultra-fast charging points will become expected at short term, non-residential parking spaces as technology improves to make the use of electric vehicles more efficient.
- 7.5.6 In terms of cycle parking, the standard for schools is that all of the following should be provided:
- 1 long-stay space per 8 staff
  - 1 long-stay space per 8 pupils
  - 1 short-stay space per 100 pupils
- 7.5.7 *Michaela Community School*
- 7.5.7.1 The Michaela Community School would accommodate approximately 80 full time staff and up to 1260 pupils, including 360 sixth form pupils who, for the purposes of this assessment, will all assumed to be aged 17 or over. Applying the above standards to this element of the proposals yields a requirement to provide 137 and 183 car parking spaces, 168 long-stay cycle parking spaces, and 13 short-stay cycle parking spaces.
- 7.5.7.2 The proposed Michaela School would in fact provide 159 car parking spaces, 120 long-stay cycle parking spaces, and 10 short-stay cycle parking spaces. Therefore, whilst the amount of car parking would be well within the recommended range, the level of proposed cycle parking would fall 25% to 30% short of the required amount.
- 7.5.7.3 Of the 159 proposed car parking spaces, 8 should be reserved for disabled motorists. Approximately 8 motorcycle parking spaces should also be provided, as well as 32 active EVCPs.
- 7.5.7.4 Michaela School would actually provide 8 disabled car parking spaces, sited immediately adjacent to the main school entrance. However, only 5 motorcycle parking spaces would be provided and only 23 active EVCPs would be provided.
- 7.5.8 *SESC*
- 7.5.8.1 SESC would accommodate approximately 20 full time staff and 36 pupils, all of whom would be under the age of 17. Applying the standards to this element of the proposals yields a requirement for between 17 and 23 car parking spaces, 7 long-stay cycle parking spaces, and 1 short-stay cycle parking space.
- 7.5.8.2 SESC would in fact provide 53 car parking spaces, 60 long-stay cycle parking spaces, and 10 short-stay cycle parking spaces. It would therefore exceed the applicable standards.
- 7.5.8.3 Of the 53 proposed car parking spaces, 3 should be reserved for disabled motorists. 3 motorcycle spaces should also be provided, as well as 11 active EVCPs.
- 7.5.8.4 SESC would provide 3 disabled spaces, which would be separate from the main car park, in much closer proximity to the entrance to the main school building. However, only 10 active EVCPs would be provided and no motorcycle parking spaces would be provided whatsoever.
- 7.5.8.5 *Overall Conclusions on Parking*
- 7.5.8.6 For the Michaela School, overall car parking provision would be well within the recommended range and is considered to be appropriate. Likewise the proposed number of disabled parking spaces is in accordance with the SPD.

- 7.5.8.7 Motorcycle parking would be slightly below the suggested amount. However, it is considered that a shortfall of three spaces is unlikely to have any significant adverse impacts.
- 7.5.8.8 The proposed number of active EVCPs is also below the required amount. It is however recognised that the duration of visits to the site will vary quite widely. Therefore, if some rapid chargers are proposed, the overall number may be acceptable. It is recommended that these details, together with provision of passive EVCPs, be secured by condition.
- 7.5.8.9 In terms of cycle parking, the number of spaces provided would be well below SPD requirements. However, the proposed number is supported by the modal splits set out in the submitted transport assessment and the targets of the proposed travel plan. It is therefore considered acceptable, subject to conditions to ensure that cycle parking provision increases should this be identified as necessary during the travel plan monitoring process.
- 7.5.8.10 For SESC, car parking would exceed the maximum standard applicable to schools. However, it is not a typical school and it is anticipated that trips by private vehicles would be higher than is usually the case. Accordingly, it is considered that exceptional circumstances exist which warrant provision above the usual maximum level.
- 7.5.8.11 No motorcycle parking would be provided. However, as with the Michaela School, it is considered unlikely that a shortfall of three spaces would have a material adverse impact. Similarly, the number of proposed active EVCPs is below the required amount but this may be acceptable subject to the mix of rapid chargers. A condition is recommended accordingly.
- 7.5.8.12 Disabled parking provision would be in accordance with the SPD and cycle parking would be significantly above the required amount. The proposals for SESC are therefore acceptable in both of these respects.

## 7.6 Highway Safety

- 7.6.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development will not have an adverse impact on highway safety.
- 7.6.2 The application is supported by a transport assessment, which considers the impact of the proposals on the surrounding road network. This principally considers the impact of the new Michaela School, since SESC is already operating from the site and no increase in pupil or staff numbers is proposed.
- 7.6.3 HCC Highways initially commented on the application highlighting a number of issues with the submitted transport statement. A revised transport statement was subsequently submitted and while HCC have not fully commented on this, they have indicated that they will not be raising any objection to the application. Their full comments will be provided to the committee as an update.
- 7.6.4 On the basis that HCC will not be objecting to the proposals, it is considered that the proposed development will not have any unacceptable impacts on highway safety or any severe residual cumulative impacts on the highway network.

## 7.7 Ecology, Arboriculture and Biodiversity

- 7.7.1 Policy NH2 of the Local Plan designates wildlife sites across the Borough. It states that planning permission will be granted where proposals would not result in substantive loss or deterioration of wildlife sites and will reasonably contribute towards their maintenance or enhancement.

- 7.7.2 Policy NH4 designates green links in the Borough and requires development proposals to avoid material adverse impacts on their wildlife value. Developments should also reasonably contribute towards their maintenance, improvement or extension.
- 7.7.3 Policy NH5 of the Local Plan states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.7.4 The NPPF and accompanying PPG require the Council to achieve measurable net gains in biodiversity at development sites across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity.
- 7.7.5 *Designated Sites*
- 7.7.5.1 The application is supported by an Ecological Impact Assessment ("EclA") authored by Surrey Wildlife Trust Ecology Services. The EclA identifies that the site falls within the Impact Risk Zone for Benington High Wood Site of Special Scientific Interest, which is a statutory designated site. Eleven local wildlife sites also lie within 2km of the application site, of which Great Collens Wood, which lies directly to the west of the application site, is the most likely to be affected the development.
- 7.7.5.2 The EclA concludes that the proposed development would not have any significant impact on any of the above sites. Herts and Middlesex Wildlife Trust have been consulted on the application and have raised no objection in this regard.
- 7.7.6 *Habitats*
- 7.7.6.1 The EclA identifies that without mitigation, the proposed development would have significant negative impacts on a number of important habitats across the site, including lowland mixed deciduous woodland, modified grassland, and bramble scrub. However, with mitigation, the residual impacts of the operation of the site are all considered to either be not significant or positive. The pond on the site would be retained and so would not be significantly impacted.
- 7.7.6.2 The proposed mitigation measures include planting of native species within woodland, enhancement of grassland using native seed mix, protection of native hedgerow, replacement of non-native hedgerows with native hedgerows, and planting of native tree species. It is recommended that these measures be secured by condition.
- 7.7.6.3 There would still be some negative impacts as a result of construction, in particular the felling of trees which are classified as lowland mixed deciduous woodland. However, this impact is necessary in order to accommodate the proposed car park for Michaela School. Following implementation of the mitigation measures proposed above, the long-term impact on this habitat is considered to be positive.
- 7.7.7 *Species*
- 7.7.7.1 A number of important species were identified on the site, including invertebrate species, reptiles, amphibians, common species of bird, badgers, bats and hedgehogs. Without mitigation, the proposed development would have significant negative impacts on a number of these species.
- 7.7.7.2 However, with mitigation, the long-term impact of the operation of the site is assessed to be positive in all cases except for badgers, where the impact would be neutral. The proposed mitigation measures include implementing best practice construction methods, taking a

cautious approach to vegetation clearance (which would only take place between September and February), placement of insect houses and bird boxes, and incorporation of “hedgehog highways” – i.e. small holes at the base of fences – into the fencing plans. It is recommended that these measures be secured by condition.

#### 7.7.8 *Arboriculture*

7.7.8.1 As noted many times throughout this report, the proposed development would involve the felling of a significant number of trees. Whilst most of these would be Category C, some would be of higher value, including a number of Category A trees making up areas of lowland mixed deciduous woodland. These would need to be felled to make way for the proposed car park at the Michaela School.

7.7.8.2 The development would however involve the retention of the majority of the trees on site and a significant amount of replacement planting is proposed. The Council’s Arboriculture and Conservation Manager has been consulted on the proposals and raises no objection to the proposed development on arboricultural grounds. It is therefore recommended that the proposed tree protection measures and replacement planting be secured by condition.

#### 7.7.9 *Biodiversity Net Gain*

7.7.9.1 The proposed development is supported by a biodiversity net gain strategy and supplementary analysis. These documents set out the means by which the development would achieve measurable gains in biodiversity, which is primarily through new tree planting and allowing the regeneration of modified grassland areas into lowland mixed deciduous woodland.

7.7.9.2 These measures would result in an 11% gain in biodiversity on the site. Herts and Middlesex Wildlife Trust have been consulted on the application and have confirmed that subject to the submission of a satisfactory landscape and ecological management plan (“LEMP”), the trading rules are satisfied and the proposals are acceptable. It is therefore recommended that a LEMP be secured by condition.

#### 7.8 Flood Risk and Drainage

7.8.1 Policy FP2 of the Local Plan requires applications for major development in Flood Zone 1 to be accompanied by an appropriate flood risk assessment. Given that the site has an area of more than one hectare, a flood risk assessment is required in this case and one has been submitted.

7.8.2 The flood risk assessment must demonstrate, as a minimum:

- An estimate of how much surface water runoff the development will generate;
- Details of existing methods for managing surface water runoff, e.g. drainage to a sewer; and
- Plans for managing surface water and for making sure there is no increase in the volume of surface water and rate of surface water runoff.

7.8.3 Policy FP2 also requires that the use of SuDS is maximised on site so as not to increase flood risk and to reduce flood risk wherever possible.

7.8.4 The proposed drainage system is a primarily tanked and pipe system, with detention basin adjacent to the Michaela School playing field and a swale adjacent to the proposed MUGA, eventually discharging to a surface water sewer at the far northern boundary of the site. Permeable paving would be provided to the proposed car parking spaces, although not to the manoeuvring areas between them.

7.8.5 At the time of writing, the Council's Drainage Consultant has not provided any formal comments on this application. Therefore, if the comments are not received by the time the application is to be determined at Planning and Development Committee, it is recommended that delegated powers are given to the Assistant Director of Planning and Regulatory and the Chairman of the Planning Committee that in the event the Council's Drainage Consultant do provide comments on the strategy with a suggested list of conditions, then these conditions would be imposed accordingly before any planning permission is issued by the Council. However, if the Council's Drainage Consultant raises a substantive objection to the application and this cannot be resolved, then it is recommended that the application is referred back to the Planning and Development Committee for its decision.

## 7.9 Climate Change and Sustainability

7.9.1 Policy FP1 of the Local Plan states that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future 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; and
- Using or producing renewable or low carbon energy from a local source.

7.9.2 The application is not supported by an energy strategy and no detailed measures have been put forward in terms of adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.9.3 Subject to the above condition, the proposal is considered to accord with Policy FP1 of the Local Plan 2019.

## 7.10 Fire Safety

7.10.1 Fire safety is a material consideration. However, the application does not trigger any requirement for a fire safety statement because the proposed buildings are less than 18m tall and would have fewer than seven storeys.

7.10.2 The Herts Fire and Rescue Water Officer was not consulted on the application. However, this was not necessary because the applicant had already identified that new hydrants would be required, stating that these would be provided via Redwing Close.

7.10.3 It is recommended that conditions be imposed to secure suitable hydrants as described. Subject to these conditions, it is considered that the proposed development would have an acceptable impact on highway safety.

## 7.11 Crime Prevention

7.11.1 Policy GD1 of the Local Plan requires developments to create safe environments that design out crime. Hertfordshire Constabulary's Crime Prevention Design Officer was consulted on the application and the fact that SBD had been used as a design guide was welcomed.

7.11.2 Comments were also made around the particular type of fencing to be used. The applicant has confirmed that this will be weld mesh fencing as recommended by the Officer.

7.11.3 Since the initial comments were made, the applicant has held a follow-up meeting with the Crime Prevention Design Officer and further comments are expected, which will be reported to the Committee as an update in advance of the meeting.

7.12 Developer Obligations and CIL

7.12.1 *CIL*

7.12.1.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

7.12.1.2 The proposed development would be liable for CIL but would be zero-rated since it falls within the “all other development” category.

7.12.2 *County Obligations*

7.12.2.1 HCC Growth and Infrastructure were consulted on the application and have confirmed that no contributions would be necessary towards education, library, or youth services.

7.12.2.2 The development would however be required to adhere to a travel plan. Travel plans have been submitted and the applicant has agreed to enter into a legal agreement to cover the cost of monitoring these. However, HCC have yet to confirm the required amount. This will be provided to the committee as an update.

7.12.2.3 HCC Highways have confirmed that no other bespoke highways contributions are required.

7.12.3 *Employment and apprenticeships*

7.12.3.1 In accordance with the Developer Contributions SPD 2021, the developer would be required to contribute to local employment in the following ways:

- attempt to employ Stevenage residents in 5% to 10% of on-site construction jobs
- attempt to employ one Stevenage resident or student as an apprentice for every ten on-site construction jobs (up to a maximum of ten apprenticeships)
- report whether or not they met these requirements
- pay a one-off sum of £4,000 per job shortfall
- pay of one-off sum of £1,250 per apprentice shortfall

7.12.3.2 The applicant has agreed to these measures and is willing to enter into a legal agreement to secure them.

7.13 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. 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.
- 7.13.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.13.4 The proposed development would provide adequate disabled parking and step-free access to all of the proposed buildings. Aside from this, it is considered that the proposed development would not impact persons with any of the protected characteristics listed under the Equalities Act.

## **8 CONCLUSIONS**

- 8.1 The policies considered to be most relevant for determining this application are listed above in Section 6.5.1 and mentioned throughout this report. These are all considered to be consistent with the most recent revision of the NPPF and are therefore considered to be up-to-date. Accordingly, Paragraph 11(d) of the NPPF is not engaged and the application falls to be determined against a straightforward planning balance.
- 8.2 The proposed development would see the site brought back into use as a secondary school, accommodating 1,260 pupils at full capacity. Policy HC9 of the Local Plan reserves the application site to meet secondary school needs and the proposal is in accordance with this policy. The benefits of providing additional secondary school places, including providing more choice in school places for residents of the Borough, are considerable and having regard to Paragraph 95 of the NPPF, they carry great weight in favour of the proposal.
- 8.3 The development would also see the provision of new and enhanced facilities for SESC, which is a specialist educational institution concerned with providing support to pupils excluded or at risk of exclusion from full time education. Whilst not a secondary school, the development of the site for other educational purposes is not restricted by Policy HC9 of the Local Plan and this element of the proposals is therefore considered to be in accordance with the policy. The public benefits of the service are clear and the proposed development would enhance it as well as providing for its long-term future. This carries significant weight in favour of the proposal.
- 8.4 The design of the proposed development is considered to be high quality and respectful of its surroundings and in these respects, it is considered to be in accordance with Policies SP8 and GD1 of the Local Plan. In replacing the existing development on the site, which is in poor condition, with bright and modern facilities, the proposed development would have a positive impact on the character and appearance of the area. This carries significant weight in favour of the proposal.



- 8.5 The proposed development would also have significant positive impacts on habitats and species in the long-term, as well as delivering an increase in biodiversity above the 10% required by planning policy. These benefits also carry significant weight in favour of the proposal.
- 8.6 However, the proposed development would also have some significant adverse impacts of the living conditions of neighbouring residents. It would attract a significant amount of traffic to the site, resulting in noise disturbance, impacts on air quality, and inconvenience for local residents in finding on-street car parking spaces. In these respects, the proposal is contrary to Policies GD1 and FP7 of the Local Plan.
- 8.7 These impacts would be felt particularly acutely by the residents of Redwing Close, which would host the new main entrance to the Michaela Community School. It is recognised that there is an existing access to the site on this road but it was historically only used in limited circumstances. Accordingly, these harms carry significant weight against the proposal.
- 8.8 The proposed acoustic screening, which would serve to mitigate noise from the proposed MUGAs, would also result in adverse impacts, albeit these would be more localised. It is considered that it would appear overbearing to the occupants of 88C Marlborough Road and would result in overshadowing of the garden at this property. These harms represent another area of conflict with Policy GD1 of the Local Plan and having regard to their extent, they carry moderate weight against the proposal.
- 8.9 In all other respects, and subject to conditions, the impact of the proposed development on the living conditions of neighbouring occupiers is considered to be acceptable. Similarly, subject to conditions, the development is considered to have an acceptable impact on parking, highway safety, trees, wildlife sites, climate change, fire safety, and crime prevention. Consequently, the proposal is considered to be in accordance with policies SP6, SP9, SP11, SP12, IT4, IT5, IT6, FP1, FP5, FP8, NH2, NH4 and NH5 of the Local Plan. These are neutral matters.
- 8.10 Having regard to all of the above, the benefits of granting permission are considered to significantly outweigh the adverse impacts. Accordingly, the proposal is considered to be in accordance with the development plan when read as a whole. It is therefore recommended that planning permission be granted.

## **9 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:
- Travel Plan Monitoring
  - Employment and Apprenticeship Opportunities
- 9.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

## Conditions

### Conditions Relating to All Phases

#### *General Conditions*

1. The development to which this permission relates shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

FS0945-ALA-XX-ZZ-DR-L-0001 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0002 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0003 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0004 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0005 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0006 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0007 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0008 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0009 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0014 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0015 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0016 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0017 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0018 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0019 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0020 Rev P01  
FS0945-ALA-XX-ZZ-DR-L-0023 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0027 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0029 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0030 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0032 Rev P04  
FS0945-ALA-XX-ZZ-DR-L-0033 Rev P04  
FS0945-JWA-ZZ-ZZ-DR-A-0002 Rev P03  
FS0945-JWA-ZZ-ZZ-DR-A-0003 Rev P03  
FS0945-JWA-ZZ-ZZ-DR-A-0004 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-0005 Rev P02  
FS0945-JWA-ZZ-LG-DR-A-1001 Rev P02  
FS0945-JWA-ZZ-00-DR-A-1002 Rev P02  
FS0945-JWA-ZZ-01-DR-A-1003 Rev P01  
FS0945-JWA-ZZ-02-DR-A-1004 Rev P01  
FS0945-JWA-ZZ-R1-DR-A-1005 Rev P01  
FS0944-JWA-ZZ-LG-DR-A-1050 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3001 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3002 Rev P01  
FS0945-JWA-ZZ-ZZ-DR-A-3003 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-4001 Rev P01  
714-ALA-XX--ZZ-DR-L-0006 Rev P01  
714-ALA-XX--ZZ-DR-L-0007 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0001 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0002 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0008 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0009 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0010 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0011 Rev P02  
FS1024-ALA-XX-ZZ-DR-L-0012 Rev P04

FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0020 Rev P04  
FS1024-ALA-XX-ZZ-DR-L-0021 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0022 Rev P01  
FS1024-ALA-XX-ZZ-DR-L-0023 Rev P03  
FS1024-JWA-AA-00-DR-A-1001 Rev P02  
FS1024-JWA-AA-01-DR-A-1002 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-3001 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-3002 Rev P02  
FS1024-JWA-AA-ZZ-DR-A-4001 Rev P01

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

2. The development to which this permission relates 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 materials used in the external surfaces of the development to which this permission relates shall be those listed on the application form, approved plans and accompanying documents unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure a satisfactory appearance upon completion of the development.

4. Unless otherwise agreed in writing by the Local Planning Authority, no demolition, construction or maintenance activities audible at the site boundary shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such work shall be carried out on Sundays or Bank Holidays.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

5. Unless otherwise agreed in writing by the Local Planning Authority, no deliveries or collections relating to demolition or construction activity shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. For the avoidance of doubt, no such deliveries or collections shall be carried out on Sundays or Bank Holidays.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

6. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.

**REASON:** To prevent unacceptable risks to human health as a result of contamination

8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Table 11 and Table 12 of “Ecological Impact Assessment and Biodiversity Net Gain Report” authored by Surrey Wildlife Trust Ecology Services and dated 1 April 2022 unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To prevent unacceptable harm to habitats and species.

9. The development to which this permission relates shall be carried out in accordance with the methods specified in Section 5 of “Arboricultural Method Statement” authored by Middlemarch and dated April 2022, together with the accompanying Tree Protection Plans reference C156848-03-01 Revision 00, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the health and longevity of trees worthy of retention.

10. The development to which this permission relates shall be carried out in accordance with “Site Waste Management Plan” authored by Bowmer and Kirkland Group and dated 29 June 2022 unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the proper disposal of site waste.

*Prior to Commencement*

11. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management plan. The construction management plan shall include details of the following:

- a) Construction vehicle numbers, type, routing;
- b) Access arrangements to site;
- c) Traffic and pedestrian management requirements;
- d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

12. No development shall take place (including site clearance or demolition) until a surface water drainage scheme for the site 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 approved surface water drainage scheme shall subsequently be implemented prior to beneficial occupation of the development.

**REASON:** To ensure that the development does not increase the risk of flooding elsewhere.

13. No development shall take place (excluding site clearance and demolition) until a landscape and ecological management plan (“LEMP”) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (46.38 habitat units, 6.60 hedgerow units) to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of features to be managed;
- b) Aims and objectives of management;
- c) Appropriate management options for achieving target condition for all habitats, as described in the approved metric;
- d) Prescriptions for management actions, only definitive measures are acceptable;
- e) Preparation of an annual work schedule for a minimum of 30 years with measures clearly marked on plans;
- f) Details of the body or organisation responsible for implementation of the plan;
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
- h) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body or bodies responsible for its delivery.

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

**REASON:** To ensure that the development achieves at least a 10% net gain in biodiversity.

#### Conditions Relating to Phase 1 – Michaela Community School

##### *General Conditions*

14. Cumulative plant noise emissions from Phase 1 of the development to which this permission relates shall not exceed the levels detailed in Table 2.2 of “Noise Assessment” reference 21688R02aPKJB at the nearest residential receptor unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

15. The multi-use games area on Phase 1 of the development to which this permission relates shall not be used after 21:30 hours on any day unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

*During Construction*

16. No development shall take place above slab level on Phase 1 of the development to which this permission relates until the post-demolition supplementary environmental investigation and remediation strategy, as detailed in Section 9.4 of “Geo-Environmental Assessment” reference 21-2426.01\_REP\_Michaela-Community-School\_Stevenage\_GEA\_220321, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved remediation strategy.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

17. Prior to commencement of the enhancement works to the playing field on Phase 1 of the development to which this permission relates, a contractor’s specification for the works prepared in accordance with “A Feasibility Study for the construction of natural turf winter sport pitches at Michaela School and Stevenage SESC” authored by TGMS Sports Surface Consultants and dated 17 March 2022, which includes an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The playing field enhancement works shall then be implemented in accordance with the approved specification and implementation programme.

**REASON:** To ensure that the playing field is fit for purpose and of sufficient benefit to the development of sport.

18. Prior to commencement of works to construct the multi-use games area on Phase 1 of the development to which this permission relates, a contractor’s specification for the associated acoustic screening prepared in accordance with “Noise Assessment” reference 21688R02aPKJB shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic fencing shall be installed prior to first use of the multi-use games area and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

19. Prior to commencement of works to construct the multi-use games area on Phase 1 of the development to which this permission relates, a scheme for pitch lighting shall be submitted to and approved in writing by the Local Planning Authority. No pitch lighting whatsoever shall be installed other than in accordance with the approved pitch lighting scheme.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

20. Prior to the commencement of works to provide the car parking within Phase 1 of the development to which this permission relates, a scheme for the provision of electric vehicle charging, including spaces designed to achieve a passive standard, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of Phase 1 of the development and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of reducing vehicle emissions and noise pollution.

