

# Public Document Pack



## PLANNING AND DEVELOPMENT COMMITTEE

**Date: Tuesday, 1 November 2022**

**Time: 6.30pm,**

**Location: Council Chamber**

**Contact: Lisa Jerome 01438 242203**

**committees@stevenage.gov.uk**

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

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## AGENDA

### PART 1

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

#### **2. MINUTES - 4 OCTOBER 2022**

To approve as a correct record the Minutes of the previous meeting of the Planning & Development Committee held on 4 October 2022.

Pages 3 – 30

#### **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 31 – 104

#### **4. 22/00673/FP - 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 105 – 118

**5. 22/00764/S106 - MOXHAM HOUSE, GILES CRESCENT**

Deed of variation to Section 106 Agreement dated 11.08.2016, approved under planning permission reference 15/00253/OPM, to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.

Pages 119 – 124

**6. 22/00847/PATELE - COREY'S MILL LANE**

Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.

Pages 125 – 136

**7. 22/00521/FP - 108 CANTERBURY WAY**

Change of use from public amenity land to residential use.

Pages 137 – 142

**8. 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 143 – 156

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

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

157 – 162

**10. URGENT PART I BUSINESS**

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

**11. EXCLUSION OF 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.

**12. URGENT PART II BUSINESS**

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

Agenda Published 24 October 2022

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**STEVENAGE BOROUGH COUNCIL**  
**PLANNING AND DEVELOPMENT COMMITTEE**  
**MINUTES**

**Date: Tuesday, 4 October 2022**

**Time: 6.30pm**

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

**Present:** Councillors: Michael Downing (Chair), Adrian Brown (Vice-Chair), Sandra Barr, Jim Brown, Teresa Callaghan, Matt Creasey, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Margaret McKay, Adam Mitchell CC, Graham Snell and Anne Wells.

**Start / End**      Start Time:    6.30pm  
**Time:**            End Time:       9.00pm

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

Apologies for absence were submitted on behalf of Councillors Julie Ashley-Wren and Claire Parris. Councillor Jim Brown was substituting for Councillor Parris.

There were no declarations of interest.

**2      MINUTES - 6 SEPTEMBER 2022**

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 6 September 2022 be approved as a correct record and signed by the Chair.

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

The Chair advised that this item had been withdrawn from the agenda, as additional information had only just been received from the applicant which officers would need time to assess.

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

The Committee considered a report in respect of application 22/00437/FPM, seeking planning permission for the demolition of the 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, at 10A and 10B Burwell Road.

The Senior Planning Officer gave a presentation in respect of this application. She concluded that (as set out in the report), whilst there was a policy conflict with Policies HO5 and GD1 of the adopted Local Plan, the development would, on balance, accord with the majority of the policies in that Plan, as well as the Council's adopted Supplementary Planning Documents. It would accord with the policies set out in the National Planning Policy Framework (2021) and Planning Policy

Guidance. In addition, it has been identified in the overall planning balance, that the overall benefits of the scheme outweighed the policy conflicts identified. It was therefore recommended that planning permission be granted.

The Committee was addressed by Mr Daryl Hill, a local resident, in objection to the application. Mr Hill made the following points:

- the proposed new flat block would overlook his property;
- the 6 garages at the rear of 10a and 10b Burwell Road (which were to be demolished), together with the hardstanding areas in front of each garage, were all used for parking, and so 12 parking spaces would be lost as a result of the development, thereby increasing on-street parking in nearby roads;
- in 2001, the County Council had wished to demolish the properties and redevelop the site for a Police Cadet building. The application had been refused by SBC on the grounds of loss of parking;
- Chertsey Rise was already very narrow due to parked cars, a situation which was exacerbated for buses, and would be worsened due to the extra traffic generated by the development; and
- it would be preferable for the two existing houses to be retained.