*Prior to Occupation or Use*

21. Prior to the beneficial occupation of Phase 1 of the development to which this permission relates, a verification report, demonstrating that the remediation criteria agreed under Condition 16 of this permission have been achieved, shall be submitted to and agreed in writing by the Local Planning Authority.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

22. Prior to the beneficial occupation of Phase 1 of the development to which this permission relates, all car parking, service and manoeuvring areas shall be implemented in full as shown on the approved plans. Those areas shall be permanently kept free from obstruction and maintained for their intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

23. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a delivery and service plan shall be submitted to and approved in writing by the local planning authority. The approved delivery and service plan shall then be adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

24. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, the cycle parking shall be implemented in full as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

25. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, an updated travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a mechanism to increase the amount of cycle parking provided at the site in future should this be identified as necessary to meet the objectives of the plan during monitoring. It shall also include a timetable for implementation. The approved plan shall then be implemented in accordance with the approved timetable and adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

26. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the proper storage and disposal of waste.

27. Prior to first use of the multi-use games area on Phase 1 of the development to which this permission relates, a noise management plan prepared in accordance with Paragraph 3.6.3 of "Noise Assessment" reference 21688R02aPKJB shall be submitted to and approved in writing by the Local Planning Authority. The approved noise management plan shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

28. All planting and other soft landscaping as shown on drawing numbers FS0945-ALA-XX-ZZ-DR-L-0003 Rev P04 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P04 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P04 shall be carried out no later than the first planting and seeding seasons following beneficial occupation of Phase 1 of the development to which this permission relates unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure a satisfactory appearance on completion of the development.

29. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved by Phase 1 versus Part L of the Building Regulations, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

30. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 1 and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure adequate water infrastructure is provided to enable the fire service to discharge its statutory duties.

31. Prior to beneficial occupation of Phase 1 of the development to which this permission relates, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the sports hall, multi-use games area, natural turf playing field and the supporting ancillary facilities within Phase 1 as a minimum and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in compliance with the approved agreement.

**REASON:** To secure well managed and safe community access to the sports facilities, ensuring sufficient benefit to the development of sport.

#### *Post-Completion*

32. No tree within Phase 1 of the development to which this permission relates and shown as retained on "Tree Retention and Removal Plan" reference FS0945-ALA-XX-ZZ-DR-L-0021 Rev P01 shall be felled, uprooted, destroyed, topped or lopped within five years of the substantial completion of Phase 1 unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the health and longevity of trees worthy of retention.



33. Any trees or other plants comprised in the landscaping works for Phase 1 of the development to which this permission relates (as shown on drawing numbers FS0945-ALA-XX-ZZ-DR-L-0003 Rev P04 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P04 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P04), which within a period of five years from the substantial completion of Phase 1 die, are removed, 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 on completion of the development.

#### Conditions Relating to Phase 2 – SESC

##### *General*

34. Cumulative plant noise emissions from Phase 2 of the development to which this permission relates shall not exceed the levels detailed in Table 2.2 of “Noise Assessment” reference 21689R02aPKJB at the nearest residential receptor unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

35. The multi-use games area on Phase 2 of the development to which this permission relates shall not be used after 21:30 hours on any day unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

##### *During Construction*

36. No development shall take place above slab level on Phase 2 of the development to which this permission relates until the post-demolition supplementary environmental investigation and remediation strategy, as detailed in Section 9.4 of the “Geo-Environmental Assessment” reference 21-2426.01\_REP\_SESC\_Stevenage\_GEA\_220321, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved remediation strategy.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

37. Prior to commencement of works to construct the multi-use games area on Phase 2 of the development to which this permission relates, a contractor’s specification for the associated acoustic screening prepared in accordance with “Noise Assessment” reference 21689R02aPKJB shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic fencing shall be installed prior to first use of the multi-use games area and permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

38. Prior to commencement of works to construct the multi-use games area on Phase 2 of the development to which this permission relates, a scheme for pitch lighting shall be submitted to and approved in writing by the Local Planning Authority. No pitch lighting whatsoever shall be installed other than in accordance with the approved pitch lighting scheme.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

39. Prior to the commencement of works to provide the car parking within Phase 2 of the development to which this permission relates, a scheme for the provision of electric vehicle charging, including spaces designed to achieve a passive standard, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of Phase 2 of the development and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of reducing vehicle emissions and noise pollution.

*Prior to Occupation or Use*

40. Prior to the beneficial occupation of Phase 2 of the development to which this permission relates, a verification report, demonstrating that the remediation criteria agreed under Condition 36 of this permission have been achieved, shall be submitted to and agreed in writing by the Local Planning Authority.

**REASON:** To prevent unacceptable risks to human health as a result of contamination.

41. Prior to the beneficial occupation of Phase 2 of the development to which this permission relates, all car parking, service and manoeuvring areas shall be implemented in full as shown on the approved plans. Those areas shall be permanently kept free from obstruction and maintained for their intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

42. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, the cycle parking shall be implemented in full as shown on the approved plans. It shall be permanently kept free from obstruction and maintained for its intended purpose thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

43. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, an updated travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a timetable for implementation. The approved plan shall then be implemented in accordance with the approved timetable and adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that sustainable modes of transport are adequately promoted.

44. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a refuse vehicle strategy, demonstrating how refuse vehicles will enter, service and leave Phase 2, shall be submitted to and approved in writing by the Local Planning Authority. The refuse vehicle strategy shall then be adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers and highway safety.

45. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, details of refuse stores, including drawings of the elevations of any enclosures and the number, type, size and siting of bins, shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores shall then be provided in accordance with the approved details prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure the proper storage and disposal of waste.

46. Prior to first use of the multi-use games area on Phase 2 of the development to which this permission relates, a noise management plan prepared in accordance with Paragraph 3.6.3 of "Noise Assessment" reference 21689R02aPKJB shall be submitted to and approved in writing by the Local Planning Authority. The approved noise management plan shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the living conditions of neighbouring occupiers.

47. All planting and other soft landscaping as shown on drawing numbers FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04, FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04 and FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04 shall be carried out no later than the first planting and seeding seasons following beneficial occupation of Phase 2 of the development to which this permission relates unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure a satisfactory appearance on completion of the development.

48. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a scheme for low and zero carbon technologies, detailing the savings in regulated carbon dioxide emissions to be achieved by Phase 2 versus Part L of the Building Regulations, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure that the development is adaptable to climate change and to ensure a satisfactory appearance on completion of the development.

49. Prior to beneficial occupation of Phase 2 of the development to which this permission relates, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of Phase 2 and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure adequate water infrastructure is provided to enable the fire service to discharge its statutory duties.

*Post-Completion*

50. No tree within Phase 2 of the development to which this permission relates and shown as retained on "Tree Retention and Removal Plan" reference FS0945-ALA-XX-ZZ-DR-L-0020 Rev P04 shall be felled, uprooted, destroyed, topped or lopped within five years of the substantial completion of Phase 2 unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** In the interests of the health and longevity of trees worthy of retention.

51. Any trees or other plants comprised in the landscaping works for Phase 2 of the development to which this permission relates (as shown on drawing numbers FS1024-ALA-XX-ZZ-DR-L-0003 Rev P04, FS1024-ALA-XX-ZZ-DR-L-0004 Rev P04 and FS1024-ALA-XX-ZZ-DR-L-0016 Rev P04), which within a period of five years from the substantial completion of Phase 2 die, are removed, 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 on completion of the development.

### **Informatives**

1. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. The proposed development should achieve Secured by Design (SBD) accreditation in order for it to comply with current Building Regulations. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227

5. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

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

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

#### 6. Community Infrastructure Levy

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

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

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

#### 7. The applicant is reminded that asbestos removal and remediation falls under the authority of the Health and Safety Executive. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary, this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

#### **Pro-active Statement**

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

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2009).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

**Planning Committee  
Supplemental Agenda**

<b>Meeting date</b>	26 <sup>th</sup> July 2022
<b>Officer</b>	Thomas Frankland-Wells
<b>Agenda Item</b>	Barnwell Lower School, Collenswood Road, Stevenage, SG2 9HQ
<b>Proposal</b>	The erection of a new secondary school and new Stevenage Education Support Centre (SESC) building, together with associated works and refurbishments including the provision of games areas, informal play areas, a substation, landscaping and car parking, following the demolition of the vacant former Collenswood and Barnwell School buildings.
<b>Reference</b>	22/00369/FPM
<b>ADDENDUM INFORMATION</b>	

**Public Representations**

Since the officer report was drafted, one additional letter of representation has been received. This raises the question of whether an additional pedestrian access could be provided to the Michaela Community School from Cromwell Road to reduce the amount of pedestrian traffic using Redwing Close. The letter also raises concerns about vehicles using private driveways to turn on Redwing Close and questions whether a pick-up and drop-off point could be provided within the school grounds.

**Consultation Responses**

Crime Prevention Design Service

The Crime Prevention Design Officer has advised that the applicant is exploring Secured by Design for Schools and on this basis, is now supportive of the scheme.

HCC Highways

HCC Highways has reviewed the revised transport assessment and has confirmed that they raise no objection, subject to conditions. They have also recommended a number of informatives and confirmed that the amount required for travel plan monitoring is £1,200 per annum for a period of five years.

**Assessment**

Community use of SESC Facilities

Neither Policy HC9 of the Local Plan nor Sport England require the games area at SESC to be made available for community use and the officer's report was written on that basis. The applicant has since made clear that this is something they are keen to provide.

Such use would attract some additional traffic to the site. However, this would be very limited given that the MUGA at SESC would be just a single court in size.

It would also result in some additional noise into the evenings and weekends. However, the proposed acoustic fencing would adequately mitigate this. In any event, it is considered that the impact would be limited when the MUGA at Michaela Community School would already be available for use at these times.

Community use of the SESC facilities would be of limited public benefit given the scale of the facilities i.e. a single court MUGA. However, it is nonetheless a benefit and carries weight in favour of the proposal.

Having regard to the modest public benefits and adverse impacts associated with the proposed community use, the overall conclusions as presented in the officer's report remain unchanged.

## **Recommendations**

### Phasing

The applicant has submitted a phasing plan, which refers to SESC as "Phase A" and Michaela Community School as "Phase B". It is recommended that references to "Phase 1" and "Phase 2" in the conditions as set out in the officer's report be updated accordingly.

### Plan Numbers

The following plans that are listed under Condition 1 in the officer's report have been superseded by others in the list and should be deleted:

FS0945-JWA-ZZ-ZZ-DR-A-0002 Rev P03  
FS0945-JWA-ZZ-ZZ-DR-A-0003 Rev P03  
FS0945-JWA-ZZ-ZZ-DR-A-0004 Rev P02  
FS0945-JWA-ZZ-ZZ-DR-A-0005 Rev P02

The following plan was omitted in error and should be included under Condition 1:

FS0945-JWA-ZZ-ZZ-DR-A-0004 P02

### Tree Protection

Condition 32 in the officer's report refers to the tree retention and removal plan reference FS0945-ALA-XX-ZZ-DR-L-0021 Rev P01. This has been superseded by FS0945-ALA-XX-ZZ-DR-L-0027 Rev P04 and it is recommended that the condition be updated accordingly.

### Drainage Condition

Officers have yet to receive the final technical note from the Council's drainage consultant. However, following consultation with them, it is recommended that Condition 12 be amended to read as follows:

12. No development shall take place (excluding site clearance and demolition) until a final detailed design for the drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the following principles:

- gravity drainage throughout (i.e. no need for pumping);
- limiting the surface water run off generated by the 1 in 100 year + 40% climate change critical storm to rates agreed by the relevant body to whom discharges would occur;
- Providing attenuation on-site for all rainfall events up to and including the 1 in 100 year + 40% climate change event;
- ensuring site levels are set such that any 'allowable' flooding at the ground surface would be: contained outside of buildings for all events (including exceedance events); and also within the site boundaries to a maximum flood depth of up to 100mm during the 100 year plus 40% climate change storm events.

The scheme shall also provide the following:

- appropriate treatment before discharge;



- evidence of agreement (of principle and rates) from the relevant body or bodies to whom discharges would occur;
- updated surface water drainage calculations and modelling for all rainfall events up to and including the 1 in 100 year plus climate change event;
- an updated detailed surface water drainage plan, showing all proposed discharge points, SuDS features and pipe runs (with sizes);
- detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features, including any connecting pipe runs, along with all corresponding detailed calculations/modelling;
- updated detailed exceedance flow path drawings for surface water for events greater than the 1 in 100 year plus climate change event, including surface water run-on from upstream of the site.

The approved drainage scheme shall be implemented in full prior to the beneficial occupation of the development to which this permission relates and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To adhere to the hierarchy of drainage options, as set out in paragraph 080 (Reference ID: 7-080-20150323) of the Planning Practice Guidance; to maximise the use of SuDS in the interests of mitigating the risk of flooding to the site itself and downstream; to prevent pollutants entering the public water supply and nearby watercourses; and to maximise the sustainability of the development.

#### Secured by Design Informative

Informative 4 as set out in the officer's report was included in error and should be replaced with:

4. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227.

#### Highways Informatives

Having regard to the updated consultee response from HCC Highways, the following additional informatives are recommended:

8. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

9. School Travel Plan: Modeshift STARS is the national schools accreditation scheme that has been established to recognise schools that have demonstrated excellence in supporting cycling, walking and other forms of sustainable and active travel. The scheme encourages schools across the country (including Hertfordshire) to promote and increase levels of sustainable and active travel in order to improve the health and well-being of children and young people, as well as reducing local highway impacts arising from school pick up / drop off. Every school in England (outside of London) can participate in Modeshift STARS for free and on completion of an application, schools will automatically have a brand new national standard School Travel Plan. To register for Modeshift Stars, visit <https://www.modeshiftstars.org/contact>. Support is available to schools in Hertfordshire from Hertfordshire County Council's Active & Safer Travel Team by contacting [activeandsafertravel@hertfordshire.gov.uk](mailto:activeandsafertravel@hertfordshire.gov.uk) or [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

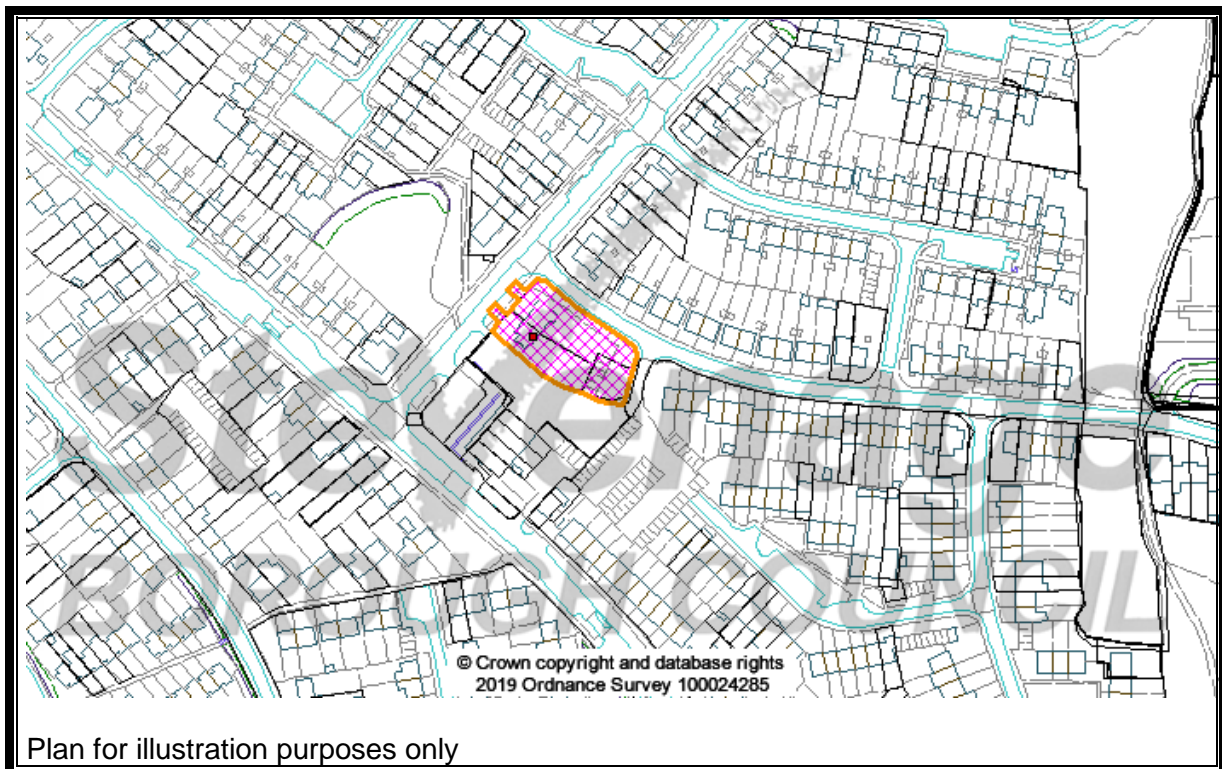
10. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative

impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

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



## 1. SITE DESCRIPTION

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

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

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

## **2. RELEVANT PLANNING HISTORY**

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

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

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

## **3. THE APPLICATION**

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

## 4. PUBLIC REPRESENTATIONS

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

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

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

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

## 5. CONSULTATIONS

### 5.1 Hertfordshire County Council as Highways Authority

5.1.1 *Initial comments received 1 June 2022:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5.4 Thames Water**

5.4.1 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.

## **5.5 The Environment Agency**

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

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

5.6.1 No comments received.

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

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

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

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

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

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

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

5.10.1 No comments received.

## **5.11 HCC Waste and Minerals**

5.11.1 No comments received

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

5.12.1 No comments received

## **5.13 SBC Waste and Recycling**

5.13.1 No comments received

## **5.14 Affinity Water**

5.14.1 No comments received

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

5.15.1 No comments received.

# **6. RELEVANT PLANNING POLICIES**

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

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



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

## 6.2 Central Government Advice

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

### **6.3 Planning Practice Guidance**

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

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

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

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

### **6.5 Supplementary Planning Documents**

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

### **6.6 Community Infrastructure Levy**

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

## **7. APPRAISAL**

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

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

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

## **7.2 Land Use Policy Considerations**

### Compliance with the Council's Housing Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

## 7.5 Impact upon Neighbouring Amenity

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

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

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

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

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

- 7.5.5 Whilst the frontages of the building contain a number of Juliet balconies, it is not considered that there would be an unduly harmful impact to privacy give the separation distances between the development and the properties in Burwell Road and Chertsey Rise. There are no balconies proposed on the internal rear elevations which are closest to the existing flatted development.
- 7.5.6 Given the aforementioned assessment, the proposal is not considered to have a detrimental impact on the amenities of neighbouring residential properties. As such, the proposal would accord with the policies in the adopted Local Plan (2019), the Council's Design Guide SPD (2009), the NPPF (2021) and PPG. In regards to the impact of noise and light pollution on the amenities of neighbouring residents, these aspects have been considered in detail in section 7.10 of this report.
- 7.6 Impact upon future amenities of residents.**
- 7.6.1 In considering a residential scheme of this nature it is also important to ensure that living conditions for any future occupiers are appropriate. In regards to private amenity space, there is a requirement to provide 50 sq.m of amenity space for schemes of up to 5 units, plus an additional, 10sq.m for every additional unit above 5.
- 7.6.2 Based on the number of units proposed, there would be a requirement to provide 200sqm of private amenity space. The submitted plans are unclear on areas set aside as open space but it is estimated to provide approximately 140sqm of open space at the rear/side of the site. This is below standard and there are no traditional balconies which would provide each flat with additional space. However, there is a large area of public open space opposite the site, an extensive area of public open space in Kymswell Road to the south which is a 5 minute walk and Fairlands Valley park is less than a 10 minute walk north. In this regard, whilst the development site itself has an unsatisfactory provision of private amenity space, it is considered that there is sufficient good quality local public space to provide adequate outdoor amenity provisions.
- 7.6.3 With regard to the requirements for new residential properties to meet Nationally Described Space Standards (NDSS) as defined by Policy GD1 of the adopted Local Plan (2019), for 1 bedroom, 2 person flats, there is a requirement to provide 50sqm of floorspace and 2 bedroom, 3 person flats there is a requirement for 61sqm. All units meet these standards and are therefore acceptable in this regard. Additionally, the NDSS require double bedrooms to be at least 11.5sqm and single bedrooms to be at least 7.5sqm. All bedrooms meet this requirement so are considered acceptable.
- 7.6.4 Turning to Policy HO11, this requires that for Major Developments, there will be a requirement to provide at least 50% of all new units to be accessible and adaptable dwellings. To this end, there should be at least 10 units that meet this standard. Due to the topography of the area, the building is not on level ground and therefore there are a number of areas which have stepped access. The agent made changes to the originally submitted plans to incorporate ramped access to as many areas as possible and this has resulted in 7 units being fully accessible. With no lifts proposed, the upper floors are not fully accessible. However, whilst not fully accessible for wheelchair users, the remaining units could be constructed to be adaptable and this would be dealt with by Building Regulations should planning permission be granted.
- 7.6.5 In terms of outlook, privacy, sunlight and daylight, due to the siting and position of the proposed units, combined with their overall height, each unit would have an acceptable level of privacy and outlook. In addition, each unit would receive sufficient sunlight and daylight in accordance with BRE guidance. Units 7 and 14 within the two storey element are the only units which would have rooms facing due south. Accordingly, through negotiations with the agent, these are noted on the submitted plans to have south facing windows fitted with

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

## **7.7 Parking Provision**

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

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

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

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

## **7.8 Highway Safety**

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

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

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

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

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

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

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

## **7.9 Development and Flood Risk**

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

## **7.10 Impact on the environment**

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

### Groundwater

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

### Air Quality

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

### Noise Pollution

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



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

### Light Pollution

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

## **7.11 Trees and Landscaping**

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

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

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

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

- 7.12.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites and across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:

- i. Permitted development;
- ii. Householder development, including extensions;
- iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
- v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use of or alterations to building

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

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

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

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

### **7.13 Other Matters**

#### Sustainable construction and climate change

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

#### Waste and Recycling

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

#### Community Infrastructure Levy

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

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

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

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

#### Equality, Diversity and Human Rights

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

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

7.13.9 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

7.13.10 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

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

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

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

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

## **8. CONCLUSIONS**

- 8.1 In summary, it has been established that the proposed development fails to fully accord with criterion (a) of Policy HO5 as it would be partially located on land which does not meet the definition of previously developed land as stated within the NPPF (2021) nor is it considered to be a small underused urban site. This policy contravention carries significant weight against the proposal.
- 8.2 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.3 The development would provide 20 dwellings, making a strong contribution to the aim of boosting housing supply, which in this instance, would be through partially redeveloping a sustainable brownfield site. Given the quantum of development and the fact that the supply of land for housing within the Borough is not currently constrained, it only attracts moderate weight in favour of the proposal. However, the proposal will provide additional social housing for the Council which also carries significant weight in favour of the proposal.
- 8.4 There would be some economic benefit during the construction phase, and future occupiers would be likely to contribute to local services and facilities. It is considered that these benefits would be moderate and therefore only attracts moderate weight in favour of the proposal.
- 8.5 The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the collection of waste and recycling is acceptable; these are neutral matters.
- 8.6 The development has been assessed to be acceptable in appearance and would not harm the visual amenities of the area. The car parking and cycle parking meet the requirements of the adopted Parking Provision SPD and are therefore considered to be policy compliant. Additionally, HCC Highways have determined that the development would not harm highway safety. This carries moderate weight in favour of the proposal.
- 8.7 The development has been assessed to be unacceptable in terms of private amenity a space provision which is contrary to Chapter 6 of the adopted Design Guide (2009) and subsequently contrary to Policy GD1 of the Local Plan (2019). This carries moderate weight against the development.

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

## 9. RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

- 13 Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Provision of complete set of as built drawings including the final drainage layout for site drainage network.
  - Maintenance and operational activities for the lifetime of the development.
  - Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**INFORMATIVE**

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

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

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

## 2 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

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

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

## 3 **Party Wall etc. Act 1996**

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

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

9 **Police Crime Prevention Design Service**

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

### **13. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The application file, forms, plans and supporting documents having the reference number 17/00586/FPM, relating to the flatted development adjacent to the site.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted October 2009, The impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011-2031 adopted 2019.
4. Hertfordshire County Council's Local Transport Plan 4 adopted May 2018.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.

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

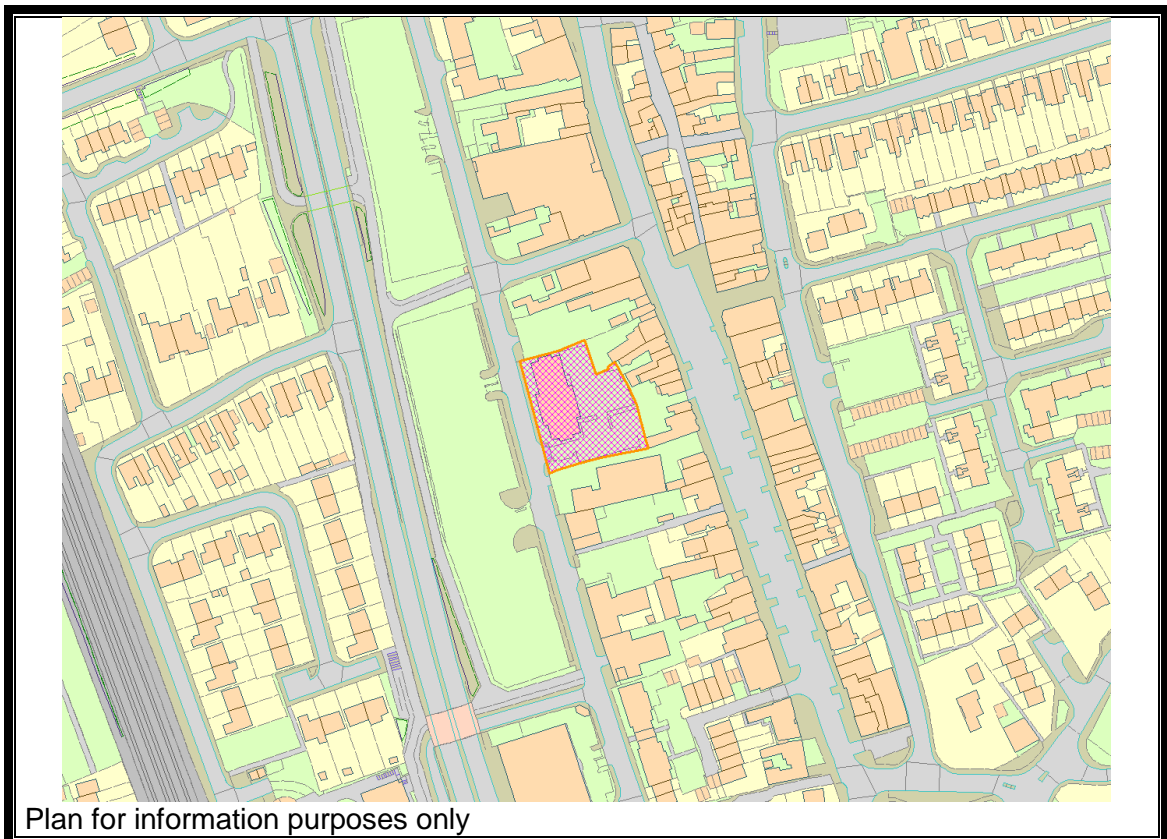
**Date:** 04 October 2022

**Author:** Thomas Frankland-Wells

**Lead Officer:** Zayd Al-Jawad

**Contact Officer:** Thomas Frankland-Wells

Application No:	22/00377/FPM
Location:	Stewart House, Primett Road, Stevenage
Proposal:	Erection of one and two-storey extensions with accommodation in the roof, installation of new windows, balconies, lightwells, dormer windows and ancillary works to convert the existing office building (Use Class E) to 21 no. residential units comprising 11 no. 1 bedroom and 10 no. two bedroom flats.
Drawing Nos.:	5712-3B; 5712-4H; 5712-5D; 5712-6; 5712-7;5712-8;
Applicant:	Mr Robert Stewart
Date Valid:	29 July 2022
Recommendation:	GRANT PLANNING PERMISSION



## 1.0 SITE DESCRIPTION

- 1.1 The site comprises a detached office building on the eastern side of Primett Road with two principal storeys and accommodation in the roof space. Access to the site is from Primett Road, leading to a pedestrian entrance in the southern flank of the building and to a gated car park at the rear. The site is located within the Old Town High Street Conservation Area and Accessibility Zones 1 and 2 for residential and non-residential parking respectively. In terms of environmental constraints, it is located in Flood Zone 1 (lowest risk).
- 1.2 Land uses surrounding the site are mixed, with a combination of offices and flats fronting Primett Road and array of typical town centre uses fronting the High Street to the east.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 22/00373/CPA - Prior approval for the change of use of office building to no 16 residential dwellings. Refused 21/06/2022.
- 2.2 22/00699/CPA - Prior approval for the change of use of office building (Use Class E(g)(i)) to no. 16 residential dwellings. Granted 12/09/2022.
- 2.3 22/00376/FP - External works to accompany prior approval reference number 22/00699/CPA to convert existing building to 16 no. residential flats which comprises erection of waste/cycle store and installation of balconies, light wells to lobbies, windows and dormer windows. Pending.

## 3.0 THE CURRENT APPLICATION

- 3.1 The application seeks full planning permission for the extension and alteration of the building to facilitate a change of use from offices (Use Class E(g)(i)) to 21no. flats.
- 3.2 The extensions and alterations would involve:
- A single storey rear extension, with accommodation in the roof space, measuring approximately 9m x 9m x 8.5m (w x d x h);
  - A single storey rear extension, to serve as cycle storage, measuring 6.2m x 2.2m x 2.8m (w x d x h);
  - A two storey side extension, with accommodation in the roof space, measuring 11.5m x 12.5m x 12m (w x d x h);
  - The erection of 6no. dormer windows (three each to the front and rear roof slopes);
  - The insertion of new and replacement windows to the front, rear and north side elevations; and,
  - The provision of balconies at first and second floor to the front and rear of the building.
- 3.3 Below is a schedule of the proposed accommodation.

Unit	Floor	Occupancy	Internal Area	External Area
1	GF	1b / 2p	50.7 m <sup>2</sup>	-
2	GF	1b / 2p	50.8 m <sup>2</sup>	-
3	GF	1b / 2p	50.0 m <sup>2</sup>	-
4	GF	1b / 1p	42.2 m <sup>2</sup>	-
5	GF	2b / 3p	70.2 m <sup>2</sup>	-
6	GF	2b / 3p	67.9 m <sup>2</sup>	-
7	GF	1b / 2p	50.5 m <sup>2</sup>	-
8	1	2b / 3p	61.2 m <sup>2</sup>	11.5 m <sup>2</sup>
9	1	2b / 3p	61.2 m <sup>2</sup>	11.5 m <sup>2</sup>



10	1	1b / 2p	50.7 m <sup>2</sup>	12.3 m <sup>2</sup>
11	1	1b / 2p	50.8 m <sup>2</sup>	5.5 m <sup>2</sup>
12	1	1b / 2p	50.0 m <sup>2</sup>	13.8 m <sup>2</sup>
13	1	1b / 1p	42.2 m <sup>2</sup>	-
14	1	2b / 3p	70.2	4.5 m <sup>2</sup>
15	1	2b / 3p	67.9	5.5 m <sup>2</sup>
16	1	2b / 3p	66.9	5.5 m <sup>2</sup>
17	2	2b / 4p	89.1	19.4 m <sup>2</sup>
18	2	2b / 4p	98.7	11.0 m <sup>2</sup>
19	2	2b / 4p	101.1	11.0 m <sup>2</sup>
20	2	1b / 2p	53.4	5.4 m <sup>2</sup>
21	2	1b / 2p	52.8	3.7 m <sup>2</sup>

3.4 This application comes before the Planning and Development Committee because it is a major residential scheme.

## 4.0 PUBLIC REPRESENTATIONS

4.1 The application has been publicised by neighbour letters, the posting of a site notice, and an advertisement in the local newspaper.

4.2 At the time of drafting this report, no representations were received. However, any representations which are received following publication of this report will be reported to the Planning and Development Committee accordingly.

## 5.0 CONSULTATIONS

5.1 Consultation responses are summarised below. Full copies of the responses can be found on the Council's website.

### 5.2 Thames Water

5.2.1 No objection, subject to an informative relating to groundwater discharges.

### 5.3 Affinity Water

5.3.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

### 5.4 NHS East and North Herts CCG

5.4.1 There is no request for S106 for Health (Primary Care GP, Acute, Mental Health or Community Health) in respect of this application.

### 5.5 Hertfordshire Constabulary Crime Prevention Design Service

5.5.1 The main entrance, which is located in the undercroft access to the car park, should have two sets of doors, to form an airlock system. Given this concern, CPDS cannot fully support the application.

5.5.2 The developer should also be encouraged to meet Secured by Design standards.

### 5.6 HCC Highways

5.6.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

## **5.7 HCC Growth and Infrastructure**

5.7.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

## **5.8 HCC Waste and Minerals Unit**

5.8.1 No response received. Any comments received will be published as an update and reported verbally to the Committee.

## **5.9 BEAMS (Heritage Consultant)**

5.9.1 The proposed side extension would be visible in views from the Old Town High Street. This would result in less than substantial harm to the significance of the Old Town High Street Conservation Area, towards the lower end of that scale.

5.9.2 The proposed dark frames for the windows are welcomed. A condition to secure the precise material and colour is advised.

## **5.10 SBC Planning Policy**

5.10.1 The proposed development would be welcomed, as it would deliver 21 new homes in a highly sustainable location. The proposed design would be sufficient to update and soften the building for residential use. The applicant should consider reducing parking provision to discourage car use and create more space for biodiverse landscaping and retrofit the building to a higher standard of sustainability.

# **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 (adopted 2019)
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

## **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing

requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement which is above the 75% requirement. However, this is still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

- 6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:

<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>

- 6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).

- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **6.3 Planning Practice Guidance**

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2021) which has the same status as the PPG.

### **6.4 Stevenage Borough Local Plan**

SP1 Presumption in Favour of Sustainable Development  
SP2 Sustainable Development in Stevenage  
SP5 Infrastructure  
SP6 Sustainable Transport  
SP7 High Quality Homes  
SP8 Good Design  
SP9 Healthy Communities  
SP11 Climate Change, Flooding and Pollution  
SP12 Green Infrastructure and the Natural Environment  
SP13 The Historic Environment  
EC7 Employment Development on Unallocated Sites  
IT4 Transport Assessments and Travel Plans  
IT5 Parking and Access  
IT6 Sustainable Transport  
HO5 Windfall Sites  
HO7 Affordable Housing Targets

HO9 Housing Types and Sizes  
HO11 Accessible and Adaptable Housing  
GD1 High Quality Design  
FP1 Climate Change  
FP2 Flood Risk in Flood Zone 1  
FP5 Contaminated Land  
FP7 Pollution  
FP8 Pollution Sensitive Uses  
NH9 Areas of Archaeological Significance  
NH10 Conservation Areas

## **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Transport SPD (2020)  
Developer Contributions SPD (2021)  
The impact of Development on Biodiversity SPD (2020)  
Old Town High Street Conservation Area Management Plan (2012)  
Design Guide SPD (2009)

## **6.6 Community Infrastructure Levy (CIL)**

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development. The proposal would be liable for CIL, charged at a rate of £100/m<sup>2</sup>.

# **7 APPRAISAL**

7.1.1 The main issues for consideration in this case are: its acceptability in land use policy terms; affordable housing; the mix of dwelling sizes; the standard of the proposed accommodation; the impact on heritage assets; design and other visual considerations; the impact on the amenities of neighbouring landowners; and the impact on highway safety and parking.

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

## **7.2 Land Use Policy Considerations**

### Assessment against the Council's housing policies

7.2.1 The application proposes housing, which would be provided at the expense of existing office space, on a site not allocated in the Local Plan for any specific purpose i.e. a windfall site. Given that the site is accessible and the building on it is of a relatively modern construction, the quality of the office space it provides is assumed to be good. The building has however been vacant since January of this year, following the departure of The Follett Office Ltd to premises on London Road.

7.2.2 Paragraph 119 of the NPPF 2021 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 goes on to say that they should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

7.2.3 Paragraph 123 states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a

specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in the Framework.

7.2.4 Policy SP7 of the Local Plan 2019 sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites i.e. sites that are not specifically allocated for housing within the Plan.

7.2.5 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:

- a) The site is on previously developed land or is a small, underused urban site;
- b) There is good access to local facilities;
- c) There will be no detrimental impact on the environment and the surrounding properties;
- d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
- e) The proposed development would not overburden existing infrastructure.

7.2.6 With the above in mind, it can be said that the site is on previously developed land as defined in Annex 2 to the NPPF. It also benefits from good access to local facilities, being in close proximity to the High Street, which is the historic economic centre of Stevenage. The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts.

7.2.7 Surrounding properties may be impacted by the development but these impacts would arise from the design of the development rather than being an inevitable consequence of the use of the land for residential purposes. The use of land surrounding the site is mixed, including a significant proportion of existing housing. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The specific impacts on surrounding properties that arise from the design of the development are considered later in this report.

7.2.8 Having regard to the above, the proposal is considered to accord with Policy HO5 of the Local Plan 2019, insofar as it relates to the use of land for housing. It is also considered to accord with Policy SP7 because it would contribute to meeting the housing targets set by the policy.

7.2.9 Policy HO9 of the Local Plan 2019 states that Planning permission for residential schemes will be granted where:

- a. An appropriate range of market and affordable housing types and sizes are provided taking into account:
  - i. Structural imbalances in the existing housing stock;
  - ii. The housing needs of the Borough, as informed by up-to-date and relevant evidence;
  - iii. The location and accessibility of the application site; and
  - iv. Recent completions, existing permissions and sites in the five-year land supply;
- b. The resultant scheme would provide a density and character of development appropriate to its location and surroundings. Significantly higher densities should be achieved in easily accessible locations; and

- c. Aspirational homes are provided in appropriate locations including, but not necessarily limited to:
  - i. New neighbourhoods to the north, west and south-east of the town;
  - ii. Suitable suburban, edge-of-town sites;
  - iii. The town centre, Old Town and other highly accessible locations; and
  - iv. Other appropriate sites where aspirational homes would complement the prevailing character

7.2.10 The proposed development would provide a 11no. one-bed units and 10no. two-bedroom units. This is considered to be an appropriate range of sizes given the existing imbalance in the Borough's housing stock, which is weighted heavily towards dwellings with three or more bedrooms. It is also considered to be well-suited to the form and location of the development i.e. a flatted development on the periphery of the Old Town High Street Shopping Area.

7.2.11 Likewise, the density and character of the development is considered to be appropriate to the site's surroundings, which contains a number of other medium density housing developments, both flatted and otherwise. The site is considered to be relatively accessible and therefore able to sustain this type of development.

7.2.12 Having regard to the above, the proposal is considered to accord with Policy HO9 of the Local Plan 2019, which requires residential developments to provide a range of housing types and sizes to meet the Borough's needs.

#### Loss of employment

7.2.13 Turning away from the provision of housing and on to the loss of office space that it would entail, Policy EC7 of the Local Plan 2019 seeks to limit the change of use of unallocated employment land. It states that planning permission for the loss of employment land on sites not allocated for any specific purpose will be granted where:

- i. There is sufficient suitable employment land available elsewhere;
- ii. The proposals provide overriding benefits against other objectives or policies in the plan; or,
- iii. It can be demonstrated that a unit has been unsuccessfully marketed for its existing use, or has remained vacant, over a considerable period of time.

7.2.14 The application is supported by a marketing statement authored by Davies & Co, a firm specialising in the letting of office premises along the A1(M) corridor in Hertfordshire. They state that the building has been privately marketed since 2019. This resulted in six viewings, which is said to be a good level of interest compared to other premises, even those that are openly marketed. However, none of the viewings resulted in any further discussions. The statement concludes that this is clear evidence of a very low level of interest in the building over a long period of time, including well before and after the main effects of the COVID-19 pandemic.

7.2.15 Officers are satisfied that the submitted statement is sufficient evidence that the application building has been unsuccessfully marketed over a considerable period of time. In addition, it has now been vacant for approximately eight months. Having regard to these considerations, the proposal is considered to be in accordance with Policy EC7 of the Local Plan 2019.

#### Other Matters

7.2.16 The planning history is also a material consideration and it is noted that the site benefits from prior approval for the change of use of the building to 16no. flats (application reference 22/00699/CPA). This approval is extant and is considered to be a realistic fallback position for the applicant. It is therefore highly material to the current application, since it effectively means

that the applicant already has permission for the loss of the office space and the introduction of housing as its replacement, albeit at a lower density than is now proposed and without requiring any extensions to the building.

- 7.2.17 With this in mind, it would be manifestly unreasonable to object to the loss of the office space on the site and its replacement with housing. In any event, the proposal is considered to accord with the relevant land use policies in the Local Plan. On this basis, the proposed development is considered to be acceptable in principle.

### **7.3 Affordable Housing and Section 106**

- 7.3.1 Policy HO7 of the Local Plan 2019 seeks to maximise the provision of affordable housing in residential developments. It requires 25% of the total number of units to be provided as affordable units for schemes on previously developed land.

- 7.3.2 The Policy goes on to state that where these targets are not met, planning permission will only be granted if:

- a. Developers robustly demonstrate that the target cannot be achieved due to site-specific constraints resulting in higher than normal costs, which affect its viability; or
- b. Meeting the requirements would demonstrably and significantly compromise other policy objectives.

- 7.3.3 Turning to affordable housing tenure, mix and design, Policy HO8 states that planning permission will be granted where those dwellings:

- a) Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
- b) Meets the requirements of Policy HO9 (House types and sizes);
- c) Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
- d) Will remain at an affordable price for future eligible households.

- 7.3.4 In addition to the above, paragraph 65 of the NPPF (2021) stipulates that for major developments involving the provision for housing, planning decisions should expect at least 10% of the total number of homes to be made available for affordable home ownership (this includes affordable housing for rent, starter homes, discounted market sales housing and other routes including shared ownership, equity loans and other low cost homes (at a cost to at least 20% below market value)). However, the 10% requirement is part of the overall affordable housing contribution for the site.

- 7.3.5 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes- in perpetuity, meaning that generations of new buyers and the local community will continue to benefit every time the property is sold.

- 7.3.6 First Homes are a specific kind of discounted market sale units which:
- a) must be discounted by a minimum of 30% against the market value
  - b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
  - c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,

d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

7.3.7 First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

7.3.8 Taking the above requirements into consideration, the proposed development would not provide any affordable housing. The developer has not demonstrated that the target cannot be achieved due to viability constraints, nor is it considered that meeting the requirements would significantly and demonstrably compromise other policy objectives. The proposal is therefore considered to be contrary to Policy HO7 of the Local Plan 2019.

7.3.9 However, the planning history of the site is considered to be highly material to this issue, since there is an extant approval to deliver 16no. units on the site, none of which would be affordable. Given that the current proposal would result in only five additional units versus this extant approval and an application for five units would not ordinarily trigger a requirement for affordable housing, it is considered that it would be unreasonable to object to the current proposal on the basis of a lack of affordable housing.

7.3.10 In terms of other obligations, no financial contributions towards education or healthcare are sought for the scheme. However, in accordance with the Developer Contributions SPD, an employment and apprenticeship strategy is sought, with the following terms:

- to attempt to employ Stevenage residents in 5% to 10% of on-site construction jobs and to pay a one-off sum of £4,000 per job shortfall; and,
- to attempt to employ one Stevenage resident or student as an apprentice for every ten on-site construction jobs (up to a maximum of ten apprenticeships) and to pay of one-off sum of £2,250/£1,250 per placement.

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

7.3.12 It is recommended that any resolution to grant planning permission be subject to the completion of a S106 agreement to secure this.

## **7.4 Standard of Accommodation**

7.4.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Accordingly, Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Policy FP8 of the Local Plan states that planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing or proposed pollution generating uses.

7.4.2 A schedule of the proposed accommodation is set out at paragraph 3.3. The proposed flats would in all cases meet and in some cases greatly exceed the requirements of the technical housing standards.

7.4.3 Beyond space standards, the proposed development is considered to be of an acceptable quality in terms of the living conditions of future occupants. Occupants of the ground floor would experience some limits on privacy given the proximity of windows to on Primett Road to the front and to the car park to the rear of the building. However, this is not considered to be



materially worse than the extant prior approval scheme. Furthermore, prospective occupants would be able to exercise a degree of choice over whether this is acceptable.

- 7.4.4 The potential for overlooking from the balcony of Flat 15 into the bedrooms of Flat 14 is also noted. It is recommended that a privacy screen be secured by condition to prevent these views.
- 7.4.5 Occupants of the upper floors would otherwise enjoy a reasonable degree of privacy due to the orientation of the building and positioning of the windows, noting that the medium density form of surrounding development does afford a degree of mutual overlooking between neighbours.
- 7.4.6 In terms of natural light, only five of the proposed flats would be dual aspect. However, all would benefit from large windows and none would be north facing. On this basis, it is considered that all of the flats would benefit from a reasonable amount of natural light.
- 7.4.7 In terms of noise, the applicant has submitted an acoustic assessment that recognises a number of nearby noise sources, including traffic on the A602 and plant associated with the food outlets fronting the High Street. The report recommends a system of improved performance glazing for flat 10 and repurposing the existing air conditioning system for residential use.
- 7.4.8 However, the report also identifies that the proposed balconies would suffer from high levels of noise from nearby pubs in the evenings, when ambient noise levels are lower. No measures are proposed to mitigate this, since it would involve enclosing the balconies. The Council's Environmental Health Department have yet to comment on the proposal and their comments will be reported verbally to the committee.
- 7.4.5 Turning to outdoor amenity space, Chapter 5.3 of the Design Guide SPD states that all dwellings, including flats, should have private open space. The only exception to this is where flats are developed in very central locations, where public open space is easily accessible and higher densities are required. In flatted developments, where private open space is required, the Council will normally aim to achieve a minimum useable communal area of 50 square metres for schemes up to 5 units, plus an additional 10 square metres per additional unit over 5.
- 7.4.6 The current proposal would not provide any communal space. The majority of the proposed flats would be provided with private balconies but in total this would not amount to the amount of space sought by the SPD. Although this is regrettable, it is considered to be appropriate given the relatively central location of the site and its physical constraints (with much of the site already covered by the existing building and parking). It is also relevant that the extant prior approval scheme would provide 16 units without any outdoor space, communal or otherwise. Furthermore, alternative public amenity space is located in close proximity to the site, with the King George Playing Fields and the Millennium Garden both within a ten minute walk.
- 7.4.7 Turning to Policy HO11, this requires that for Major Developments, there will be a requirement to provide at least 50% of all new units to be accessible and adaptable dwellings. To this end, there should be at least 11.
- 7.4.8 Details of accessible units have not been provided. However, the development would be served by a lift, which would allow fully accessible units across all floors. It is recommended that the required number of accessible units be secured by condition.
- 7.4.9 Having regard to the above, it is considered that the proposed development would offer an acceptable standard of accommodation, subject to further consideration of the noise impacts on the proposed balconies. Aside from this, the proposal is considered to accord with Policies

GD1 and FP8 of the Local Plan 2019 insofar as these policies relate to quality of accommodation.