The Committee was then addressed by Mr Ash Ahmed (SBC Assistant Director: Housing Development) in support of the application. Mr Ahmed commented as follows:

- this was an opportunity to develop the site into 20 apartments, and would be attractive for elderly residents wishing to downsize into high quality accommodation;
- an assessment had shown that a number of the 6 garages were vacant. The garages had been purchased by SBC from the County Council;
- the site would provide more than the minimum amount of affordable housing; and
- the overall parking position would be improved by the development.

In reply to Members' questions, the Senior Planning Officer stated:

- although there was no lift in the new flat block, all properties would be capable of being adapted to meet disability issues. All ground floor units would be able to accommodate wheelchair users, and the units on the other floors would be adaptable in other ways (wet rooms, handrails etc.);
- the balance between policy conflicts and recommending an application for approval was a subjective planning judgement;
- the Highways Authority had deemed the access to the site off Chertsey Rise to be acceptable for the use of emergency vehicles;
- in terms of safety/theft issues, the cycle parking area met current standards and was located where it could be overlooked by residents;
- Condition 16 provided the necessary flexibility for the Local Planning Authority to secure as many climate change/environmental measures as possible to address the sustainable adaptation of the building;
- the bin store was located to the front of the site to allow doorstep collection. If

- located to the rear it would result in the loss of one parking space;
- in terms of parking, there would be one disabled space out of 18 (which was in accordance with parking standards), although there was an under-utilisation of spaces at the adjoining flat block;
- the existing 6 garages were predominantly used for storage, and the hardstanding areas in front of them were not designated as parking spaces, even though it appeared that some of them were used as such. Anyone currently using the garages would be able to rent an alternative garage nearby, as plenty were available.

It was **RESOLVED** that application 22/00437/FPM be granted planning permission, subject to the conditions set out below, and to the applicant having first entered into a Section 106 legal agreement to secure/provide contributions towards the provision of affordable housing; apprenticeships and construction jobs; the provision of a 10% net gain in Biodiversity off-site within Stevenage; and a Section 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 & Development Committee, to amend or add to the suggested draft conditions set out in the 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:

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
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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.
4. 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.

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.
6. At least 50% of the residential units are Category 2: Accessible and Adaptable dwellings.
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.
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.
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.

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.
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 public highway.
  - (j) Wheel cleaning arrangement.
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.
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.
  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.
  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.
  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.
  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.
  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.
  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.

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.
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.
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.
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.
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.
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.
  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.
  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.
  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.
  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.

## **Directives**

### **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".

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

The Committee considered a report in respect of application 22/00377/FPM, seeking planning permission 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 21 no. residential units comprising 11 no. 1 bedroom and 10 no. two bedroom flats at Stewart House, Primett Road.

The Principal Planning Officer (TW) gave a presentation in respect of this application. He concluded that the significant benefits of delivering 21 dwellings was 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 was therefore considered to be in accordance with the development plan when read as a whole, and he therefore recommended that planning permission be granted.

In response to a series of Members' questions and comments, the Principal Planning Officer stated:

- the mitigation measures contained in application 22/00377/FPM had overcome the reasons for refusal of a previous prior approval application;
- the subsequent agreed prior approval application was for 16 dwellings on the existing footprint of the former office building (under the prior approval process, the applicant was unable to increase the size of the building, hence the need for the current application for an extension to provide 21 units;

- the building had been vacant and marketed for office use since 2019, without success, and as such the subsequent change of use to residential was policy-compliant;
- the overall size of the flats was considered to be acceptable, noting that some units were larger than others; and
- although there was no pavement to the Primett Road frontage, there was pedestrian access at the rear to the High Street.

The Assistant Director (Planning & Regulation) added that, although there was no requirement through the application to provide a pavement to the Primett Road frontage, it may be possible to consider the provision of a footway through the use of Community Infrastructure Levy (CIL) monies.

The Committee supported a revised Condition 7 recommended by the Principal Planning Officer in respect of noise mitigation measures, together with the additional conditions proposed in the body of the report, but not included in the recommendations, namely Nos. 15 (Privacy Screen) and 16 (Use of low and zero carbon technologies in the development).