## **7.5 Heritage Assets**

- 7.5.1 The site is located within the Old Town High Street Conservation Area. It does not contain any listed buildings but is located in close proximity to 94-98 High Street, which is a Grade II\* listed building.
- 7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant permission for development which affects a listed building or its setting, special regard should be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.5.3 Section 72 of the same Act states that in exercising any functions under the Planning Acts with respect to buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area.
- 7.5.4 Paragraphs 199 to 201 of the NPPF 2021 set out national policy for considering potential impacts on heritage assets, stating that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Both the nearby listed building and the Old Town High Street Conservation Area are designated heritage assets.
- 7.5.5 Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.5.6 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.5.7 Policy NH10 of the Local Plan states that development proposals affecting a conservation area should have regard to the relevant conservation area management plan SPD.
- 7.5.8 The significance of the Old Town High Street Conservation Area is as the economic centre of a settlement that grew around the Great North Road from the medieval period onwards. The presence of a significant number of listed buildings ensures that the zone around the application site maintains its historic character.
- 7.5.9 The significance of the listed building is as a well-preserved hall plan house, dating from the 16<sup>th</sup> century or possibly earlier.
- 7.5.10 Primett Road has a distinctly contemporary character, especially when compared with the more historic frontage of the High Street. It is developed almost entirely with late 20<sup>th</sup> century buildings and the application building is typical of this. It is not of any particular architectural interest and is a fairly typical late 20<sup>th</sup> century low-rise office building.
- 7.5.11 A full description of the proposed works is set out at paragraph 3.2 of this report.
- 7.5.12 The residential use of the building and the changes to the elevations, consisting primarily of new and replacement windows, is considered acceptable in heritage terms. As per the advice of the Council's heritage consultant, a condition is recommended to secure the precise colour and material of the window frames, since these would be a key feature in the elevations.

- 7.5.13 The overall height of the building would not be altered by the development. However, the extension to the south (the side extension) would cause the building to appear more prominently in views from the High Street, through the gap between 98 and 102 High Street. This is not considered to result in any harm to the setting of the listed building.
- 7.5.14 However, it is considered to cause some harm to the character and appearance of the conservation area. This harm would be less than substantial and towards the lower end of that scale.
- 7.5.15 In accordance with Paragraph 202 of the NPPF, the identified less than substantial harm must be weighed against the public benefits of the scheme. These benefits primarily comprise the redevelopment of a brownfield site to provide additional housing, boosting housing delivery and contributing towards meeting the Council's housing targets. There would also be some economic benefits as a result of construction activity and modestly increasing housing density on the edge of the High Street Shopping Area.
- 7.6.16 Noting that the identified harm is towards the lower end of less than substantial, it is considered to be outweighed by the benefits listed above. This is considered further in the conclusion of this report.

## **7.6 Design and Other Visual Considerations**

- 7.6.1 Paragraph 127 of the NPPF 2021 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.
- 7.6.2 Paragraph 134 goes on to say that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.6.3 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.6.4 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:
- the context for places and buildings;
  - hard and soft landscape;
  - technical infrastructure – transport, utilities, services such as drainage; and
  - social infrastructure – social, commercial, leisure uses and activities.

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

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

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

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

7.6.7 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.

7.6.8 A full description of the proposed works is set out at paragraph 3.2 of this report.

7.6.9 The proposed extensions and alterations would closely match the design of the existing building and in this sense would integrate well. Given the size of the existing building, they are considered to be of moderate scale and in preserving the existing ridge height, they would not cause the building to appear unduly prominent on Primett Road. Given that the building would continue to appear as a typical late 20<sup>th</sup> century building set amongst others dating from a similar period and of a similar scale, it is considered that the proposed development would have an acceptable impact on the character and appearance of Primett Road.

7.6.10 The impact on the High Street has been considered above, where it was concluded that the development would result in some harm to its character and appearance. The extent of this harm is considered to be relatively limited. Nonetheless, it represents a conflict with Policies SP8 and GD1 of the Local Plan and carries weight against the proposal.

## **7.7 Neighbouring Amenities**

7.7.1 Policy FP7 of the Local Plan requires all development proposals to minimise, and where possible, reduce air, water, light and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area. Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.

- 7.7.2 In this case, the site is understood to be surrounded entirely by commercial premises. In any event, the building is and would remain well separated from neighbouring properties such that there would be no material impacts in terms of overbearing appearance, loss of natural light or loss of privacy. Similarly the level of noise generated by the development would be typical for a residential development, which is considered to be appropriate given the mixed use of the wider area.
- 7.7.3 The potential for future occupants of the development to affect the operation of nearby businesses by making noise complaints is recognised. Paragraph 187 of the NPPF is clear that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.7.4 Whilst noise levels within the proposed flats are likely to be acceptable, the same cannot be said of the proposed balconies. The applicant has considered mitigation in the submitted noise report but this has been discounted as it would mean enclosing the balconies, thereby defeating their primary purpose. Officers will update the committee verbally on this matter following receipt of comments from the Environmental Health Department.
- 7.7.11 Aside from this, it is considered that the proposed development would not have any undue adverse impacts on the amenities of neighbouring occupiers. In this respect, the proposal is considered to accord with Policy FP7 of the Local Plan 2019.

## **7.8 Parking**

### **7.8.1 Car Parking**

7.8.2 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to these standards, 1 car parking space should be provided per one-bed flat, and 1.5 spaces should be provided per two-bed flat. For the current proposal, this results in a requirement for 26 car parking spaces.

7.8.3 However, the site is located within Residential Parking Accessibility Zone 1, which means the number of car parking spaces can be reduced to between 25% and 50% of the usual requirement. Applying this standard to the current proposal results in a total requirement for between 7 and 13 car parking spaces.

7.8.4 The application proposes 28 parking spaces. While this is above the suggested level, it is considered appropriate, noting the limited availability of on-street car parking on Primett Road and the existing provision of 42 spaces, all of which would be retained under the extant prior approval scheme.

### **7.8.5 Disabled Parking**

7.8.6 The Parking Provision and Sustainable Transport SPD requires 5% of all car parking spaces to be provided for disabled motorists. In this case, this would amount to two spaces.

7.8.7 No disabled spaces are shown on the submitted site plan. However, it is considered that the overall parking provision could be reduced to provide space for the necessary disabled spaces. Accordingly, a condition is recommended to secure a detailed parking plan including the provision of disabled parking spaces.

#### 7.8.8 Electric Vehicle Charging Points

7.8.9 The Council is committed to supporting the transition to electric vehicles. Accordingly, development proposals are expected to adhere to the following principles:

- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases.
- The blend of access to charging points provided within new developments (i.e. public, restricted access, open access, shared) should be determined having regard to a travel plan.
- A minimum of 20% of new parking on a site should have access to an active EV charging point.
- A flexible approach to the requirement for speed of charging will be taken due to the pace of change of this technology. Ultra-fast charging points will become expected at short term, non-residential parking spaces as technology improves to make the use of electric vehicles more efficient.

7.8.10 The proposed development would provide all of the proposed car parking spaces with active charging points. This exceeds the requirements of the SPD and is a benefit to the scheme.

#### 7.8.11 Motorcycle Parking

7.8.12 The Parking Provision and Sustainable Transport SPD requires applicants to allow for around 5% of the total stock of publicly accessible vehicle parking spaces to be for motorcycle use. The submitted site plan does not show any motorcycle parking. As with the disabled parking, it is recommended that this be secured by condition as part of a detailed parking plan which shows the two required spaces.

#### 7.8.13 Visitor Parking

7.8.14 Visitor parking should be provided at a standard of 0.25 spaces per dwelling. This results in a requirement for the development to provide 6 visitor parking spaces.

7.8.15 Details of visitor parking are not shown on the submitted plans. It is recommended that the required number of spaces be secured by a detailed parking plan along with disabled spaces and motorcycle spaces.

#### 7.8.16 Cycle Parking

7.8.17 The standard for cycle parking is for 1 space per one-bed unit and 2 spaces per two-bed unit. This amounts to a total requirement for 31 cycle parking spaces to serve the development.

7.8.18 The submitted plans show 17 cycle parking spaces located on the ground floor of the building adjacent to the rear car park. While this is below the required amount, it is considered that sufficient space existing within the site to make up the required numbers. It is recommended that this be secured by condition.

#### 7.8.19 Overall

7.8.20 In its current form, the proposal does not accord with the requirements of the Parking Provision and Sustainable Transport SPD in terms of disabled car parking, motorcycle parking, and cycle parking. However, it is considered that this could readily be resolved through the imposition of suitable conditions. The proposal otherwise accords with the requirements of the SPD.

7.8.21 Therefore, subject to appropriate conditions, the proposal is considered to be in accordance with Policy IT5 of the Local Plan 2019, which requires development proposals to comply with the SPD.

## **7.9 Highway Safety**

7.9.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development would not have an adverse impact on highway safety.

7.9.2 The proposed development would retain the existing access leading off Primett Road. The local highway authority has not commented on the proposal but they are not considered to be a statutory consultee in this case, since the development would not result in a material change in the character or volume of traffic entering and leaving the site. If comments are received, they will be reported verbally to committee.

7.9.3 It should be noted that the traffic generated by the scheme is likely to be lower than the existing lawful use of the site as an office. It would therefore be likely to have less impact on the wider highway network.

7.9.3 Construction traffic is likely to require careful consideration given the scale of the development and the limited parking available on Primett Road. Consequently a condition is recommended to secure a construction transport management plan.

7.9.4 Having regard to these considerations, as well as the conclusions reached in the previous section regarding the level of car parking (and the consequent low likelihood of overspill car parking), it is considered that the proposed development would not have an adverse impact on highway safety. It follows that the proposal is in accordance with Policy IT4 of the Local Plan 2019.

## **7.10 Flood Risk and Drainage**

7.10.1 Policy FP2 of the Local Plan requires applications for major development in Flood Zone 1 to be accompanied by an appropriate flood risk assessment. Given that the site has an area of more than one hectare, a flood risk assessment is required in this case and one has been submitted.

7.10.2 The flood risk assessment must demonstrate, as a minimum:

- An estimate of how much surface water runoff the development will generate;
- Details of existing methods for managing surface water runoff, e.g. drainage to a sewer; and
- Plans for managing surface water and for making sure there is no increase in the volume of surface water and rate of surface water runoff.

7.10.3 Policy FP2 also requires that the use of SuDS is maximised on site so as not to increase flood risk and to reduce flood risk wherever possible.

7.10.4 The applicant has not submitted a drainage strategy in support of the application, nor any details of the existing drainage system. However, the application form does state that the development would seek to utilise the existing drainage system serving the vacant office building. It is recommended that details of this system be secured by the imposition of suitably worded conditions.

## **7.11 Impact on the environment**

### **Land Contamination**

- 7.11.1 Policy FP5 of the Local Plan requires development proposals to be supported by an appropriate preliminary risk assessment (PRA), demonstrating that any necessary remediation and subsequent development poses no risk to the population, environment or groundwater bodies.
- 7.11.2 The application site as it exists today is the result of development in the late 20<sup>th</sup> Century. It has been in use as an office since that date and since this is a not a use likely to have contaminated the land, the development is not considered to give rise to any significant risks as a result of contamination.
- 7.11.3 Having regard to the above, it is considered that the development would not have any unacceptable adverse impacts as a result of land contamination. The proposal is therefore considered to be in accordance with Policy FP5 of the Local Plan 2019. A condition is nonetheless recommended to secure remediation in the event that any unexpected contamination is found during the course of construction.
- 7.11.4 Light pollution
- In terms of light pollution, Policy FP7 of the Local Plan 2019 requires all development proposal should, where possible, minimise light pollution. Applications for development where pollution is suspected must contain sufficient information for the application to make a full assessment on impacts. Planning permission will be granted where it can be demonstrated that the development will not have unacceptable impacts on:
- a. the natural environment, general amenity and the tranquillity of the wider area which includes light pollution;
  - b. health and safety of the public; and
  - c. The compliance with statutory environmental quality standards.
- 7.11.5 The application does not provide details of external lighting. However, a condition is recommended to ensure that any external lighting installed at the site is angled so as not to result in any spillage beyond the site boundaries. Subject to this condition, it is considered that any external lighting would not cause nuisance to nearby residential occupiers or have any adverse impact on the wider environment.

## **7.12 Trees and Landscaping**

- 7.12.1 Paragraph 131 of the NPPF is clear that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.12.2 Policy NH5 of the Local Plan states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.12.3 The existing site contains four semi-mature trees along its southern boundary, none of which are considered to make any particularly positive contribution to the character and appearance of the area (which is a conservation area). No landscaping details have been submitted with the application but according to the submitted site plan, five trees would be planted within the proposed car park.
- 7.12.4 Given the existing condition of the site and its physical constraints, the overall level of proposed landscaping is considered to be acceptable. However, it is recommended that full details of the



proposed soft landscaping be secured by condition to ensure that the proposed trees are of an appropriate species.

### 7.13 Climate Change

7.13.1 Policy FP1 of the Local Plan states that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future 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; and
- Using or producing renewable or low carbon energy from a local source.

7.13.2 The application is not supported by an energy strategy and no specific measures have been put forward in terms of adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.13.3 Subject to the above condition, the proposal is considered to accord with Policy FP1 of the Local Plan 2019.

### 7.14 Crime Prevention

7.14.1 Policy GD1 of the Local Plan requires developments to create safe environments that design out crime. Hertfordshire Constabulary's Crime Prevention Design Officer was consulted on the application and raised concerns regarding the main entrance. As a result, the Officer was unable to fully support the application.

7.14.2 In accordance with the Officer's recommendation, the applicant is strongly encouraged to seek Secured by Design accreditation by way of an informative to this effect.

7.14.3 It is also recommended that some defensive space be achieved for the ground floor flats by way of hard and soft landscaping. This would be secured through a landscaping scheme condition.

### 7.15 Developer Obligations and CIL

7.15.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

All other development	£0/m <sup>2</sup>
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7.15.2 The proposed development would be liable for CIL, which would be chargeable at a rate of £100/m<sup>2</sup>.

7.15.3 The development would not give rise to any requirement for bespoke obligations.

## **7.16 Biodiversity**

7.16.1 The NPPF and accompanying Planning Practice Guidance requires the Council to achieve measurable net gains in biodiversity at development sites across the Borough. To achieve a biodiversity net gain, a development must deliver a minimum of 10% net gain post development, when compared with the pre-development baseline. The Council's recently adopted Biodiversity SPD (2021) requires all major and minor applications other than the following exemptions currently suggested by the Government to demonstrate a net gain in biodiversity:

- i. Permitted development;
- ii. Householder development, including extensions;
- iii. Nationally significant infrastructure, which falls within scope of the Planning Act 2008;
- iv. Some brownfield sites with marginal viability and substantial constraints. It is expected that full details to be set out in secondary legislation, but considerations are likely to include where sites contain a high proportion of derelict land and buildings and only a small percentage of the site is undeveloped, land values are significantly lower than average, and the site does not contain any protected habitats; and
- v. Developments that would not result in measurable loss or degradation of habitat, for instance change of use or alterations to buildings

7.16.2 In this case, the application site, which is a brownfield site, is almost entirely developed, with only small areas of mixed hedging and four semi-mature trees. The site therefore offers very limited habitat for species of ecological importance. Furthermore, it is not within close proximity to any statutory or non-statutory designated conservation sites.

7.16.3 In light of the above, the proposal is considered to fall within exemption (iv) above and it is not necessary to demonstrate a measurable net gain in biodiversity in this instance.

## **7.17 Other Matters**

### Air Quality

7.17.1 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). Therefore it was not necessary for the application to be supported by an air quality assessment. It is noted that there would be activities which will affect local air quality during demolition of the existing building and construction of the development. These include dust emissions and exhaust emissions from plant, machinery and construction traffic.

7.17.2 In order to mitigate the construction phase, details of control of dust emissions shall be approved as part of the Construction Management Plan (CMP) to be secured by condition.

### Fire Safety

7.17.3 Fire safety is a material consideration. However, the application does not trigger any requirement for a fire safety statement.

## Human Rights and Equalities

- 7.17.5 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.
- 7.17.6 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers
- 7.17.7 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.
- 7.17.8 The proposal would not provide any disabled parking but it is considered that this could be remedied by the imposition of suitable conditions. It would also provide level access and be served by a lift, allowing for the provision of accessible units on all floors. A condition is recommended to secure 50% of the units as accessible and adaptable. Aside from this, it is considered that the proposed development would not impact persons with any of the protected characteristics listed under the Equalities Act.

## Waste and Recycling

- 7.17.9 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. The submitted plans indicate that there is sufficient provision for general waste and recycling for this site, showing bin stores on the southern side of the vehicular access. In addition, the bin stores are located within acceptable drag distances for future occupiers as well as refuse collectors. A condition is recommended to secure full details of the proposed bin stores and ensure the stores are provided prior to first occupation of the development.

## **8 CONCLUSIONS**

- 8.1 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.2 The proposed development would provide 21 dwellings, making a modest contribution to the aim of boosting housing supply through the redevelopment of sustainable brownfield sites. This is a benefit which attracts significant weight in favour of the proposal.
- 8.3 The development would also benefit the local economy by providing construction jobs and increasing population density on the edge of the High Street Shopping Area. These benefits are considered to be relatively modest and accordingly, they attract moderate weight in favour of the proposal.

- 8.4 The dwellings would be provided at the expense of the existing office use of the site but the applicant has demonstrated that the site has been unsuccessfully marketed for office use. Furthermore, it has now been vacant for a considerable period of time.
- 8.5 However, the development would not provide any affordable housing, which is required for major residential schemes. The proposal is therefore contrary to Policy HO7 of the Local Plan.
- 8.6 Ordinarily, these policy conflicts would carry significant weight against the proposal. However, in light of the extant prior approval for the site which would, if implemented, result in the introduction of 16 dwellings with no affordable housing, it is considered that only very limited weight should be attributed.
- 8.7 The proposal would also result in some harm to the character and appearance of the area, in particular the High Street, which is designated as the Old Town High Street Conservation Area. The extent of this harm would be limited but it nonetheless represents a conflict with Policies SP8 and GD1 of the Local Plan. This carries moderate weight against the proposal.
- 8.8 The harm to the character and appearance of the Old Town High Street Conservation Area would amount to less than substantial harm to the significance of this designated heritage asset, towards the lower end of that scale. This harm must be weighed against the public benefits of the scheme.
- 8.6 In terms of the mix of dwelling sizes, the standard of the proposed accommodation, the impact on the living conditions of neighbouring occupiers, and the impacts on parking and highway safety, the proposed development is considered to be acceptable. These are neutral matters.
- 8.7 Having regard to the above, the significant benefits of delivering 21 dwellings are considered to outweigh the less than substantial harm to the conservation area, the moderate harm to the character and appearance of the area, and the very limited adverse impacts relating to affordable housing. The proposal is therefore considered to be in accordance with the development plan when read as a whole and in the absence of any other material considerations indicating that permission should be refused, it is recommended that the application be approved.

## **9 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions and the transfer of the signed S106 legal agreement which has secured and/or provides:
- Employment and Apprenticeship Opportunities
- 9.2 With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate) as part of the Section 106 Agreement in order to mitigate the developments impact on infrastructure as well as secure the planning benefits which this scheme seeks to deliver. In addition, the imposition of suitable safeguarding conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

### **Conditions**

#### General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 5712-3B; 5712-4H; 5712-5D; 5712-6; 5712-7;5712-8.

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

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

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

3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 08:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

**REASON:-** To ensure the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the local planning authority.

**REASON:-** In order to protect the amenities and operations of neighbouring properties, to ensure any external lighting does not prejudice highway safety and in the interests of minimising light pollution.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.

**REASON:-** To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

6. At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.

**REASON:-** To ensure the development will meet the increase in demand for accessible and adaptable units for elderly and disabled residents in accordance with Policy HO11 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019).

7. The noise mitigation measures as detailed in the Noise Impact Assessment prepared by [ ] shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**REASON:-** To ensure there is an acceptable living environment for future occupiers and neighbouring residential properties.

## Prior to Commencement

8. No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h) Provision of sufficient on-site parking prior to commencement of construction activities;
  - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
  - l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

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

9. No development shall take place (excluding demolition and site clearance) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 1) Detailed infiltration tests conducted to BRE Digest 365 standards and geotechnical investigations to confirm the feasibility of discharge via infiltration and groundwater levels on site.
  - 2) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  - 3) Final post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event with half drain down times.
  - 4) Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
  - 5) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Prior to Work above Slab Level

10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

**REASON:-** To ensure the development has a high quality appearance.

11. No development shall take place above slab level until details of refuse stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure the proper disposal of waste for the lifetime of the development

12. No development shall take place above slab level until a detailed scheme for car parking, disabled parking, motorcycle parking, cycle parking, and electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure adequate provision of parking facilities within in the development and to promote sustainable modes of transport.

13. No development shall take place above slab level until a detailed hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in the first planting and seeding season following completion of the development and any trees or shrubs which die or become damaged within five years of that date shall be replaced to the satisfaction of the Local Planning Authority.

**REASON:-** To ensure a satisfactory appearance on completion of the development.

Prior to Occupation/Completion

14. 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.

**Informatives**

1. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. The developer is strongly encourage to achieve Secured by Design (SBD) accreditation for the development. The Police Crime Prevention Design Advisor can be contracted by telephone on 01707 355227

5. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

Excavation for foundations  
Damp proof course  
Concrete oversite  
Insulation  
Drains (when laid or tested)



Floor and Roof construction  
Work relating to fire safety  
Work affecting access and facilities for disabled people  
Completion

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

## 6. Community Infrastructure Levy

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

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

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

### **Pro-active Statement**

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

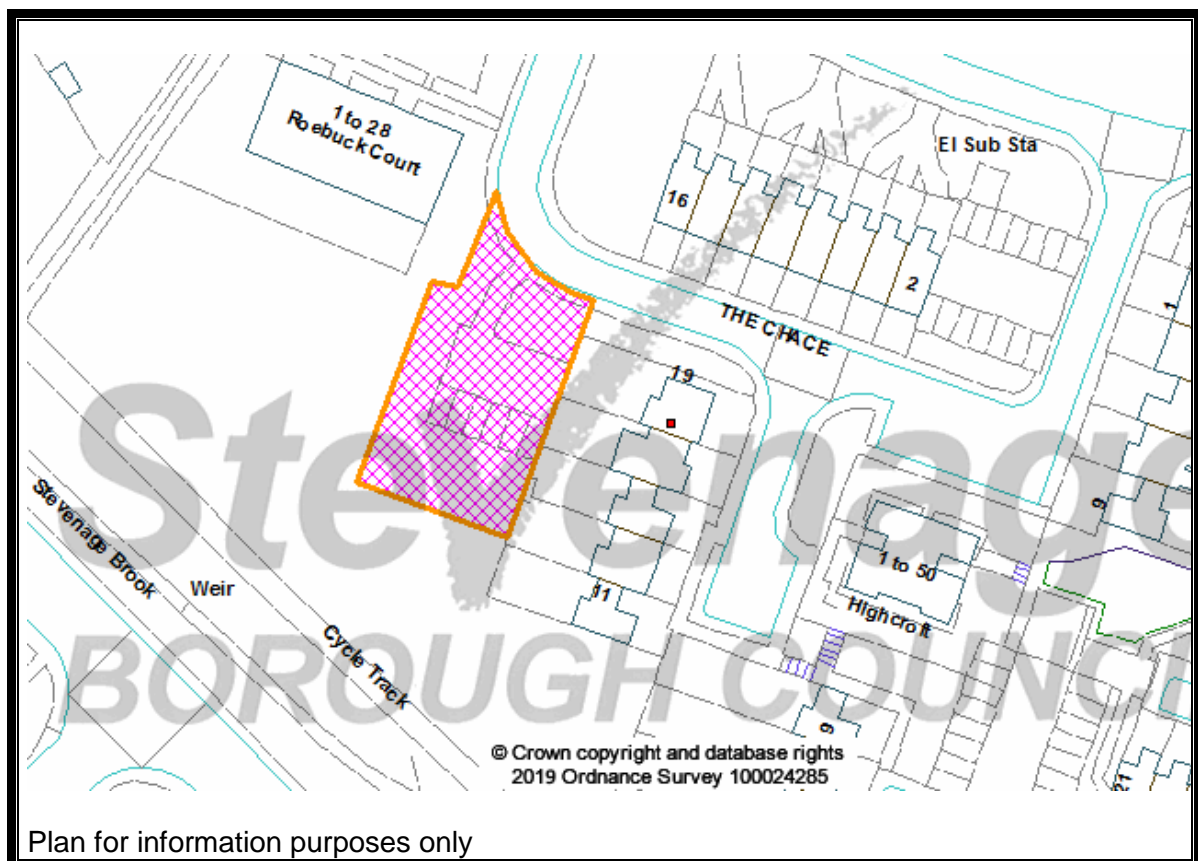
## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (2009).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 October 2022</b>	
<b>Author:</b>	<b>Ailsa Davis</b>	07702 874529
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Ailsa Davis</b>	07702 874529

Application No:	22/00673/FP
Location:	Garages And Forecourt Area To Rear Of 13-19 The Chace
Proposal:	Variation of condition 1 (plans) of planning permission 20/00672/FP to allow the siting of 3no. three bed dwellings, parking and amenity space as built
Drawing Nos.:	3055.CHAC.200 Rev A; 3055.CHAC.201 Rev A; 3055.CHAC.202; 3055.CHAC.203 Rev A; 3055.CHAC.204; 3055.CHAC.205
Applicant:	Surfbuid
Date Valid:	22 July 2022
Recommendation:	GRANT PLANNING PERMISSION



## 1. SITE DESCRIPTION

- 1.1 The application site is located on the southern side of The Chace, which is a looped cul-de-sac off Turpins Rise. The application site comprises a terrace of 3no. 3 x bedroom dwellings with parking and amenity space currently under construction granted planning permission

under ref. 20/00672/FP in February 2021. The area formerly comprised a block of 6no. pre-fabricated garages and an area of grassed open space to the south. The development site is located to the west of the rear gardens of Nos.11 – 19 The Chace, which is a terrace of two storey dwellings sited on a north/south axis. The rear facing windows of these dwellings face onto the application site. The topography of the site slopes downwards in a southerly direction towards the B197 London Road.

- 1.2 The surrounding area is predominantly residential in character comprising two-storey terraced houses, isolated garage blocks and two residential tower blocks known as Highcroft and Roebuck Court. The area immediately surrounding the application site comprises amenity grassland with scattered mature trees, which acts as a buffer between the B197 London Road to the south and the edge of the Roebuck residential area to the north. The site is accessed via vehicular access from The Chace.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 Planning permission was granted under ref. 20/00672/FP on 5 February 2021 for the erection of 3no. three bed dwellings, parking and amenity space following demolition of garages. The scheme was modified by a non-material amendment application ref. 21/00999/NMA granted 4 October 2021, which allowed rear pedestrian access and fencing to serve No.15 The Chace.

## **3. THE CURRENT APPLICATION**

- 3.1 This application seeks to vary the suite of drawings approved under condition 1 of planning permission 20/00672/FP. The revisions stem from a setting-out error which has resulted in the dwellings being located 1.2m deeper into the site than approved, with consequential changes to the front parking / amenity areas and rear gardens / fencing / steps.
- 3.2 The proposal would result in no change to the scale, size, height, relationship to flank boundaries or other variation of note to that approved under 20/00672/FP (as modified under 21/00999/NMA). For clarity the rear pedestrian access and fencing secured under 21/00999/NMA would be retained.
- 3.3 The revisions comprise the following:
- Front build line of the dwellings set 1.2m deeper into the site as measured from the front boundary with The Chace;
  - Consequential revisions to front forecourt / soft landscaping and rear garden area.
- 3.4 The proposed revisions would have the effect of altering the wording of condition 1 of 20/00672/FP as follows.

Current Wording of Condition 1 on 20/00672/FP:

*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 and 3055.CHAC.107.*

Proposed Revised Wording of Condition 1:

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

*3055.CHAC.200 Rev A; 3055.CHAC.201 Rev A; 3055.CHAC.202; 3055.CHAC.203 Rev A; 3055.CHAC.204; 3055.CHAC.205; 3055.CHAC.106 Rev A and 3055.CHAC.107.*

- 3.6 This application comes before the Planning and Development Committee because the original application ref. 20/00672/FP was called in by the Local Ward Member to be determined at planning committee and it is considered in the interests of consistency and to ensure all decisions relating to this site are made in a public forum, this application should also be determined by the Planning and Development Committee.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 This planning application has been publicised by way of a site notice and neighbouring properties have been notified about the application via a letter. The same addresses have been notified who were notified previously for application ref. 20/00672/FP or who submitted representations. At the time of drafting this report, three objections have been received from Nos. 15 and 17 The Chace and No.23 Roebuck Court. Their comments can be summarised as follows:

- Objection to the loss of the garages on the basis they are still needed;
- Objection to the loss of trees;
- Querying how a setting out error could occur if the site was being inspected;
- Inaccuracy of plans showing separation distance of 15m to rear of Nos.15 and 17 The Chace. Separation distance is less than 15m;
- Back to back minimum separation distance of 25m should be applied;
- Nos.13 – 19 The Chace have lost privacy and light to their rear rooms and gardens;
- The dwellings appear overbearing;
- The principle of houses on this site do not comply with Local Plan policy NH4 ‘Green Links’
- The gradient of the driveways is too steep;
- The houses have been built higher than approved;
- Views of local residents being ignored.

## **5. CONSULTATIONS**

### **5.1 SBC Arboriculture and Conservation Manager**

- 5.1.1 No comments.

### **5.2 SBC Parks and Amenities**

- 5.2.1 No comments.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the development plan**

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

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

## **6.2 Central Government Advice**

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

## **6.3 Planning Practice Guidance**

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

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

Policy SP8: Good Design  
 Policy SP12: Green Infrastructure and the natural environment  
 Policy GD1: High quality design  
 Policy NH4: Green Links  
 Policy NH5: Trees and Woodland  
 Policy IT5: Parking and Access

## **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Travel SPD (2020)  
 Design Guide SPD (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 floor space of a development. This proposal would be CIL liable.

# **7. APPRAISAL**

- 7.1.1 The main issues for consideration in the determination of this application are whether the siting of the dwellings as built 1.2m further south into the site than approved under ref. 20/00672/FP has a detrimental impact on the Green Link designation, trees, the character and appearance of the area, the amenity of neighbouring properties and car parking for the development.

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

## **7.2 Land Use Policy Considerations**

7.2.1 The principle of residential development on this site was established by planning permission 20/00672/FP, including the siting, scale and layout of the houses and associated parking and amenity areas. It can be concluded therefore that the principle of development has already been accepted and therefore no further consideration is required for the purposes of this application.

7.2.2 The issue related to land use policy to be considered is whether the siting of the dwellings as built 1.2m further south into the site than approved under ref. 20/00672/FP has a detrimental impact on the Green Link designation within which the southern part of the application site sits. The southern part of the application site falls within the southern tip of the Fairlands Valley Green Link in the Council's Local Plan (2019). The original approved plans showed just the rear gardens encroaching into the Green Link, with the footprint of the houses confined to the garage block and forecourt. Due to the setting out error, 1.2m of the dwellings have been built within the Green Link along with the rear gardens.

7.2.3 Local Plan Policy NH4 'Green Links' states planning permission will be granted where proposals:

- a) Would not create a substantive physical or visual break in a Green Link;
- b) Would not otherwise have a material effect on the recreational, structural, amenity or wildlife value of a Green Link;
- c) Reasonably provide extensions of, or connections to, existing Green Links through the provision of on-site open space;
- d) Reasonably contribute towards the maintenance, improvement or extension of Green Links.

7.2.4 Residential development on this area of Fairlands Valley Green Link was established by planning permission 20/00672/FP. The issue to consider is whether the 1.2m encroachment by the dwellings, rather than just the gardens would conflict with the aims of Policy NH4. The Green Link which forms the southern area of the application site is part of a larger area of grassed open space surrounding the application site, which acts as a buffer between the B197 London Road to the south and the edge of the Roebuck residential area to the north. The area of green space (Green Link) incorporated into the application site is small (approx. 222m<sup>2</sup>) compared to the total area of green space in this location.

7.2.5 It is considered the remaining space will continue to provide usable recreational / amenity space for local residents and to serve its function as a separation buffer between London Road and the residential area to the north. As such, it is considered the small encroachment of the dwellings into this area with their gardens (as built), combined with the fact there would be no substantive physical or visual break to the Link as a whole and the fact planning permission has already been established for residential development in this location will not harm the function, amenity or overarching quality of the remaining Fairlands Valley Green Link of which the area is part.

7.2.6 It is also not considered that all four criteria in Policy NH4 should be met before planning permission could be granted. That analysis would be difficult as there are two positive and two negative propositions in the policy and it would be impossible, in a situation where you

are at the terminus of a Link such as this, to be able to meet all four criteria. This interpretation has been supported by legal advice. It is therefore considered the planning application complies with Policy NH4 and is acceptable in terms of land use policy.

### **7.3 Impact on Trees**

- 7.3.1 Following the grant of planning permission for the original scheme, details were submitted under condition 4 'landscaping' which sought agreement for the removal and replacement of 5 trees ref. 22/00055/COND. The Council's Arboriculture and Conservation manager stipulated the 5 trees subject to removal should be replaced with 15 "standards" trees (12-14cm girth) or above, and should be maintained (watered) until established as per Council policy. The location and species of the replacement trees has been agreed as part of the discharge of the landscaping condition and it is expected for the trees to be planted in the next available planting season.
- 7.3.2 The siting of the dwellings 1.2m further south into the plot than approved has not impacted on the agreed landscaping scheme and therefore no further consideration is required in this regard.

### **7.4 Impact on Character and Appearance of the area**

- 7.4.1 Paragraph 126 of the NPPF states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". It goes on to state that "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".
- 7.4.2 Paragraph 130 of the NPPF sets out a number of requirements for new development, including that development:
- will function well and add to the overall quality of an area;
  - is visually attractive as a result of good architecture; layout and appropriate and effective landscaping;
  - is sympathetic to local character and history;
  - establishes or maintains a strong sense of place;
  - optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development;
  - creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.4.3 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the town's built fabric. Policy GD1 of the Local Plan generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.5 The Council's Design Guide SPD (2009) generally reflects the aforementioned policies requiring development to respect surrounding buildings in terms of scale, massing, height and design. As such, it encourages good design as it can enhance the appearance of places.
- 7.4.6 In terms of design, scale and landscaping the dwellings have been built as approved, therefore the principle of the design approach in this location has been established. Members of the Planning and Development committee in granting planning permission judged that three dwellings in this location as designed would not harm the character and appearance of the area and complied with national and local design policies. It is considered the siting of



the dwellings 1.2m further south into the plot has not made a material change to the visual impact they have on the surrounding area, compared to the previously approved scheme. The dwellings as built are therefore considered to be acceptable with regards to their impact on the character and appearance area.

## **7.5 Impact on Amenity of Neighbouring Properties**

- 7.5.1 The application site is adjoined by Nos. 11 to 19 The Chace to the east and is surrounded on all other sides by open space (except the access). The dwellings have been constructed in accordance with the approved plans in terms of height and distance from the dwellings on the Chace, therefore the concerns raised in the neighbour objections around amenity were previously considered by the Planning and Development committee at the time the original application was permitted. The main issue to consider under this application with regards to impact on neighbouring amenity is whether the siting of the terrace (as built) i.e. 1.2m further south than approved harms the amenity of the occupiers of Nos.13, 15, 17 and 19 The Chace to the east by reason of overbearing impact, loss of outlook, light or privacy.
- 7.5.2 With regards to privacy, a planning condition was added to the original planning permission requiring the proposed ground and first floor flank windows in the dwelling in plot 3, which serve the staircase area, to be obscure glazed to avoid mutual overlooking between the proposed dwelling and Nos. 13 – 19 The Chace. It is understood from the developer that this window is obscure glazed and permanently fixed shut as per the requirements of the condition, which addresses the concern around direct mutual overlooking.
- 7.5.3 With regards to overbearing impact, loss of outlook and loss of light, it is considered the siting of the terrace 1.2m further south into the plot has not materially changed the relationship of the terrace with Nos. 13 – 19 The Chace compared to what was considered and approved by the Planning and Development committee under the previous application that would now justify a refusal of planning permission. Whilst the change in siting means more of the flank wall of plot 3 is visible to the occupiers of No.15 when viewed from the rear rooms and garden, it is not considered to cause material harm to the amenity of the occupiers of this dwelling. It is noted there continue to be objections raised around the distance of the dwelling in plot 3 and the rear of Nos. 13 and 15 The Chace, however the dwellings have been built as approved in this regard and therefore all of the issues relating to this relationship were considered under the previous application and it is not for this application to re-visit those.
- 7.5.4 For the above reasons, it is not considered the siting of the terrace 1.2m further south into the plot than originally approved raises amenity concerns with the neighbouring dwellings at Nos. 13 – 19 The Chace over and above what was previously considered acceptable by the Planning and Development committee. The dwellings as built are therefore considered to be acceptable with regards to their impact on the amenity of neighbouring properties.

## **7.6 Highway Safety and Car Parking**

- 7.6.1 The setting out error has not impacted on the provision of two parking spaces per dwelling in accordance with the Council's Parking Provision SPD (2020) and as approved. The visibility splays, accesses and driveway layout have been built as approved. The gradient of the driveways which has been raised in the neighbour objection was considered by the Highway Authority at the time the original application was approved and found to be acceptable in terms of access and highway safety.
- 7.6.2 The dwellings as built are therefore considered to be acceptable with regards highway safety and car parking.

## 7.7 Other Matters

### Loss of the Garages

- 7.7.1 During the determination of the previous application, Council's Garages Services team confirmed that the garage block was void and that there had been no demand for their use. This led to the decision by the Council to sell them. Consequently, it was determined by the Planning and Development committee that it had been sufficiently demonstrated that the garages were not required and criterion (d) of Policy IT5 'Parking and Access' had been met. The loss of the garages was therefore considered acceptable.

### Community Infrastructure Levy

- 7.7.2 The development is liable for Community Infrastructure Levy under the Council's adopted Charging Schedule (2020). The CIL Charging Schedule specifies a payment for new floorspace in line with the following rates (plus appropriate indexation):

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

- 7.7.3 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.
- 7.7.4 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.
- 7.7.5 A CIL Form 1: Additional Information has not been submitted along with the application.

### Equality and Human Rights Considerations

- 7.7.6 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. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.7.7 When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty. The dwellings comply with current approved document M under the Building Regulations.

- 7.7.8 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.
- 7.7.9 It is considered that the decision has had regard to this duty. The development would not conflict with either Stevenage Borough Council's Equality Policy or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## 8. CONCLUSIONS

- 8.1 In summary, the setting-out error which has resulted in the dwellings being built 1.2m deeper into the site than approved, with consequential changes to the front parking / amenity areas and rear gardens / fencing / steps is not considered to cause material harm to the Fairlands Valley Green Link, character and appearance of the area, the amenity of the occupiers of Nos.13 – 19 The Chace to the east or the approved car parking arrangements. Given the aforementioned, the application proposal is considered to be acceptable and in accordance with Policies SP8, SP12, GD1, NH4, NH5 and IT5 of the Council's adopted Local Plan (2019), the NPPF (2021) and NPPG (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:  
3055.CHAC.200 Rev A; 3055.CHAC.201 Rev A; 3055.CHAC.202; 3055.CHAC.203 Rev A; 3055.CHAC.204; 3055.CHAC.205; 3055.CHAC.106 Rev A and 3055.CHAC.107.  
**REASON:-** For the avoidance of doubt and in the interests of proper planning.
  - 2 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.
  - 3 The development hereby permitted shall be retained in accordance with the scheme of soft and hard landscaping approved under discharge of condition application ref. 22/00055/COND and permanently maintained in accordance with the approved details.  
**REASON:-** To ensure a satisfactory appearance for the development.
  - 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.  
**REASON:-** To ensure a satisfactory appearance for the development.

- 5 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.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 6 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** To ensure a satisfactory appearance for the development.
- 7 No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.  
**REASON:-** To ensure the protection of those trees which should be retained in the interests of visual amenity.
- 8 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.  
**REASON:-** To safeguard the privacy of the occupiers of adjoining properties.
- 9 The development hereby permitted shall be retained in accordance with the details of boundary treatments approved under discharge of condition application ref. 22/00055/COND and permanently maintained in accordance with the approved details.  
**REASON:-** To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
- 10 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.
- 11 The development hereby permitted shall be retained in accordance with the measures to address adaptation to climate change approved under discharge of condition application ref. 21/00795/COND. These measures 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.
- 12 Prior to the occupation / use of the development hereby permitted, the development shall include provision for each dwelling to be served by an active electric vehicle charging point.  
**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).

## 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](http://www.stevenage.gov.uk/CIL) or by contacting the Council's CIL Team at [CIL@Stevenage.gov.uk](mailto:CIL@Stevenage.gov.uk).

2. **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/business-licences/business-licences.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. **Construction standards for 278 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.aspx>

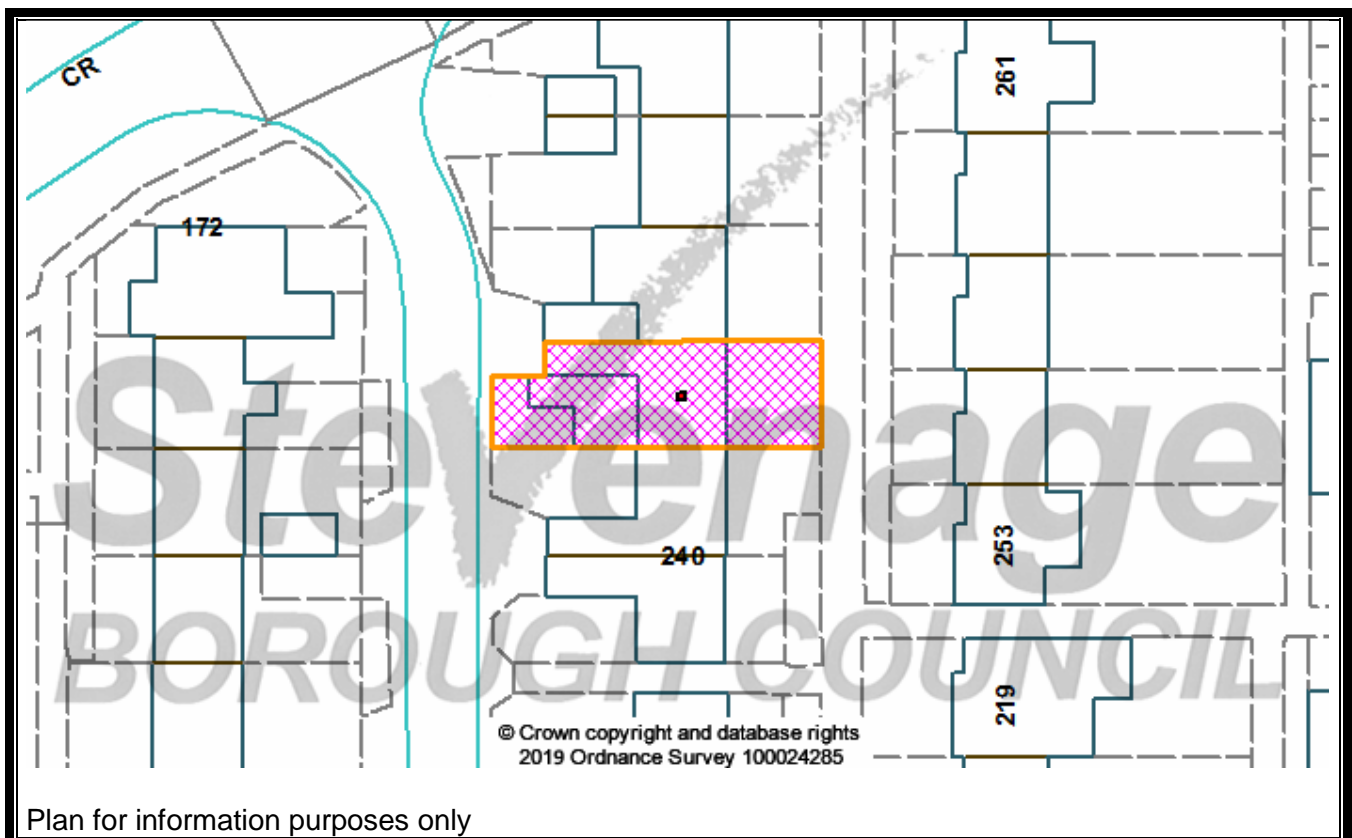
pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan (2019).
3. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
4. Central Government advice contained in the National Planning Policy Framework (2021) and National Planning Policy Guidance (2014).

<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 October 2022</b>	
<b>Author:</b>	<b>Rebecca Elliott</b>	01438 242836
<b>Lead Officer:</b>	<b>Zayd Al-Jawad</b>	01438 242257
<b>Contact Officer:</b>	<b>Rebecca Elliott</b>	01438 242836

Application No:	22/00664/FP
Location:	244 Canterbury Way, Stevenage.
Proposal:	Change of use from dwellinghouse (Use Class C3) to a HMO (Use Class C4).
Drawing Nos.:	Location Plan; 879150.
Applicant:	Mr Lee Kitching
Date Valid:	18 July 2022
Recommendation:	GRANT PLANNING PERMISSION.



## 1. SITE DESCRIPTION

- 1.1 The site is located on the eastern side of a side spur arm off the main highway of Canterbury Way to the north. The mid-terraced dwelling faces eastwards on to a shared footpath with the row of terraces to the east. The rear of the property has a single storey garage projection, a feature on all the properties in this area, as well as an area of off-street parking. The vehicular

access for this row of terraces and those to the west is narrow and is known to have parking issues.

- 1.2 The area is predominantly residential in character, with the St Nicholas neighbourhood centre in close proximity to the north east along Canterbury Way providing amenities and community services.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 There is no planning history of applications at the site.

## **3. THE CURRENT APPLICATION**

- 3.1 The application seeks planning permission for the change of use of the dwellinghouse (Use Class C3) to a House of Multiple Occupation (HMO) (Use Class C4). This is because the Council introduced an Article 4 Direction which covers the entire Borough which effectively removed permitted development rights to allow properties to be converted into HMO's.
- 3.2 The site would retain the existing vehicular access and parking provision. There would be no external alterations proposed as part of the application. Internally, an existing utility area within the garage would be turned into a separate shower area. The downstairs lounge is shown as a lounge/bedroom 4. Otherwise no other internal changes are proposed.
- 3.3 The application is being considered at Planning and Development Committee as it has been called in by Councillor Henry on the following reasons –
- There is a regular issue regarding parking raised by residents in this part of St Nicholas, also a number of residents are creating parking at the rear of their properties further reducing parking opportunities.
  - If this is granted it will almost certainly increase the number of cars vying for a decreasing number of spaces available.
  - The loss of a family home when there is a great need for more.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by neighbour letter and the posting of a site notice. No observations have been received.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

Original response

- 5.1.1 There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety, convenience, and the sustainable travel credentials of the site. Specifically related to the proposed vehicle and cycle parking provision.