It was **RESOLVED** that application 22/00377/FPM be granted planning permission, subject to the conditions set out in the report, together with the revised/additional conditions and informative set out below, and the transfer of the signed Section 106 legal agreement which has secured and/or provides for Employment and Apprenticeships opportunities, and that delegated powers be given to the Assistant Director of Planning and Regulation, in consultation with the Chair of Planning & Development 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 the Planning & Development Committee, to amend or add to the suggested draft conditions set out in the 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 & Development Committee has resolved to approve:

#### **Conditions:**

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



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.
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.
6. At least 50% of the residential units shall be Category 2: Accessible and Adaptable dwellings.
7. The noise mitigation measures as detailed in Table 14 and paragraphs 7.5.2 to 7.5.3 of the Noise Impact Assessment prepared by Cambridge Acoustics and dated 15 September 2021 shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 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.
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 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.
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.

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.
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.
15. Prior to the beneficial occupation of the development to which this permission relates, a privacy screen shall be erected on the northern edge of the balcony of Flat 15. The screen shall be fitted with obscure glass to level 3 on the standard scale and it shall measure 1.8m in height from the floor of the balcony. Once installed, the screen shall be permanently retained unless otherwise agreed in writing by the local planning authority.
16. Prior to the beneficial occupation of the development to which this permission relates, details of low and zero carbon technologies to be utilised within the development shall be submitted to and approved in writing by the local planning authority. The approved technologies shall be installed prior to the beneficial occupation of the development and permanently retained thereafter unless otherwise agreed in writing by 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.

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).

7. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

The Committee considered a report in respect of application 22/00637/FP, seeking planning permission 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, at the Garages and Forecourt area to the rear of 13-19 The Chace.

The Principal Planning Officer (AD) gave a presentation in respect of this application. She concluded that 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. She considered that this did not cause material harm to the Fairlands Valley Green Link, the character and appearance of the area, nor the amenity of the occupiers of Nos.13 – 19 The Chace to the east or the approved car parking arrangements. Therefore, the application proposal was considered to be acceptable and in accordance with relevant policies of the Stevenage Local Plan.

The Committee was addressed by Mr Richard Camp, a local resident, in objection to the application. Mr Camp made the following comments:

- the dwellings were overbearing and reduced sunlight to the rear gardens of properties in The Chace, including his own. The windows looked into his property, infringing his privacy;
- the side wall of the nearest new dwelling was only 15m away from the rear of his dwelling, when the back to back distance should be 25m;
- the new dwellings had been constructed 1.2m further back into the site than that shown on the approved plans;
- the replacement trees were an inadequate replacement for those that had been removed to facilitate the development, and two existing trees had been damaged;
- there had been a decrease in wildlife adjacent to the site;
- the wellbeing of existing residents had been disregarded, with no discernible benefit to the locality.

The Principal Planning Officer (AD) confirmed that the only change to the approved application was in relation to the siting of the new dwellings, which had been constructed 1.2m deeper into the site than shown on the approved drawings. In response to Members' questions she commented:

- the remedy should the Committee wish to refuse the application would be to authorise enforcement proceedings for the demolition and re-building of the three new dwellings in accordance with the approved plans (such a decision would, of course, be subject to the appeal process);
- the situation would in no way create a precedent, as each application needed to be considered on its own merits;
- the only window in the side wall of the new property nearest to the rear gardens of the existing properties in The Chace was obscure glazed to prevent overlooking. The 25m separation figure quoted by Mr Camp was from the rear of one property to the other – in this instance, the 15m separation distance was acceptable in policy terms, as it related to the distance between the side/flank wall on the new property and the rear elevation of the existing properties;
- the Council's Arboricultural Officer had requested the re-planting of 15 "standard" trees on the site (12 -14cm girth). She would ask the Arboricultural Officer to check that the replacement trees were of sufficient standard;
- the responsibility for ensuring that planning applications were implemented in

accordance with approved plans rested with Building Control services (either the Hertfordshire Building Control Service or an external provider).

It was confirmed by the Assistant Director (Planning & Regulation) that should Members wish to refuse the application it would need to come back to committee where Members would need to decide whether or not to recommend enforcement action.

The Committee considered that the applicant should be requested to provide the reasons why the three dwellings had been constructed not in accordance with the approved plans. For this reason, the Committee deferred making a determination on application 22/00673/FP.

It was **RESOLVED** that application 22/00673/FP be deferred and that the applicant be requested to provide the reasons why the three dwellings had been constructed not in accordance with the approved plans.

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

The Committee considered a report in respect of application 22/00664/FP, seeking planning permission for the Change of use from dwellinghouse (Use Class C3) to a HMO (Use Class C4) at 244 Canterbury Way.

The Principal Planning Officer (RE) gave a presentation in respect of this application. She concluded that the proposed change of use of this three bedroom dwelling to a four bedroom House in Multiple Occupation (HMO) was 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 met the Council's parking provision, with no net gain required between the requirements of the C3 and C4 uses. The application was therefore recommended for approval.

In reply to Members' questions with regard to the parking provision associated with the development, the Principal Planning Officer confirmed that the proposed four bedroom HMO use would have a requirement for two parking spaces, with each bedroom requiring 0.5 spaces. As such there was no net gain needed at the site, and thus the premise of parking provision on site is acceptable in principle.

It was **RESOLVED** that application 22/00664/FP be granted planning permission, subject to the conditions set out below, with any amendments to those conditions being delegated to the Assistant Director of Planning & Regulation:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 879150.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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 of 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.

## **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. 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.

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

The Committee considered a report in respect of application 22/00465/FP, seeking planning permission for the erection of 1no. detached three bedroom dwelling at 37 Colestrete.

The Principal Planning Officer (TW) gave a presentation in respect of this application. He concluded that 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. Accordingly, he considered that the benefits of delivering one additional dwelling was considered to outweigh any adverse impacts associated with the conflict with Policy HO5. The proposal was therefore considered to be in accordance with the development plan and it was recommended that the application be approved.

The Committee was addressed by Mr Dave Woolley, a local resident, in objection to the proposal. Mr Woolley made the following points:

- the proposed dwelling was not aligned with existing properties in Colestrete;
- although shown as a first floor study, there was no guarantee that this would not be used as a fourth bedroom;
- in terms of sunlight, the house would cast a large shadow over nearby properties in Colestrete and Colestrete Close;
- the corner of Colestrete and Colestrete Close was a blind spot and there had many several traffic accidents in the vicinity of the site;
- on-street parking might be exacerbated as some residents on occasion had to park over 200 yards from their properties; and
- concern over the removal of three trees at the side of the proposed dwelling.

The Committee was then addressed by Mr Ash Ahmed (SBC Assistant Director: Housing Development) in support of the application. Mr Ahmed commented as follows:

- the dwelling would be a property in the Council's Housing Revenue Account and would be an addition to its housing stock;
- should the Council decide to sell the property on the open market then the

- capital receipt would be used towards the provision of affordable housing elsewhere in the Borough;
- the property was of modern design and had sufficient off-street parking provision; and
  - the Council's Arboricultural Team had raised no objection to the removal of the three trees to the side of the new dwelling, although there was no objection to the provision of additional tree planning if required;.

The Principal Planning Officer explained that the first floor study was too small to be a bedroom under current planning policy standards. Whilst on-street parking issues in the area were acknowledged, the two off-street parking spaces proposed were considered to be sufficient.

In reply to Members' questions, the Principal Planning Officer stated:

- the information received from Hertfordshire County Council (as Highways Authority) had reported no recorded traffic accidents in the vicinity of the site within the last 5 years; and
- the reason the siting of the proposed dwelling had to be set back from street line was due to the existence of a street tree at the front of the site, which required a 4 metre separation distance.