Response following amended plan

- 5.1.2 The revised plan is reasonable in its form so the local highway authority remove their objection. Car and cycle parking provision should be secured through imposition of a condition.

### **5.2 Environmental Health**



5.2.1 The plans attached meet current adopted space standards for HMOs.

## 6. RELEVANT PLANNING POLICIES

### 6.1 Background to the development plan

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

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

### 6.2 Central Government Advice

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement which is above the 75% requirement. However, this is still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:

<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>

6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).

- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **6.3 Planning Practice Guidance**

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

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

Policy SP1: Presumption for Sustainable Development;  
Policy SP2: Sustainable Development in Stevenage;  
Policy SP6: Sustainable Transport;  
Policy SP8: Good Design;  
Policy HO5: High Quality Homes;  
Policy HO9: Housing Types and Sizes;  
Policy GD1: High Quality Design;  
Policy IT5: Parking and Access;

### **6.5 Supplementary Planning Documents**

Parking Provision and Sustainable Transport SPD (2020)

### **6.6 Community Infrastructure Levy (CIL)**

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

- 7.1.1 The determining issues relate to the acceptability of the proposal 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 serving the property.

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

### **7.2 Land Use Policy**

- 7.2.1 The principle of residential development within urban areas is set out in both national and local policy. Paragraph 60 of the National Planning Policy Framework (NPPF) states that 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

- 7.2.2 The proposed site is undesignated in the adopted Stevenage Borough Local Plan 2011-2031 (2019). Given the application site is within the curtilage of No.244 Canterbury Way, it is not allocated for residential development within the Local Plan and is, therefore, regarded as a 'windfall site'. Policy HO5 of the Local Plan (2019) (windfall sites) stipulates that proposals should not prejudice the Council's ability to deliver residential development on allocated sites, and should not overburden existing infrastructure.
- 7.2.3 Criterion (a) of Policy HO5 requires windfall residential development to be on previously developed land or a small, underused urban site. For the purpose of clarity, the definition of previously developed land, as stated within the National Planning Policy Framework (NPPF) (2021) is: "Land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure". The definition then continues on to state which types of land are excluded from this definition, which includes land in built-up areas such as private residential gardens. The proposed HMO would be created wholly within the footprint of the existing house, therefore meeting the definition of previously developed land.
- 7.2.4 In accordance with Policy HO5, residential developments on windfall sites must have a good level of access to local facilities include opportunities to access alternative forms of travel to private motorised transport. The site is located approximately 300m from the St Nicholas neighbourhood centre, 700m from The Leys Primary School and Nursery and 100m from the nearest bus stops on Canterbury Way. The application site is considered to have good access to local facilities and alternative forms of travel to the private car and, therefore deemed to be within a reasonably sustainable location.
- 7.2.5 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity.
- 7.2.6 In regards to criterion (d) of the policy, the development would not prejudice the delivery of residential development on allocated sites given its siting in an existing residential estate .Lastly, criterion (e) of the aforementioned policy relates to the impact of the development on existing infrastructure such that it should not overburden said infrastructure. The development, consisting of a change of use of the dwelling to a similar sized HMO is not considered to have such a burden.
- 7.2.7 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:
- 7.2.8 The conversion of larger houses into smaller homes or flats or shared accommodation can be a useful means to 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.
- 7.2.9 Furthermore, para. 9.65 under Policy HO9 of the Local Plan identifies that the borough has a high proportion of terraced, in particular, three bed housing as a result of the original masterplans for Stevenage. As the application site is a three bedroom property (rather than a 'larger house') this holds strong weight in terms of loss of such a property.
- 7.2.10 Policy HO9 continues in respect of housing types and sizes, stating that an imbalance in the housing stock also comes from a lack of smaller properties in the Borough. As the proposed

development seeks to deliver smaller accommodation through HMO tenancy units, it would be in accordance with this policy.

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

### **7.3 Impact on the Character and Appearance of the Area**

- 7.3.1 The proposed change of use of the dwelling to a HMO does not include the need for any external alterations or enlargements to the dwelling itself. The proposed site plan does show the moving of the rear garden boundary to create a greater area of hardstanding for parking. Notwithstanding, in terms of the impact of the development on the character and appearance of the area, this will not change. The property would continue to be viewed as a single unit in this row of terraced houses.

- 7.3.2 To the rear, the re-location of the rear boundary fence and additional hardstanding proposed would have some impact on the appearance of this spur road. However, the character of these small spur roads, providing vehicular access to these 'Radburn' properties is such that there are examples of increased hardstand parking areas, as well as a variety of boundary treatments and their positioning in the area.

- 7.3.3 Consequently, the proposal is not considered to detrimentally impact the character and appearance of the area.

### **7.4 Impact on the Amenities of Neighbouring Properties**

- 7.4.1 With regard to the impact of the proposal on the amenity of neighbouring residential properties, as no external alterations are proposed, it is to assess whether the use of the property as a four bedroom HMO would result in a significant detrimental impact on residential amenity over and above that of a three bedroom dwelling.

- 7.4.2 Internally, the proposed floor plans only show two changes. Firstly, the utility area within the garage would be used as a shower room, and secondly, the lounge area is labelled as a possible fourth bedroom. On the first floor, the layout is the same with three bedrooms and a bathroom. Downstairs the HMO would retain the kitchen and dining area uses.

- 7.4.3 As such, it is considered that the use of the property to accommodate four persons in the four bed HMO is not significantly different from the three bedroom dwelling accommodating a family of three or four persons. The proposal would not therefore have an adverse impact on the amenities of the neighbouring properties.

### **7.5 Parking and Highways**

- 7.5.1 The Council's Parking Standards and Sustainable Transport Supplementary Planning Document was adopted in 2020 and holds the most up to date parking and cycling standards for the borough. In line with the requirements for residential uses the current three bedroom dwelling would have a requirement for two parking spaces. Currently the property has an area of hardstand in front of the original garage and hardstand that sits parallel to the rear garden boundary fence. Whilst neither space meets the minimum requirements for a single space as set out by Manual for Streets (MfS) (2.4m by 4.8m), the spaces are used for parking. Similar use of small hard stand areas for parking are visible in the area, with most properties parking in front of the rear garages despite the length being below the minimum requirement of MfS.

- 7.5.2 The proposed four bedroom HMO use would have a requirement for two parking spaces also, with each bedroom requiring 0.5 spaces. As such there is no net gain needed at the site, and thus the premise of parking provision on site is acceptable in principle. It is noted in the

Hertfordshire County Council Highways original response that the parking is sub-par and that there are known issues with parking in the area. Furthermore, no cycle parking provision had been shown.

- 7.5.3 As a result, an amended site plan/ground floor plan has been submitted showing sufficient provision for cycle storage in the garage space. Furthermore, the rear boundary fence line has been moved to allow for a deeper parking area to the rear. Whilst shown to provide three parking spaces, the revised parking arrangement would allow for two vehicles to be parked in a betterment of the current situation to the benefit of the proposal. HCC Highways have removed their objection based on the amended plan submitted. A suitably worded condition has been imposed to ensure the vehicle and cycle parking is provided as shown on the amended plan. The car and cycle parking is therefore considered acceptable and in accordance with the adopted parking provision SPD.

## **7.6 Human Rights and Equalities**

- 7.6.1 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.
- 7.6.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers
- 7.6.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.6.4 It is not considered the proposed development would impact upon the protected characteristics under the Equality Act. This is because the proposal actively provides disabled parking positioned in the main car parks of each unit, in addition, buildings will have level access for wheel chair users as well as internal lifts, etc.

## **8. CONCLUSIONS**

- 8.1 The change of use of this three bedroom dwelling to a four bedroom HMO is considered to be acceptable in land use policy terms, and would not detrimentally impact the character and appearance of this residential area. The proposals would not cause adverse harm to the amenities of the neighbouring properties and the proposed car and cycle parking meets the Council's parking provision, with no net gain required between the requirements of the C3 and C4 uses. The application is therefore recommended for approval.

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the following conditions, with any amendments to the conditions listed in this report, be delegated to the Assistant Director of Planning and Regulation:-

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 879150.

**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 proposed parking (including cycle parking) arrangements as shown on drawing number 879150 shall be completed and made ready for use prior to first occupation of the property as a House of Multiple Occupation. The hardstanding shall be constructed or permeable materials or provision made for surface water runoff to drain to a porous area within the site boundary. The area shown for parking shall be retained for this use only in perpetuity.

**REASON:-** To ensure adequate parking provision is provided on site and to prevent surface water run-off from entering the highway.

## **INFORMATIVE**

### **1 Community Infrastructure Levy**

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

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

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

### **2 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 Hertfordshire County Council as Highways Authority**

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

4 **Hertfordshire County Council as Highways Authority**

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## 10. BACKGROUND DOCUMENTS

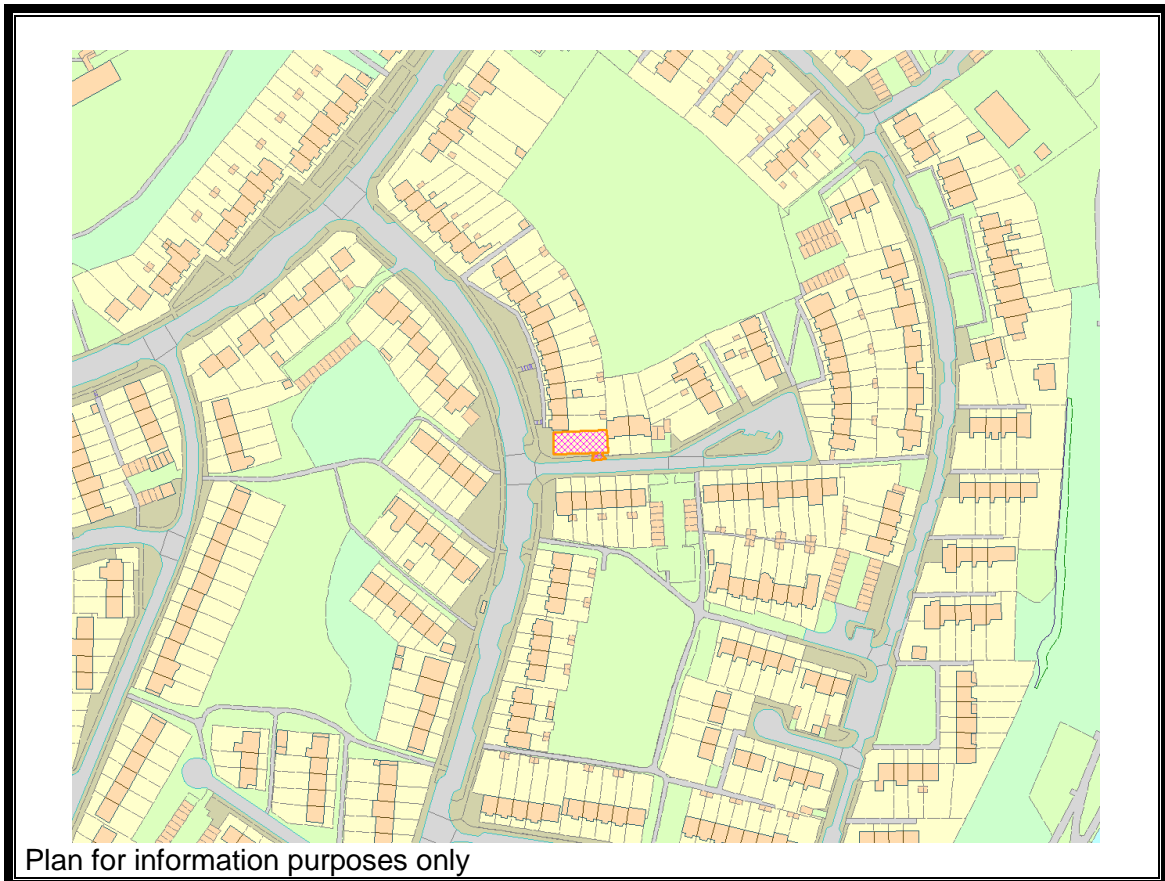
1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 to 2031 adopted 2019.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Developer Contributions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

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**Meeting:** Planning and Development Agenda Item:  
Committee  
**Date:** 4 October 2022  
**Author:** Thomas Frankland-Wells  
**Lead Officer:** Zayd Al-Jawad  
**Contact Officer:** Thomas Frankland-Wells

Application No:	22/00465/FP
Location:	37 Colestrete, Stevenage
Proposal:	Erection of 1 no. detached three bedroom dwelling.
Drawing Nos.:	20168-S-001-B; 20168-P002-E;
Applicant:	Mr M Marks
Date Valid:	18 May 2022
Recommendation:	GRANT PLANNING PERMISSION



## **1.0 SITE DESCRIPTION**

- 1.1 The site is roughly rectangular plot of land extending to approximately 240m<sup>2</sup> and located on the corner of Colestrete and Colestrete Close. It is currently used as the garden of 37 Colestrete and is enclosed by close boarded timber fencing.
- 1.2 The site is located within Residential Parking Accessibility Zone 3 but is otherwise not subject to any particular designations or environmental constraints. Land use in the surrounding area is residential, comprising two storey dwellings laid out in terraces.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 There is no relevant planning history recorded at the application site.

## **3.0 THE CURRENT APPLICATION**

- 3.1 The application seeks full planning permission for the erection of 1 no. three bedroom dwelling.
- 3.2 The dwelling would measure approximately 7m x 9m x 7m (width x depth x height to ridge). It would be finished to match the adjacent properties on Colestrete.
- 3.3 This application comes before the Planning and Development Committee because the land is owned by the Council and five objections have been received.

## **4.0 PUBLIC REPRESENTATIONS**

- 4.1 The application has been publicised by neighbour letters and the posting of a site notice.
- 4.2 Five letters of objection were received from three individual households. The material issues raised are summarised as follows:
- Insufficient parking provision;
  - Existing issues with parking in the area would be exacerbated;
  - Existing issues with highway safety would be exacerbated;
  - The house would not be in keeping with others in the area;
  - Loss of privacy;
  - Loss of natural light;
  - Loss of trees.
- 4.3 These issues are addressed below. Full copies of all representations can be found on the Council's website.

## **5.0 CONSULTATIONS**

- 5.1 Consultation responses are summarised below. Full copies of the responses can be found on the Council's website.
- 5.2 HCC Highways**
- 5.2.1 No objection, subject to conditions relating to construction management and cycle parking.
- 5.3 SBC Environmental Health**
- 5.3.1 No objection, subject to conditions relating to hours of construction and unexpected land contamination.

## 5.4 SBC Arboriculture and Conservation Manager

- 5.4.1 The development should achieve a minimum of 4m distance between the trunk of the nearby maple tree and the proposed dwelling. The developer should also commit to carrying out a 30% crown reduction, at their own expense, prior to commencement of the development.

## 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 (adopted 2019)
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

### 6.2 Central Government Advice

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up to date development plan, reflecting the requirements of section 38(6) of the 2004 Act.

- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (**now the Department for Levelling Up, Housing and Communities**) in January 2022, identifies that Stevenage delivered 79% of its housing requirement which is above the 75% requirement. However, this is still less than 85%. Consequently, Stevenage Borough Council must include the 20% buffer in its 5 year housing land supply calculations, which it already does.

- 6.2.3 The Council also has to prepare an Action Plan to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. It will have to be prepared in accordance with Planning Practice Guidance and analyse the reasons for under-delivery of new homes against the Government's requirements. It also has to set out clear actions on how to improve housing delivery. Consequently, Stevenage Borough Council has recently published its Action Plan (July 2022) to demonstrate how it seeks to maintain the supply of housing:  
<https://www.stevenage.gov.uk/documents/planning-policy/monitoring/five-year-housing-land-supply-position-statement-august-2021.pdf>

- 6.2.4 Turning to 5 year housing land supply, the Council recently published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of

5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can now demonstrate a housing supply of 6.68 years (including 20% buffer).

- 6.2.5 The Council will also be commencing preliminary work into a potential review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

### **6.3 Planning Practice Guidance**

- 6.3.1 The PPG contains guidance supplementing the NPPF and with which Members are fully familiar. The PPG is a material consideration to be taken into account together with the National Design Guide (2021) which has the same status as the PPG.

### **6.4 Stevenage Borough Local Plan**

SP1 Presumption in Favour of Sustainable Development  
SP2 Sustainable Development in Stevenage  
SP5 Infrastructure  
SP6 Sustainable Transport  
SP7 High Quality Homes  
SP8 Good Design  
IT4 Transport Assessments and Travel Plans  
IT5 Parking and Access  
IT6 Sustainable Transport  
HO5 Windfall Sites  
HO9 Housing Types and Sizes  
GD1 High Quality Design  
FP7 Pollution  
FP8 Pollution Sensitive Uses

### **6.5 Supplementary Planning Documents**

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

### **6.6 Community Infrastructure Levy (CIL)**

Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule in 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development. The proposal would be liable for CIL, charged at a rate of £100/m<sup>2</sup>.

## **7 APPRAISAL**

- 7.1.1 The main issues for consideration in this case are: acceptability in land use policy terms; the standard of the proposed accommodation; impact on the character and appearance of the area; impact on the amenities of neighbouring occupiers; the impact on highway safety and parking; and the impact on trees.

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

## **7.2 Land Use Policy Considerations**

- 7.2.1 The site is not allocated in the Local Plan for any specific purpose. It is therefore considered to be a windfall site.
- 7.2.2 Policy SP7 of the Local Plan 2019 sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites i.e. sites that are not specifically allocated for housing within the Plan.
- 7.2.3 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:
- a) The site is on previously developed land or is a small, underused urban site;
  - b) There is good access to local facilities;
  - c) There will be no detrimental impact on the environment and the surrounding properties;
  - d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
  - e) The proposed development would not overburden existing infrastructure.
- 7.2.4 The site benefits from reasonably good access to local facilities, with the town centre approximately 15 minutes away on foot. The proposal would not prejudice the delivery of residential development on allocated sites, given the scale of the proposal and the fact that there are no allocated housing sites in the immediate vicinity. It would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts.
- 7.2.5 Surrounding properties may be impacted by the development but these impacts would arise from the design of the development rather than being an inevitable consequence of the use of the land for residential purposes. Indeed the existing use of the land is residential, albeit as a garden. Therefore, strictly from a land use perspective, it is considered that developing the site for housing would not have a detrimental impact on the environment or surrounding properties. The specific impacts on surrounding properties that arise from the design of the development are considered later in this report.
- 7.2.6 However, the fact that the site is in use as a residential garden within a built-up area means that it does not constitute previously developed land as defined by Annex 2 to the NPPF. It also couldn't reasonably be described as a "small, underused urban site". Consequently, the proposal is contrary to criterion (a) of Policy HO5.
- 7.2.7 Balanced against this is the emphasis that the NPPF places on making use of sites not identified for any particular purpose within the local plans. In particular, paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.2.8 The NPPF also recognises the contribution that small and medium sized sites can make to meeting housing requirements. Paragraph 69 is clear that local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 7.2.9 Whilst the supply of land for housing in the Borough is currently above target, housing delivery remains below the level required to meet objectively assessed needs. The proposed development, if approved, would make a small but nonetheless positive contribution to improving this and meeting the targets set by Policy SP7 of the Local Plan. This is a highly material consideration.

- 7.2.10 Policy HO9 of the Local Plan 2019 states that Planning permission for residential schemes will be granted where:
- a. An appropriate range of market and affordable housing types and sizes are provided taking into account:
    - i. Structural imbalances in the existing housing stock;
    - ii. The housing needs of the Borough, as informed by up-to-date and relevant evidence;
    - iii. The location and accessibility of the application site; and
    - iv. Recent completions, existing permissions and sites in the five-year land supply;
  - b. The resultant scheme would provide a density and character of development appropriate to its location and surroundings. Significantly higher densities should be achieved in easily accessible locations; and
  - c. Aspirational homes are provided in appropriate locations including, but not necessarily limited to:
    - i. New neighbourhoods to the north, west and south-east of the town;
    - ii. Suitable suburban, edge-of-town sites;
    - iii. The town centre, Old Town and other highly accessible locations; and
    - iv. Other appropriate sites where aspirational homes would complement the prevailing character

7.2.11 The proposed scheme would provide market housing, which is acceptable for a development consisting of only a single unit. The quantum of development also means that the overall density of housing in the area would not be materially altered.

7.2.12 The dwelling would be detached, which is unusual for the area. Whilst this may not be considered positively in terms of character, it does mean that the development would in some way address an imbalance in the existing housing stock, which is made up mostly of terraced dwellings.

7.2.13 Taking all of the above into account, the benefits associated with making use of the site for housing are considered to outweigh the adverse impacts of the conflict with criterion (a) of Policy HO5. The development would also make a modest contribution towards correcting an imbalance in the existing housing stock, in accordance with Policy HO9. Having regard to these considerations, the principle of the development is considered to be acceptable.

### **7.3 Standard of Accommodation**

7.3.1 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Accordingly, Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Additionally, Policy FP8 states that Planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses.

7.3.2 The application proposes a dwelling with three bedrooms and a study with a kitchen / family room and lounge area at ground floor level. According to the nationally described space standard, a dwelling of this size should have a gross internal area ("GIA") of 84m<sup>2</sup> and should provide 2.5m<sup>2</sup> of built-in storage. The proposed dwelling would have a GIA of approximately 98m<sup>2</sup> and would provide 2.5m<sup>2</sup> of built-in storage, in accordance with the standard. It would also comply with the standard in respect of bedroom sizes.

- 7.3.3 Beyond space standards, the proposed dwelling would be of a good quality in terms of the living conditions of future occupants. They would enjoy a reasonable degree of privacy due to the orientation of the building and positioning of the windows, noting that the typical relationship between dwellings in the area does afford a degree of mutual overlooking between neighbours. In terms of natural light, the dwelling would be dual aspect and would receive direct sunlight for a significant portion of the day.
- 7.3.4 In terms of noise, the area is considered typical for a residential estate. Future occupants would be exposed to noise from nearby access roads and passers-by but there are no other significant nearby sources of noise which might unacceptably erode living conditions. The Council's Environmental Health Department have no objections to the proposal in this respect.
- 7.3.5 Turning to outdoor amenity space, Chapter 5.3 of the Design Guide SPD states that all dwellings should have private open space. A semi-detached or terraced dwelling should provide a garden measuring at least 50m<sup>2</sup>, with larger detached dwellings usually expected to provide more. Any rear garden should have a depth of at least 10m.
- 7.3.6 The proposed dwelling would have a garden measuring approximately 85m<sup>2</sup> in area and approximately 12.5m in depth. This is considered to be appropriate.
- 7.3.7 Having regard to the above, it is considered that the proposed development would offer a good standard of accommodation for future occupants. In this respect, the proposal is considered to accord with Policies GD1 and FP8 of the Local Plan 2019.

#### **7.4 Design and Other Visual Considerations**

- 7.4.1 Paragraph 127 of the NPPF 2021 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.
- 7.4.2 Paragraph 134 goes on to say that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.4.3 Policy SP8 of the Local Plan requires new development to achieve the highest standards of design and sustainability. Policy GD1 generally requires all forms of development to meet a high standard of design which includes form of built development, elevational treatment and materials along with how the development would integrate with the urban fabric, its relationship between buildings, landscape design and relevant aspects of sustainable design.
- 7.4.4 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the development management system. However, good design involves careful attention to other important components of places. These include:

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

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

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

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

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

7.4.7 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.

7.4.8 The proposed dwelling would be detached and in this sense would be unusual for the area, where the vast majority of dwellings are laid out in terraces. It would also fail to respect the established building line on the stretch of Colestrete where it would be located, being sited 2.5m back from the neighbouring terrace to the north.

7.4.9 However, it would otherwise respond well to surrounding development, being two storey and topped by a gable roof, with the ridge height matching that of its immediate neighbour. It would also be finished in materials to match neighbouring properties.