It was **RESOLVED** that application 22/00465/FP be granted planning permission, subject to the conditions set out below, and with delegated authority given to the Assistant Director of Planning and Regulation, in consultation with the Chair of the Planning & Development Committee, to amend or add to the suggested draft conditions set out in the 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:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 20168-S-001-B; 20168-P002-E.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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.
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.
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.

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.
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.
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.

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.
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.
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.
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.
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.

### **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>

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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:

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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.

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- 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).

**9 INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

In relation to the recent successful appeal regarding residential development of the Icon employment site, the Assistant Director (Planning & Regulation) advised that prior approval for the demolition of the Icon building would commence in early November 2022, with construction works programmed to start in the Spring of 2023.

**11 URGENT PART I BUSINESS**

None.

**12 EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

**13 URGENT PART II BUSINESS**

None.

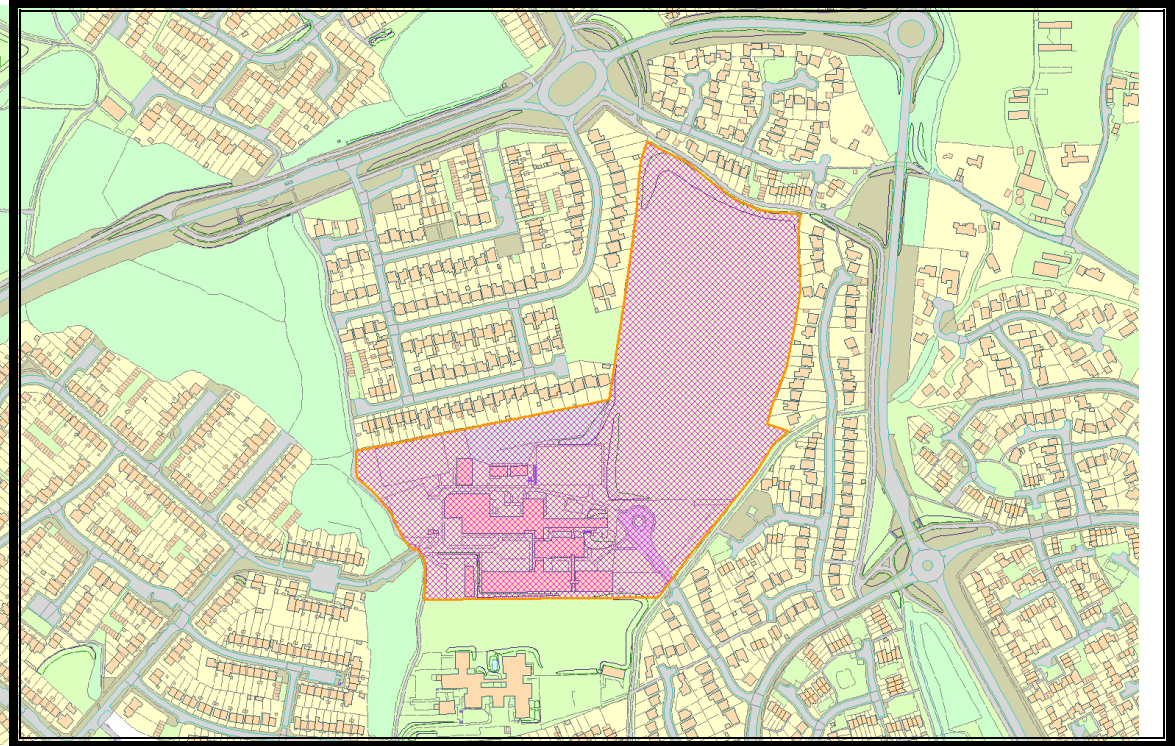
**CHAIR**

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**Meeting:** Planning and Development 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 P08; FS0945-ALA-XX-ZZ-DR-L-0002 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0003 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0004 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0005 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0006 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0007 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0008 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0009 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0014 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0015 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0016 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0017 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0018 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0019 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0020 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0023 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0026 Rev P08; FS0945-ALA-XX-ZZ-DR-L-0027 Rev P08; 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 P08; FS0945-ALA-XX-ZZ-DR-L-0033 Rev P08; 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; FS0945-HEX-XX-XX-DR-C-9201 Rev P04; FS0945-HEX-XX-XX-DR-C-9203 Rev P04; FS0945-HEX-XX-XX-DR-C-9204 Rev P04; 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



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 amendments 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.
- 3.4 The revised application was scheduled to be presented to the Committee on 4 October 2022. However, it was withdrawn from the agenda after the submission of new information relating to biodiversity net gain. Further amendments were then made and these are summarised as follows:
- The route of the footpath linking the site to Barham Road has been altered to limit tree loss.
  - The proposed foul sewer would run underneath the path, with a filter drain for surface water running alongside.
  - The development would deliver 10.82% biodiversity net gain and all of this would be achieved on-site.

## **4 PUBLIC REPRESENTATIONS**

- 4.1 Following receipt of the amended plans and documents referred to in paragraph 3.3, the application was advertised by letters sent to surrounding residents.
- 4.2 37 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 A letter of objection was also received from Councillor Tom Wren. A copy of this letter is included as Appendix 3 to this report.
- 4.7 1 letter of support was received. This cited the benefits of additional school places and sustainable methods of transport.
- 4.8 Following receipt of the amended plans described at paragraph 3.4, the application was not advertised again.
- 4.9 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 advised that the proposed amendments are acceptable and that the cleared path through the trees in the north of the site would have less impact than removing a large section of the trees in that area.
- 5.1.2 He has advised that the trenches for the drainage systems will cause substantial disruption to the roots of nearby retained trees because the vast majority of roots are located within the first metre of soil below ground. However, he recommends that this is mitigated by a 30% crown reduction for any trees within 5m of the proposed excavations. An arboriculturalist should also be present to oversee the works.

### **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 informally advised that the proposed amendments are likely to be acceptable but has yet to provide their formal response. Once this is received, it 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.

### **5.5 Herts and Middlesex Wildlife Trust**

- 5.5.1 Herts and Middlesex Wildlife Trust 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.

### **5.6 WSP (Drainage Consultant)**

- 5.6.1 The Council's drainage consultant has advised that the proposed amendments are acceptable from a flood risk and drainage perspective, subject to root protection systems being installed to either side of the drainage trenches in areas close to retained trees.

## **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.
- 6.1.6 The effectiveness of a TRO is questionable, since pick-up and drop-off of pupils could be completed relatively quickly, whereas a vehicle would need to be parked for several minutes in order for a penalty charge notice to be issued. It is therefore possible that it would not act as a deterrent to this activity, whilst continuing to inconvenience residents of the road.
- 6.1.7 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 shown on the latest set of plans. Forming the entrance would involve the partial removal of a group of Category B trees, with the Council's Arboriculture and Conservation Manager advising that this is likely to comprise the felling of one mature, multi-stem ash tree which is in average condition (and therefore category B at most) and several hawthorn plants forming an undergrowth layer.
- 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 partial removal of a group of trees which lies adjacent to 1-15 Cromwell Road and 72-73 Barham Road.
- 6.2.6 As noted above, the most frequently cited reason for objection in the latest round of consultation was the removal of trees in this area. Officers acknowledge these objections and agree that the removal of trees is undesirable unless necessary in the interests of sound arboricultural management.
- 6.2.7 However, the current revision of the application, which was submitted after the latest round of consultation, has seen the extent of tree felling significantly reduced. Removals would now be limited to the area necessary to accommodate the footpath and the drainage system running underneath and alongside it.
- 6.2.8 The Council's Arboriculture and Conservation Manager has advised that these removals are acceptable. Whilst it is acknowledged that the excavations necessary to install the drainage system would disturb the roots of the nearby retained trees, he has advised that the impact of this could be effectively mitigated by crown reductions for all retained mature and semi-mature trees within 5m of the excavations. The applicant has agreed to this work and has updated their arboricultural method statement accordingly.
- 6.2.9 Objections have been raised on grounds of the categorisation of these trees, since the earlier versions of the submitted tree retention and removal plans showed them to be category A, whilst the latest versions show them to be category B. However, it should be noted that there are two sets of tree retention and removal plans, one prepared by the landscape architects and the other prepared by the qualified project arboriculturalist. The latter have consistently assessed the trees as category B and the Council's Arboriculture and Conservation Manager has not challenged this assessment.
- 6.2.10 The Council's flood risk and drainage consultant has assessed the changes to the drainage layout. The fundamental design remains the same as previously proposed, with a filter drain for surface water and a foul sewer discharging to existing surface and foul sewers on Barham Road. However, in order to minimise tree loss, the exact path of the system has been altered and trees would be retained in much closer proximity to the system than was previously the case.
- 6.2.11 The consultant has advised that these changes are acceptable, subject to root protection being installed on either side of the excavations for the filter drain and foul sewer. The applicant has agreed to this and has updated the drainage drawings accordingly.
- 6.2.12 The impacts on the amenities of residents of Barham Road and Cromwell Road were 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.