7.4.10 Whilst the dwelling would have an uncharacteristic detached layout and would erode the established building line on Colestrete, on balance it is considered that the development would be adequately respectful of its surroundings and would not cause material harm to the character and appearance of the area. On this basis, it is considered that the visual impact of the development would be acceptable and in this respect, the proposal is considered to accord with Policies SP8 and GD1 of the Local Plan.

## 7.5 Neighbouring Amenities



- 7.5.1 Policy FP7 of the Local Plan requires all development proposals to minimise, and where possible, reduce air, water, light and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area. Policies GD1 and HO5 also require that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.5.2 In this case, the principal neighbouring properties to be considered are 37 Colestrete and 1 Colestrete Close.
- 7.5.3 In terms of overlooking, the distance between the rear elevation of the proposed dwelling and the side elevation of 1 Colestrete Close would be approximately 12.5m, which falls short of the 15m recommended by the Design Guide SPD. However, the orientation and siting of the proposed windows in this elevation would be such that they would principally provide views over the frontage of 1 Colestrete Close, which is already exposed to public view. Any views over the rear garden of this property would be at an oblique angle, to the extent that they would not materially erode the privacy of its occupants. The same conclusion is reached in respect of 37 Colestrete Close, where any views would be at an even greater angle.
- 7.5.4 In terms of natural light, there would be a limited impact on neighbouring properties. The proposed dwelling would project approximately 4m beyond the rear elevation of 37 Colestrete Close and as such would cause some overshadowing of this property's rear garden. However, it would not be so extensive as to result in material harm. The proposed dwelling would also pass the 45 degree test in respect of this property, indicating an acceptable impact on daylight. The impact on 1 Colestrete Close would be negligible owing to the degree of separation and the relative orientation of the two plots.
- 7.5.5 In terms of overbearing appearance, again there would be a limited impact because, as already noted, the proposed dwelling would project approximately 4m beyond the rear elevation of 37 Colestrete Close. Whilst this would be readily noticeable, with a separation of at least 1m from the boundary and a typical eaves height of approximately 5m, it would not be so noticeable as to be visually intrusive or otherwise cause the dwelling to appear overbearing.
- 7.5.6 In terms of noise, the proposed dwelling would not give rise to any noise over and above that which would ordinarily be expected from a residential development. Within a residential area, this is considered to be appropriate. Any impacts of construction noise would be mitigated by a condition to limit hours of construction, as recommended by the Environmental Health Department.
- 7.5.7 The application does not propose any external lighting. Nonetheless, a condition is recommended to ensure that if any is installed, it is angled to prevent any spillage beyond the boundaries of the site.
- 7.5.8 Having regard to the above, it is considered that the proposed development would not have any undue adverse impacts on the amenities of neighbouring occupiers. In this respect, the proposal is considered to accord with Policies GD1, HO5 and FP7 of the Local Plan.

## **7.6 Parking**

### **7.6.1 Car Parking**

- 7.6.1.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to these standards, 2 car parking spaces should be provided for a three bed house.
- 7.6.1.2 The site is located within Residential Parking Accessibility Zone 3, which means the number of car parking spaces can be reduced to between 75% and 100% of the usual requirement. In

this case, 100% provision would be considered most appropriate, given that the area is known to suffer from parking stress but a reduction of 25% wouldn't alter the total requirement in any event.

7.6.1.3 The application proposes two car parking spaces, as per the SPD requirement. These would be provided on a private driveway leading off Colestrete Close, to the rear of the dwelling.

7.6.1.4 The main issue raised in the objections to the application was that of car parking. It is clear from these objections that the area currently suffers from parking stress.

7.6.1.5 Neighbouring residents also pointed out that the occupants of a four bedroom house would be likely to own more than two cars. However, the number of proposed bedrooms has since been reduced to three (the additional room on the first floor is too small to qualify as a bedroom). According to the latest available evidence (the 2011 census), average car ownership for three bedroom households in the Borough is 1.58, excluding those households that do not own a car at all. On this basis, it is considered unlikely that the development would generate overspill car parking or otherwise contribute to parking stress in the area.

## 7.6.2 Electric Vehicle Charging

7.6.2.1 The Council is committed to supporting the transition to electric vehicles. Accordingly, development proposals are expected to adhere to the following principles:

- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard. This will mean that the underlying infrastructure is provided for connection to the electricity network but it will need to be activated through the installation of a charge point to be used in the future as technologies evolve and uptake increases.
- The blend of access to charging points provided within new developments (i.e. public, restricted access, open access, shared) should be determined having regard to a travel plan.
- A minimum of 20% of new parking on a site should have access to an active EV charging point.
- A flexible approach to the requirement for speed of charging will be taken due to the pace of change of this technology. Ultra-fast charging points will become expected at short term, non-residential parking spaces as technology improves to make the use of electric vehicles more efficient.

7.6.2.2 Details of electric vehicle charging facilities have not been provided. A condition is therefore recommended to secure them.

## 7.6.3 Cycle Parking

7.6.3.1 The standard for cycle parking is for 3 spaces for a three bedroom house. No cycle parking is shown on the submitted plans. However, it is clear that sufficient space within the development site exists to readily accommodate the required amount. Accordingly, it is recommended that these spaces be secured by condition.

## 7.6.4 Overall

7.6.4.1 Having regard to the above, the proposal is considered to accord with the requirements of the Parking Provision and Sustainable Transport SPD in terms of the overall level of car and cycle parking. Accordingly, the proposal is considered to be in accordance with Policy IT5 of the Local Plan, which requires development proposals to comply with the SPD.

## 7.7 Highway Safety

- 7.7.1 Policy IT4 of the Local Plan 2019 states that planning permission will be granted where development would not have an adverse impact on highway safety.
- 7.7.2 The proposed development would involve creating a new vehicular access from Colestrete Close to serve the two new car parking spaces.
- 7.7.3 Local residents have expressed concerns that the area is a hotspot for accidents and that the development may prejudice highway safety. However, the local highway authority has advised that no accidents have been recorded near the site in the last five years and raises no objections in respect of highway safety.
- 7.7.4 The local highway authority does however raise concerns regarding construction traffic and consequently recommends a condition to secure a construction transport management plan. Such a condition is considered to be appropriate.
- 7.7.5 Having regard to these considerations, as well as the conclusions reached in the previous section regarding the level of car parking (and the consequent low likelihood of overspill car parking), it is considered that the proposed development would not have an adverse impact on highway safety. It follows that the proposal is in accordance with Policy IT4 of the Local Plan.

## **7.8 Trees**

- 7.8.1 Paragraph 131 of the NPPF is clear that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
- 7.8.2 Policy NH5 of the Local Plan states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.8.3 The site contains three semi-mature trees, all of which would be felled to accommodate the proposed development. None of these trees are protected and they are not considered to make any especially significant contribution to the character and appearance of the area. As such, their removal is considered to be acceptable.
- 7.8.4 There is also a mature beech tree just beyond the front boundary of the site. This is considered to be of significantly higher amenity value and worthy of retention. The Council's Arboriculture and Conservation Manager was consulted on the application and advised that the proposed dwelling should be located at least 4m from the trunk of this tree. It was also advised that the applicant should carry out a 30% crown reduction prior to the commencement of the development.
- 7.8.5 The application was subsequently amended to provide the necessary separation distance. The applicant has also agreed to carry out the 30% crown reduction. It is recommended that this be secured by condition.

## **7.9 Climate Change**

- 7.9.1 Policy FP1 of the Local Plan states that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New development, including building extensions, refurbishments and conversions will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely future 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; and
- Using or producing renewable or low carbon energy from a local source.

7.9.2 The application is not supported by any statement detailing measures for adaptation to climate change. It is therefore recommended that a condition be imposed on any grant of permission to secure details of sustainability measures for the scheme.

7.9.3 Subject to the above condition, the proposal is considered to accord with Policy FP1 of the Local Plan 2019.

## 7.10 Developer Obligations and CIL

7.10.1 Stevenage Borough Council adopted a Community Infrastructure Levy Charging Schedule on 1 April 2020. This allows the Council to collect a levy to fund infrastructure projects based on the type, location and floor space of a development, in line with the rates shown in the table below.

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

7.10.2 The proposed development would be liable for CIL, which would be chargeable at a rate of £100/m<sup>2</sup>.

7.10.3 The development would not give rise to any requirement for bespoke obligations.

## 7.11 Human Rights and Equalities

7.11.1 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.

7.11.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers

7.11.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who

do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

- 7.11.4 The proposal would not provide any disabled parking but given the nature of the development, it would not be practicable to do so. Aside from this, it is considered that the proposed development would not impact persons with any of the protected characteristics listed under the Equalities Act.

## **7.12 Waste and Recycling**

- 7.12.1 The Design Guide (2009) states, provision should be made within new development for the storage and collection of waste from a site. Details of bin stores have not been provided but there is sufficient space within the site to provide these. Accordingly, a condition is recommended to secure the submission of details of bin stores.

## **8 CONCLUSIONS**

- 8.1 The Council is currently able to demonstrate a five year supply of deliverable housing sites (with a 20% buffer) and the Housing Delivery Test indicates that the delivery of housing was 79% of the housing requirement over the previous three years. Therefore, the policies that are most important for determining the application are considered up-to-date and Paragraph 11(d) of the Framework is not engaged.
- 8.2 The proposed development would provide one additional dwelling, making a modest contribution to the aim of boosting housing delivery and meeting the targets set out in the Local Plan. These benefits carry weight in favour of the proposal.
- 8.3 However, the application site does not qualify as previously development land as defined by the NPPF. As such, the proposal is contrary to Policy HO5 of the Local Plan. This carries weight against the proposal.
- 8.3 The impacts of the development on the character and appearance of the area, on the living conditions of neighbouring occupiers, on parking, highway safety, and trees would be acceptable. The standard of the proposed accommodation would also be acceptable. These are neutral matters.
- 8.7 Having regard to the above, the benefits of delivering one additional dwelling is considered to outweigh any adverse impacts associated with the conflict with Policy HO5. The proposal is therefore considered to be in accordance with the development plan and in the absence of any other material considerations indicating that permission should be refused, it is recommended that the application be approved.

## **9 RECOMMENDATION**

- 9.1 That planning permission be GRANTED subject to the following conditions, with delegated authority given to the Assistant Director of Planning and Regulation, in consultation with the Chair of Planning Committee, to amend or add to the suggested draft conditions set out in this report prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

### **Conditions**

#### General

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 20168-S-001-B; 20168-P002-E.

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

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

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

3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Mondays to Fridays, 09:00 hours to 13.00 hours on Saturdays and shall not operate on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.

**REASON:-** To ensure the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

4. Any external lighting installed at the site shall be angled so as to avoid any spillage beyond the site boundaries unless otherwise agreed in writing by the local planning authority.

**REASON:-** In order to protect the amenities and operations of neighbouring properties, to ensure any external lighting does not prejudice highway safety and in the interests of minimising light pollution.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority.

**REASON:-** To ensure that the site does not pose any risk to human health and to ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is completed.

#### Prior to Commencement

6. No development shall take place (including site clearance) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following:
  - a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to site;
  - c) Traffic and pedestrian management requirements;
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;

- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to.
- l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

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

7. No development shall take place (including demolition and site clearance) until a 30% crown reduction has been carried out to the maple tree adjacent to the western boundary of the site unless otherwise agreed in writing by the local planning authority.

**REASON:-** In order to protect trees worthy of retention.

Prior to Work above Slab Level

8. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

**REASON:-** To ensure the development has a high quality appearance.

9. No development shall take place above slab level until details of refuse and recycling stores have been submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure the proper disposal of waste for the lifetime of the development

10. No development shall take place above slab level until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall then be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure adequate secure and covered cycle parking provision is available at all times to promote sustainable modes of transport.

11. No development shall take place above slab level until details of electric vehicle charging points (EVCP) have been submitted to and approved in writing by the Local Planning Authority. The approved EVCPs shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure adequate provision of active EVCPs within in the development and for all types of drivers is available at all times to promote sustainable modes of transport.

12. No development shall take place above slab level until details of measures for adaptability to climate change have been submitted to and approved in writing by the local planning authority. The approved measures shall be installed in full prior to beneficial occupation of the development and permanently retained as such thereafter.

**REASON:-** To ensure that the development is adaptable to climate change.

Prior to Occupation/Completion

13. Prior to the first occupation of the development hereby permitted the proposed access arrangements and on-site car parking shall be implemented in accordance with the approved plans and retained thereafter available for that specific use.

**REASON:-** To ensure construction of a satisfactory development and in the interests of highway safety.

**Informatives**

1. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

2. 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

3. It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

4. Building Regulations



To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [building.control@hertfordshirebc.co.uk](mailto:building.control@hertfordshirebc.co.uk) or phoning us on 01438 879990.

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

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

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

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

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

#### 5. Community Infrastructure Levy

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

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

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

#### **Pro-active Statement**

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

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Design Guide SPD (2009).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework July 2021 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.



**Meeting:** Planning and Development  
Committee

**Date:** 4 October 2022

## **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 : 22/00117/FPH  
Date Received : 10.02.22  
Location : 15 Dryden Crescent Stevenage Herts SG2 0JQ  
Proposal : Single-storey side and rear extension and first floor side extension.  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
  
2. Application No : 22/00209/COND  
Date Received : 12.03.22  
Location : Unit 5 Roaring Meg Retail Park London Road Stevenage  
Proposal : Discharge of condition 3 (Construction Management Plan/Method Statement) attached to planning permission 21/01339/FP  
Date of Decision : 25.08.22  
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**

Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date. The case officer's letter is attached providing further information.

3. Application No : 22/00322/FP  
Date Received : 08.04.22  
Location : Chells Park Pavillion Gresley Way Stevenage Herts  
Proposal : Change of use from community hall (Use Class F2(b) to day care nursery/pre-school (Use Class E(f))  
Date of Decision : 09.09.22  
Decision : **Planning Permission is GRANTED**
4. Application No : 22/00363/FPH  
Date Received : 16.04.22  
Location : 134C The Paddocks Stevenage Herts SG2 9UF  
Proposal : Single storey front extension  
Date of Decision : 25.08.22  
Decision : **Planning Permission is GRANTED**
5. Application No : 22/00422/FPH  
Date Received : 04.05.22  
Location : 71 Barham Road Stevenage Herts SG2 9HY  
Proposal : Single storey rear extension  
Date of Decision : 25.08.22  
Decision : **Planning Permission is GRANTED**
6. Application No : 22/00510/FP  
Date Received : 01.06.22  
Location : 3 Claymores Stevenage Herts SG1 3TP  
Proposal : Erection of single storey front and rear extension and change of use from public amenity land to private residential to include driveway and dropped kerb  
Date of Decision : 15.09.22  
Decision : **Planning Permission is GRANTED**

7. Application No : 22/00523/FP  
Date Received : 07.06.22  
Location : 159 - 169 Trumper Road Stevenage Herts SG1 5JX  
Proposal : External refurbishment works comprising replacement roof tiles, rain water piping, external communal doors / windows and installation of external cladding.  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
8. Application No : 22/00526/FP  
Date Received : 07.06.22  
Location : 171 - 217 Trumper Road Stevenage Herts SG1 5JX  
Proposal : External refurbishment works comprising replacement roof tiles, rain water piping, external communal doors / windows and installation of external cladding  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
9. Application No : 22/00528/FP  
Date Received : 08.06.22  
Location : 21 - 33 Vardon Road Stevenage Herts SG1 5PT  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**
10. Application No : 22/00529/FP  
Date Received : 08.06.22  
Location : 49 - 61 Vardon Road Stevenage Herts SG1 5PT  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**

11. Application No : 22/00530/FP  
Date Received : 08.06.22  
Location : 119 - 131 Vardon Road Stevenage Herts SG1 5PX  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**
12. Application No : 22/00531/FP  
Date Received : 08.06.22  
Location : 141 - 153 Vardon Road Stevenage Herts SG1 5PX  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**
13. Application No : 22/00532/FP  
Date Received : 08.06.22  
Location : 189 - 201 Vardon Road Stevenage Herts SG1 5PY  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**
14. Application No : 22/00533/FP  
Date Received : 08.06.22  
Location : 221 - 231 Vardon Road Stevenage Herts SG1 5PY  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**

15. Application No : 22/00534/FP  
Date Received : 08.06.22  
Location : 59 - 64 Lincoln Road Stevenage Herts SG1 4PL  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 25.08.22  
Decision : **Planning Permission is GRANTED**
16. Application No : 22/00535/FP  
Date Received : 08.06.22  
Location : 219 - 265 Trumper Road Stevenage Herts SG1 5JX  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 24.08.22  
Decision : **Planning Permission is GRANTED**
17. Application No : 22/00536/FP  
Date Received : 08.06.22  
Location : 76- 81 Lincoln Road Stevenage Herts SG1 4PL  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 25.08.22  
Decision : **Planning Permission is GRANTED**
18. Application No : 22/00537/FP  
Date Received : 08.06.22  
Location : 85 -90 Lincoln Road Stevenage Herts SG1 4PL  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 25.08.22  
Decision : **Planning Permission is GRANTED**

19. Application No : 22/00538/FP  
Date Received : 08.06.22  
Location : 1 - 6 Salisbury Road Stevenage Herts SG1 4PE  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 26.08.22  
Decision : **Planning Permission is GRANTED**
20. Application No : 22/00541/FP  
Date Received : 08.06.22  
Location : 23 - 28 Salisbury Road Stevenage Herts SG1 4PE  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 26.08.22  
Decision : **Planning Permission is GRANTED**
21. Application No : 22/00542/FP  
Date Received : 08.06.22  
Location : 53 - 58 Salisbury Road Stevenage Herts SG1 4PF  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 26.08.22  
Decision : **Planning Permission is GRANTED**
22. Application No : 22/00543/FP  
Date Received : 08.06.22  
Location : 76 - 81 Salisbury Road Stevenage Herts SG1 4PF  
Proposal : Replacement of existing external cladding; replacement of existing roof finish, replacement of common access handrail and balustrade  
Date of Decision : 26.08.22  
Decision : **Planning Permission is GRANTED**



23. Application No : 22/00614/AD  
Date Received : 02.07.22  
Location : Bus Shelter 2907-0057 Outside John Henry Newman School Hitchin Road Stevenage  
Proposal : Replacing 1 no. advertisement panel on the bus shelter with 1 no. digital internally illuminated 6-sheet advertising display. The reverse panel comprises a non-advertising, non-illuminated space for Council or Community content  
Date of Decision : 24.08.22  
Decision : **Advertisement Consent is GRANTED**
24. Application No : 22/00615/AD  
Date Received : 02.07.22  
Location : Bus Shelter Outside Stevenage Railway Station Lytton Way Stevenage Herts  
Proposal : Replacement of 1 no. non-illuminated advertisement panel on bus shelter with 1no. internally illuminated digital display  
Date of Decision : 24.08.22  
Decision : **Advertisement Consent is GRANTED**
25. Application No : 22/00637/FP  
Date Received : 08.07.22  
Location : 107 - 109 High Street Stevenage Herts SG1 3HS  
Proposal : Two storey infill extension to create new offices (Use Class E(g)(i)) and additional floorspace to 2no. existing flats  
Date of Decision : 08.09.22  
Decision : **Planning Permission is GRANTED**
26. Application No : 22/00638/FP  
Date Received : 11.07.22  
Location : 425 -435 Vardon Road Stevenage Herts SG1 5BA  
Proposal : Replacement of external cladding; roof finish and handrail and balustrade  
Date of Decision : 01.09.22  
Decision : **Planning Permission is GRANTED**

27. Application No : 22/00639/FP  
Date Received : 11.07.22  
Location : 473-481 Vardon Road Stevenage Herts SG1 5BD  
Proposal : Replacement of external cladding; roof finish and handrail and balustrade  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**
28. Application No : 22/00640/FPH  
Date Received : 11.07.22  
Location : 12 Fishers Green Road Stevenage Herts SG1 2PB  
Proposal : Demolition of existing garage and utility and erection of two storey side and single storey rear extension  
Date of Decision : 02.09.22  
Decision : **Planning Permission is GRANTED**
29. Application No : 22/00643/FP  
Date Received : 11.07.22  
Location : Know How Bessemer Drive Stevenage Herts  
Proposal : Construction of TV Lab, Dark Room Screen Testing and Audio Testing facility within the existing Warehouse (Use Class B8) and installation of wall mounted condenser units and external weather louvres  
Date of Decision : 30.08.22  
Decision : **Planning Permission is GRANTED**
30. Application No : 22/00651/TPTPO  
Date Received : 13.07.22  
Location : Greenside School Shephall Green Stevenage Herts  
Proposal : T16 - Yew - reduce overhanging branches by approximately 2m  
Date of Decision : 06.09.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

31. Application No : 22/00652/FPH  
Date Received : 14.07.22  
Location : 75 Uplands Stevenage Herts SG2 7DW  
Proposal : Single storey front and rear extension and insertion of first floor side window  
Date of Decision : 21.09.22  
Decision : **Planning Permission is GRANTED**
32. Application No : 22/00653/FPH  
Date Received : 14.07.22  
Location : 79 Boxfield Green Stevenage Herts SG2 7DS  
Proposal : Single storey front and rear extensions  
Date of Decision : 15.09.22  
Decision : **Planning Permission is GRANTED**
33. Application No : 22/00659/FPH  
Date Received : 15.07.22  
Location : 39 Ashdown Road Stevenage Herts SG2 8TX  
Proposal : Retrospective planning permission for the construction of an outbuilding to rear garden.  
Date of Decision : 16.09.22  
Decision : **Planning Permission is GRANTED**
34. Application No : 22/00662/FP  
Date Received : 18.07.22  
Location : 116 Oaks Cross Stevenage Herts SG2 8LU  
Proposal : Change of use from Class Ei(a) (retail) to sui generis (tanning salon)  
Date of Decision : 12.09.22  
Decision : **Planning Permission is GRANTED**

35. Application No : 22/00666/FPH  
Date Received : 19.07.22  
Location : 14 Gorleston Close Stevenage Herts SG1 2JS  
Proposal : Part two storey, part first floor side extension over existing garage, two storey side extension and single storey rear extension following demolition of existing conservatory  
Date of Decision : 31.08.22  
Decision : **Planning Permission is GRANTED**
36. Application No : 22/00668/FP  
Date Received : 20.07.22  
Location : Spark Building Land To The North Of Stevenage Bioscience Catalyst Gunnels Wood Road  
Proposal : Retention of the Spark Building for a further temporary period of 12 months, from 1 April 2023 to 31 March 2024  
Date of Decision : 14.09.22  
Decision : **Planning Permission is GRANTED**
37. Application No : 22/00672/OP  
Date Received : 21.07.22  
Location : Nine Furlongs 127 Hertford Road Stevenage Herts  
Proposal : Erection of detached chalet bungalow in rear garden of No.127 Hertford Road with vehicular access from Walsham Close  
Date of Decision : 13.09.22  
Decision : **Outline Planning Permission is REFUSED**
- For the following reason(s);
- The depth of the rear private amenity space falls below the minimum standard of 10m as stated in Chapter 5 of the Stevenage Design Guide SPD (2009) and would therefore be contrary to Policies HO5, GD1 and SP8 of the Stevenage Borough Local Plan 2011-2031, the Council's Design Guide SPD (2009), National Planning Policy Framework (2021) and the Planning Practice Guidance (2014). This would lead to unsatisfactory living conditions for future occupiers of the proposed dwelling.

The proposed dwelling, by virtue of its proximity to the rear elevation of No. 127 Hertford Road, fails to meet the required minimum back to back separation distance as stated in Chapter 5 of the Council's adopted Design Guide (2009) and would therefore result in an unacceptable outlook and loss of privacy for the occupiers of both No.127 Hertford Road and the proposed dwelling, having a harmful impact on the habitable room windows and private rear gardens which detracts from the privacy and residential amenity of both properties. The development is, therefore, contrary to Policies HO5, GD1 and SP8 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Design Guide SPD (2009), National Planning Policy Framework (2021) and the Planning Practice Guidance (2014).

38. Application No : 22/00676/AD  
Date Received : 23.07.22  
Location : Mecca Bingo Danestrete Stevenage Herts  
Proposal : Installation of 2 no. internally illuminated fascia sign; 1 no. internally illuminated projecting sign; 1 no. non-illuminated amenity board; 4 no. internally illuminated poster cases; 3 no. internally illuminated flex face signs; 1 no. internally illuminated lozenges features; set of cabochon LED lighting, repaint 2 no. banner frames and white tube lighting to roof frame.  
Date of Decision : 14.09.22  
Decision : **Advertisement Consent is GRANTED**
39. Application No : 22/00686/CLPD  
Date Received : 26.07.22  
Location : 45 Walkern Road Stevenage Herts SG1 3RA  
Proposal : Certificate of Lawfulness (Proposed) for rear dormer window.  
Date of Decision : 15.09.22  
Decision : **Planning Permission is GRANTED**

40. Application No : 22/00690/FPH  
Date Received : 27.07.22  
Location : 31 Nodes Drive Stevenage Herts SG2 8AJ  
Proposal : Retrospective application for the retention of a single storey rear extension  
Date of Decision : 12.09.22  
Decision : **Planning Permission is GRANTED**
41. Application No : 22/00698/FPH  
Date Received : 29.07.22  
Location : 90 Whitney Drive Stevenage Herts SG1 4BJ  
Proposal : Single storey side and rear extension  
Date of Decision : 15.09.22  
Decision : **Planning Permission is GRANTED**
42. Application No : 22/00699/CPA  
Date Received : 29.07.22  
Location : Stewart House Primett Road Stevenage Herts  
Proposal : Prior approval for the change of use of office building (Use Class E(g)(i)) to no. 16 residential dwellings.  
Date of Decision : 12.09.22  
Decision : **Prior Approval is REQUIRED and GIVEN**
43. Application No : 22/00701/FP  
Date Received : 29.07.22  
Location : Chells Manor Lodge 2 Manor House Drive Stevenage Herts  
Proposal : Retrospective application for the retention of an outdoor storage shed.  
Date of Decision : 16.09.22  
Decision : **Planning Permission is GRANTED**

44. Application No : 22/00703/TPTPO  
Date Received : 30.07.22  
Location : 15 Orchard Road Stevenage Herts SG1 3HD  
Proposal : Reduce 1 No Yew Tree (T1) protected by TPO 126 by 40%  
Date of Decision : 16.09.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
45. Application No : 22/00706/FPH  
Date Received : 01.08.22  
Location : 20 East Close Stevenage Herts SG1 1PP  
Proposal : Single storey side extension  
Date of Decision : 16.09.22  
Decision : **Planning Permission is GRANTED**
46. Application No : 22/00707/FPH  
Date Received : 01.08.22  
Location : 35 Rowland Road Stevenage Herts SG1 1TG  
Proposal : Single storey front and rear extensions  
Date of Decision : 30.08.22  
Decision : **Planning Permission is GRANTED**
47. Application No : 22/00708/FPH  
Date Received : 01.08.22  
Location : 37 Rowland Road Stevenage Herts SG1 1TG  
Proposal : Single storey front and rear extensions  
Date of Decision : 30.08.22  
Decision : **Planning Permission is GRANTED**

48. Application No : 22/00710/FPH  
Date Received : 01.08.22  
Location : 9 Morgan Close Stevenage Hertfordshire  
Proposal : Single storey side and rear extension, garage conversion and rear balcony.  
Date of Decision : 21.09.22  
Decision : **Planning Permission is GRANTED**
49. Application No : 22/00712/COND  
Date Received : 02.08.22  
Location : Stevenage Bus Station And Town Square Danestrete Stevenage Herts  
Proposal : Discharge of Condition 4 (Construction Management Plan and Construction Phase Plan) attached to planning permission 22/00423/FP  
Date of Decision : 08.09.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
50. Application No : 22/00713/HPA  
Date Received : 02.08.22  
Location : 20 East Close Stevenage Herts SG1 1PP  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.20m for which the maximum height will be 3.00m and the height of the eaves will be 3.00m  
Date of Decision : 25.08.22  
Decision : **Prior Approval is NOT REQUIRED**



51. Application No : 22/00716/TPTPO  
Date Received : 03.08.22  
Location : Roundabout At Entrance To Roaring Meg Retail Park London Road Stevenage  
Proposal : Reduce and maintain TG1 Various Trees retail park road area and TG2 Various Trees front edge of woodland area  
Date of Decision : 16.09.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
52. Application No : 22/00735/NMA  
Date Received : 09.08.22  
Location : 162 Fairview Road Stevenage Herts SG1 2NE  
Proposal : Non material amendment to planning permission reference number 21/01022/FPH to amend the two storey rear extension to full width.  
Date of Decision : 26.08.22  
Decision : **Non Material Amendment NOT AGREED**  
  
For the following reason(s);  
  
The proposed amendment for the rear two storey extension to extend the full width of the property from the approved part one / two storey rear extension would result in a material change to the appearance of the building. As such the Local Planning Authority considers that the proposed amendment cannot be considered as non-material and that the changes proposed would need to be assessed via the submission of a formal application for planning permission.
53. Application No : 22/00749/CLPD  
Date Received : 16.08.22  
Location : 123 Chancellors Road Stevenage Herts SG1 4TZ  
Proposal : Certificate of lawfulness (Proposed) for a garage conversion.  
Date of Decision : 01.09.22  
Decision : **Certificate of Lawfulness is APPROVED**

54. Application No : 22/00766/TPCA  
Date Received : 18.08.22  
Location : 17 Spring Drive Stevenage Herts SG2 8AZ  
Proposal : Crown reduce removing up to 2.5m 2No: Ash Trees (G1) and Fell  
1No: Prunus Tree (T1)  
Date of Decision : 16.09.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A  
CONSERVATION AREA**
55. Application No : 22/00770/NMA  
Date Received : 20.08.22  
Location : 13 Ayr Close Stevenage Herts SG1 5RZ  
Proposal : Non Material amendment to planning permission reference  
number 21/00394/FPH to change rear window to a Juliette  
balcony above existing garage  
Date of Decision : 13.09.22  
Decision : **Non Material Amendment AGREED**
56. Application No : 22/00775/COND  
Date Received : 22.08.22  
Location : Stevenage Bus Station And Town Square Danesgate  
Stevenage Herts  
Proposal : Discharge of condition 8 (light management plan) attached to  
planning permission reference number 22/00423/FP  
Date of Decision : 16.09.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

57. Application No : 22/00779/CLPD  
Date Received : 23.08.22  
Location : 120 Chalkdown Stevenage Herts SG2 7BN  
Proposal : Certificate of lawfulness (Proposed) for installation of rear dormer windows and 3 no. roof lights.  
Date of Decision : 25.08.22  
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.

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**Meeting:** Planning and Development Committee

**Agenda Item:**

**Date:** Tuesday 4 October 2022

**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 21/00057/FP, Land Between Watercress Close, Coopers Close and Walnut Tree Close. Appeal against refusal of planning permission for the erection of two detached dwelling houses including new site access from Watercress Close and 560sqm of publicly accessible open space to the south of the site.

**2. DECISIONS AWAITED**

2.1 21/00809/FP. 168 Fairview Road. Appeal against refusal of planning permission for the erection on 1no. two bedroom detached dwellings with parking and access.

2.2 21/01152/ENF. 68 Basils Road. Appeal against the serving of an enforcement notice to remove the first floor of the two storey rear extension which was refused under planning permission reference number 21/01256/FPH.

2.3 21/01256/FPH. 68 Basils Road. Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension.

2.4 21/01101/FP, 303 Ripon Road. Appeal against refusal of planning permission for the conversion of 1 no. 4 bedroom dwelling to 3 no. studios, single storey front and rear extensions and conversion of garage including the change of use from public amenity land to residential use and associated parking.

2.5 21/00717/ENFAPL, 134 Marymead Drive. Appeal against the serving of an Enforcement Notice relating to the unauthorised erection of an outbuilding and front extension.

2.6 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

**3. DECISIONS RECEIVED**

3.1 **21/00681/AD, McDonalds, Monkswood Retail Park, Elder Way.** Appeal against refusal of advertisement consent for 1no. internally illuminated totem sign.

- 3.1.1 The appeal was allowed subject to a condition restricting the intensity of the illumination of the sign to be no greater than 600cd/sqm. The consent was for five years from the date of the appeal decision.
- 3.1.2 The Inspector felt that the sign would be seen within the context of the retail park with various other signs visible nearby, and within its backdrop. As such, the sign would be well related to the appeal site and, in the wider context, the sign would not appear out of keeping or incongruous to its setting.
- 3.1.3 Given the size of the existing hedgerow, the sign would benefit from a significant amount of screening and whilst it may be seen above the hedgerow in places, the extent of this would be limited. In winter months when less screening is available from the hedgerow, more views of the wider retail park would also become visible and the sign would appear in context as stated in point 3.1.2 above. For these reasons, the appeal was allowed.
- 3.2 **21/01126/FP. 56 Austen Paths.** Appeal against the refusal of planning permission for the change of use from a 6-bedroom House of Multiple Occupation (HMO) Class C4, to a 7-bedroom HMO (Sui Generis), 3 x car parking spaces; 8-bicycle parking spaces, and location of 7-bin storage facilities to the rear driveway.
- 3.2.1 The appeal was dismissed.
- 3.2.2 The award for costs was dismissed
- 3.2.3 The Inspector noted on his site visit that the parking bays were almost full and there were a number of cars parked on the highway, in some cases blocking other vehicles and reducing space on the highway thereby resulting in congestion. Other parts of the cul-de-sac were less congested however. He did not find any significant spare capacity in car parking within the surrounding area and noted Siddons Road and Ferrier Road were similarly congested.
- 3.2.3 The Inspector apportioned substantial weight to the Car Parking Provision SPD (2020).
- 3.2.4 The Inspector noted that the appellants parking survey acknowledged the over-capacity of parking provision within the cul-de-sac and that future occupiers would be likely to need to park in other streets further away.
- 3.2.5 The development would provide 8 cycle parking spaces which is in line with the requirements of the SPD and the Inspector felt that as this did not go beyond the minimum standards, there was no significant benefit of the scheme which does not weigh heavily in its favour.
- 3.2.6 The Inspector stated that as the proposal does not comply with the car parking standards in the SPD, it does not benefit from the exceptions applied to development in more accessible locations and therefore conflicts with Policy IT5. He stated that there are acute parking issues in the area and with no compelling evidence to demonstrate that the proposal would not worsen existing problems, the proposal would result in a detrimental impact on highway safety.
- 3.2.7 At the time of the decision, the Council could not demonstrate a 5 year housing land supply and therefore paragraph 11(d) of the NPPF (2021) was engaged. However, the Inspector stated that a HMO of this scale would only contribute modestly to housing supply and any associated social and economic benefits would be negligible and can be demonstrated to be demonstrably outweighed by the identified adverse impacts.
- 3.2.8 The award of costs was dismissed as the Inspector found that the Council had not acted unreasonably, the reasons for refusal were sound and the evidence submitted to demonstrate the Council had acted inconsistently between applications was not applicable as the previous case was materially different to the appeal site.

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# Appeal Decision

Site visit made on 26 July 2022

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 September 2022**

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**Appeal Ref: APP/K1935/Z/21/3283366**

**McDonald's Restaurant, Monkwood Retail Park, Elder Way, Stevenage SG1 1TL**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by McDonald's Restaurant Ltd against the decision of Stevenage Borough Council.
  - The application Ref 21/00681/AD, dated 15 June 2021, was refused by notice dated 3 August 2021.
  - The advertisement proposed is 1no. internally illuminated totem sign.
- 

## Decision

1. The appeal is allowed and express consent is granted for the display of the 1no. internally illuminated totem sign in accordance with the terms of the application. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
  - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 600 cd/m<sup>2</sup>.

## Preliminary Matter

2. The Council altered the description of the proposed advertisement, including clarification that it is illuminated. This description is clearer and more succinct than that given on the application form. I have therefore used this description in the banner heading and formal decision.

## Main Issue

3. The main issue is the effect of the proposed sign on the amenity of the area.

## Reasons

4. The appeal site comprises a detached single storey fast food restaurant within an existing retail park adjacent to Monkwood Way. The proposed totem sign would sit in an area of grass verge with a shallow slope between the site's drive-thru lane and the adjacent cycle path, with Monkwood Way beyond. The site currently features various fascia, pole mounted and banner signs. There is also a totem sign at the junction of Elder Way adjacent, serving the wider retail park, of a similar height to the proposal. The site is partially screened by a tall hedgerow along Monkwood Way and is at a lower level than the highway.
5. Viewed from the north along Monkwood Way, and from the residential areas to the east, the proposed totem sign would appear within the context of the

- wider retail park, with various other signs visible nearby, and within its backdrop. The sign would be well related to the appeal site and, in the wider context, the sign would not appear out of keeping or incongruous.
6. Viewed from the south, I saw that the appeal site and wider retail park are significantly screened by the existing boundary hedgerow with very few, if any, of the retail park's existing signs or other paraphernalia visible. In the summer, when I visited, there is a pleasant verdant character to the area. Notably, the existing totem sign adjacent to the site on the junction with Elder Way, is also largely obscured, albeit it is acknowledged this sits further back from Monkswood Way.
  7. Given the size of the existing hedgerow, the proposed sign would however similarly benefit from a significant amount of screening in views from the south. Whilst a portion of the sign at its highest point may project above the hedge, and it may come into view sooner than other nearby signs when approaching from this direction, the extent of this would be limited and accordingly the effect on the character and appearance of the area would not be significant. In winter months the screening afforded by the hedge may be reduced, however this would also reveal more of the wider retail park and in the wider context the sign would not appear out of keeping or incongruous.
  8. The local highway authority recommended a condition to ensure the illuminance level is within the limit recommended by the Institution of Lighting Professionals (ILP). The sign would be internally illuminated to a level of 600 cd/m<sup>2</sup>, as indicated on the application form. This appears to be reasonably restrained in this setting and acceptable in the context of the ILP recommendations. An additional condition is therefore required to ensure this level is maintained accordingly. The other local highway authority condition specifying dimensions is unnecessary given information shown on the plans.
  9. I have considered policies GD1 and SP8 of the Stevenage Borough Local Plan 2011 – 2031 adopted 22 May 2019 which, amongst other things, seek to ensure proposals respect and make a positive contribution to their surroundings, and so are material in this case. Similarly, I have taken into account the guidance within the Stevenage Design Guide Supplementary Planning Document, adopted 21<sup>st</sup> October 2009. With respect to the main issue, I find that the proposal would not cause harm to the amenity of the area and accordingly the proposal does not conflict with these policies or guidance.

### **Other Matters**

10. The Council has not raised concerns regarding public safety impacts from the proposal. I consider that with the condition imposed the proposal would also be acceptable in that respect.

### **Conclusion**

11. For the reasons given I conclude that the appeal is allowed.

*Ryan Cowley*

INSPECTOR



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# Appeal Decision

Site visit made on 28 July 2022

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2022**

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**Appeal Ref: APP/K1935/W/21/3289356**

**56, Austen Paths, Stevenage SG2 0NR**

- 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 Rob Staegemann on behalf of TIN Properties Ltd against the decision of Stevenage Borough Council.
  - The application Ref 21/01126/FP, dated 18 October 2021, was refused by notice dated 13 December 2021.
  - The development proposed is described as 'change of use from a 6-bedroom House of Multiple Occupation (HMO) Class C4, to a 7-bedroom HMO (Sui Generis), 3 x car parking spaces; 8-bicycle parking spaces, and location of 7-bin storage facilities to the rear driveway.'
- 

## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Rob Staegemann on behalf of TIN Properties Ltd against Stevenage Borough Council. This is the subject of a separate decision.

## Main Issue

3. The main issue is the effect of the proposal on highway safety.

## Reasons

4. The appeal relates to a mid-terrace property located at the end of a residential cul-de-sac. The road is flanked by garages for much of its length, however towards the end it opens into a square providing formal parking bays surrounding the turning head. The appeal site features off-street parking for three vehicles to the rear, accessed via a gap in the bays.
5. The number of parking bays at this end of the street is limited. Whilst I did observe a single free space at the time of my visit, there were also cars parked informally outside of bays or on the footpath, in some cases blocking other vehicles and reducing the space for manoeuvring. The rest of the cul-de-sac appeared less congested, albeit primarily due to the garages and other accesses that front on to it, which limit on-street parking. 'No parking' signs affixed to garage doors and garden gates are common both in this and neighbouring streets. I did not observe significant spare capacity in the surrounding area at the time of my visit. Comments on this appeal from third parties also refer to existing parking issues in this area. This would indicate there are capacity issues and conflict between vehicle users at times.

6. Within the wider area, I saw that Siddons Road and Ferrier Road were dominated by parked cars both on and off street. The streets feel narrow, with space for only 1 vehicle to pass where cars are parked along the kerb, and vehicles can be found parked at junctions in places. Communal parking areas are provided, however these appeared to be generally at or close to capacity. Driveway crossings, particularly on Ferrier Road close to the appeal site, have further reduced opportunities for on-street parking.
7. The supporting text to Policy IT5 of the Stevenage Borough Local Plan 2011-2031 Adopted 22 May 2019 (Local Plan) notes that the original masterplans for the New Town failed to anticipate the rise of the private car. Consequently, the layout of some areas does not reflect present-day car ownership, perceptions of safety or parking preferences. This is evident in this part of the town, as described above, and thus it is important new development does not exacerbate the existing problems.
8. The Council sets required parking standards in the Parking Provision and Sustainable Transport Supplementary Planning Document Adopted 2020 (SPD). The SPD requires 3.5 spaces, rounded up to 4, for a 7-bed HMO. The SPD recognises that sustainable transport methods should be encouraged, as advocated in local and national policy. It accounts for this with a built-in mechanism for reducing parking requirements in areas with greater access to services, employment and public transport. Furthermore, the SPD is a recently adopted document, underpinned by Policy IT5 of the Local Plan, and I therefore apportion substantial weight to it.
9. The site is close to a neighbourhood centre, which features a small shopping precinct with various local services. There is a bus stop in walking distance, and a network of footpaths linking to the wider area, with the town generally having good pedestrian and cycle links. The site is therefore reasonably well served by non-car modes of transport. However, it is some distance from the town centre and outside of the residential accessibility zones, in which the SPD recommends lower parking provision. Furthermore, this does not guarantee that future occupiers would not own a car. I saw on site that all three of the existing spaces were occupied, which would suggest at least half of the existing occupiers do own or have use of a vehicle, irrespective of the accessibility of the site. It is therefore reasonably likely future occupiers would too.
10. The appellant has provided a parking beat survey, to demonstrate that the area would have capacity to accommodate any additional parking pressure that may arise. The survey provides only a snapshot of the parking situation, being carried out on two consecutive days mid-week at the same time. Nevertheless, it is noted that the survey shows some capacity in neighbouring streets on the days it was carried out. It also shows however that the cul-de-sac via which the site is accessed was significantly overcapacity on both occasions, as were others nearby. Based on this, future occupiers would have to park away from the site, or else add to the overcapacity issues of the street. In either case, this would further erode the already limited parking capacity in the area and increase the risk of conflict between vehicles and pedestrians.
11. It is noted that the proposal provides 8 cycle parking spaces. The SPD requires one space per bedroom for this type of development, as well as short stay cycle parking for visitors. The proposal therefore meets the minimum requirements of the SPD in this respect. As the spaces are required in any

event, and the proposal does not go beyond the minimum requirement, this is not a significant benefit of the scheme and does not weigh heavily in its favour.

12. Ultimately, the proposal does not comply with the car parking standards in the SPD and does not benefit from the exceptions applied to development in more accessible locations. It is therefore in conflict with policy IT5, which is clear that planning permission will be granted where proposals comply with the SPD. To justify such a departure from the development plan, there must be material considerations that outweigh this conflict. It is evident from my own observations, the Council's reasoning, local policy and guidance and, to some extent, the appellant's own parking survey, that there are acute parking problems in this area. There is no compelling evidence before me to demonstrate that the proposal would not worsen these problems and, as a result, have a harmful effect on highway safety. There are therefore no material considerations that outweigh the policy conflict.
13. In respect of the main issue, I therefore find the proposal would fail to make adequate provision within the site for car parking to the detriment of highway safety. The proposal is therefore contrary to policy IT5 of the Local Plan, which amongst other things seeks to ensure adequate parking and access is provided in new development by virtue of compliance with the requirements of the SPD.

### **Other Matters**

14. The Council indicate that the borough's housing delivery is below its housing requirement and accordingly paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. There is no compelling evidence before me to demonstrate otherwise. The provision of a single additional HMO bedroom would contribute modestly to local housing delivery. However, given the small scale of the development, any associated social and economic benefits would be negligible and are significantly and demonstrably outweighed by the identified adverse impacts, when assessed against the policies in the Framework taken as a whole.
15. The appellant has referred to another application at 14 Brick Kiln Road, Stevenage, which they consider is similar and demonstrates inconsistency in the Council's decision making. The details of that case are not before me. However, it is noted that the address is considerably closer to the town centre with associated access to more services and transport options. It also appears to be within one of the residential accessibility zones, in which the SPD recommends lower car parking provision. This example therefore appears to be materially different to the appeal proposal. Each application must be considered on its own merits and so this does not weigh in favour of the appeal case.

### **Conclusion**

16. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR

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## Costs Decision

Site visit made on 28 July 2022

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 August 2022**

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### **Costs application in relation to Appeal Ref: APP/K1935/W/21/3289356 56 Austen Paths, Stevenage SG2 0NR**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Rob Staegemann on behalf of TIN Properties Ltd for a full award of costs against Stevenage Borough Council.
  - The appeal was against the refusal of planning permission for 'change of use from a 6-bedroom House of Multiple Occupation (HMO) Class C4, to a 7-bedroom HMO (Sui Generis), 3 x car parking spaces; 8-bicycle parking spaces, and location of 7-bin storage facilities to the rear driveway'.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate a reason for refusal, making assertions about a proposal's impact which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. The appellant considers that their planning application was unfairly refused and the reason for refusal put forward by the Council was unnecessary and unjustified. The appellant also considers the Council acted unreasonably by ignoring supporting evidence and being inconsistent in their approach to similar applications.
5. The reason for refusal is set out clearly in the Council's decision notice, and further justification is provided in the Officer Report. The reason is consistent with the advice of the local highway authority and the provisions of national and local planning policy and guidance, which the Council has made explicit reference to in their decision.
6. The Council has clearly considered the findings of the submitted parking beat survey, as evidenced in their Officer Report. It is a matter of judgement for the decision maker as to whether this, along with other supporting information, are material considerations of sufficient weight to overcome any development plan conflict.

7. Furthermore, the example provided by the appellant to demonstrate inconsistency in the Council's approach to decision making would appear to be materially different from the appeal case. There is therefore no compelling evidence before me to demonstrate the Council has not determined similar cases in a consistent manner.
8. It will be seen from my decision that I agree with the Council's judgement and consider that there were sufficient grounds for refusing planning permission based on the lack of adequate provision within the site for car parking and harm to highway safety. The scheme is contrary to the development plan, and there are no material considerations that would justify a departure. It follows that I am satisfied that the Council can substantiate this reason for refusal.
9. I therefore cannot agree that the Council has acted unreasonably in respect of this matter. As such there can be no question that the appellant was put to unnecessary or wasted expense as a result.

**Conclusion**

10. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Ryan Cowley*

INSPECTOR