6.2.13 With the latest revision to the scheme, the majority of trees on the boundary with properties on Cromwell Road would be retained, with felling only taking place on the boundary of 3 and 5 Cromwell Road as opposed to along the entire length of the boundary with 1-15 Cromwell Road as was previously proposed. This would ensure that privacy for the occupants of 7-15 Cromwell Road is maintained at current levels.

6.2.14 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 It is possible to implement a Traffic Regulation Order on Redwing Close. However, the effectiveness of this is questionable and it would come at the expense of causing inconvenience to residents of the road, as well as visitors.

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 P08  
FS0945-ALA-XX-ZZ-DR-L-0002 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0003 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0004 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0005 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0006 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0007 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0008 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0009 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0014 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0015 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0016 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0017 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0018 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0019 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0020 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0023 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0026 Rev P08  
FS0945-ALA-XX-ZZ-DR-L-0027 Rev P08

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 P08  
 FS0945-ALA-XX-ZZ-DR-L-0033 Rev P08  
 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  
 FS0945-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  
 FS0945-HEX-XX-XX-DR-C-9201 Rev P04  
 FS0945-HEX-XX-XX-DR-C-9203 Rev P04  
 FS0945-HEX-XX-XX-DR-C-9204 Rev P04  
 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 01/04/2022 and the methods as specified in “Re: Biodiversity Net Gain Analysis” authored by Surrey Wildlife Trust and dated 13/10/2022 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” reference RT-MME-156848-03 Rev F authored by Middlemarch and dated 18/10/2022, together with the accompanying Tree Protection Plans reference C156848-03-01 Rev C 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.

11. The development to which this permission relates shall be carried out in accordance with “Construction Management Plan” reference FS1024-BNK-XX-XX-RP-W-0001 and dated 22/08/2022 unless otherwise agreed in writing by the local planning authority.

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

*Prior to Commencement*

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 (46.13 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\_Sevenage\_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. The acoustic fencing on Phase 1 of the development to which this permission relates (labelled "F5" on drawing FS0945-ALA-XX-ZZ-DR-L-0009 Rev P08) shall be Jacksons Fencing 12K Envirofence. It shall be 3m in height as measured from finished ground level and shall have a superficial mass of at least 10kg/m<sup>2</sup>. The 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 P08 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P08 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P08 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 P08 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 P08 through FS0945-ALA-XX-ZZ-DR-L-0008 Rev P08 and FS0945-ALA-XX-ZZ-DR-L-0023 Rev P08), 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. The acoustic fencing on Phase 2 of the development to which this permission relates (labelled “F5” on drawing FS1024-ALA-XX-ZZ-DR-L-0005 Rev P04) shall be Jacksons Fencing 12K Envirofence. It shall be 3m in height as measured from finished ground level and shall have a superficial mass of at least 10kg/m<sup>2</sup>. The 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 FS1024-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**

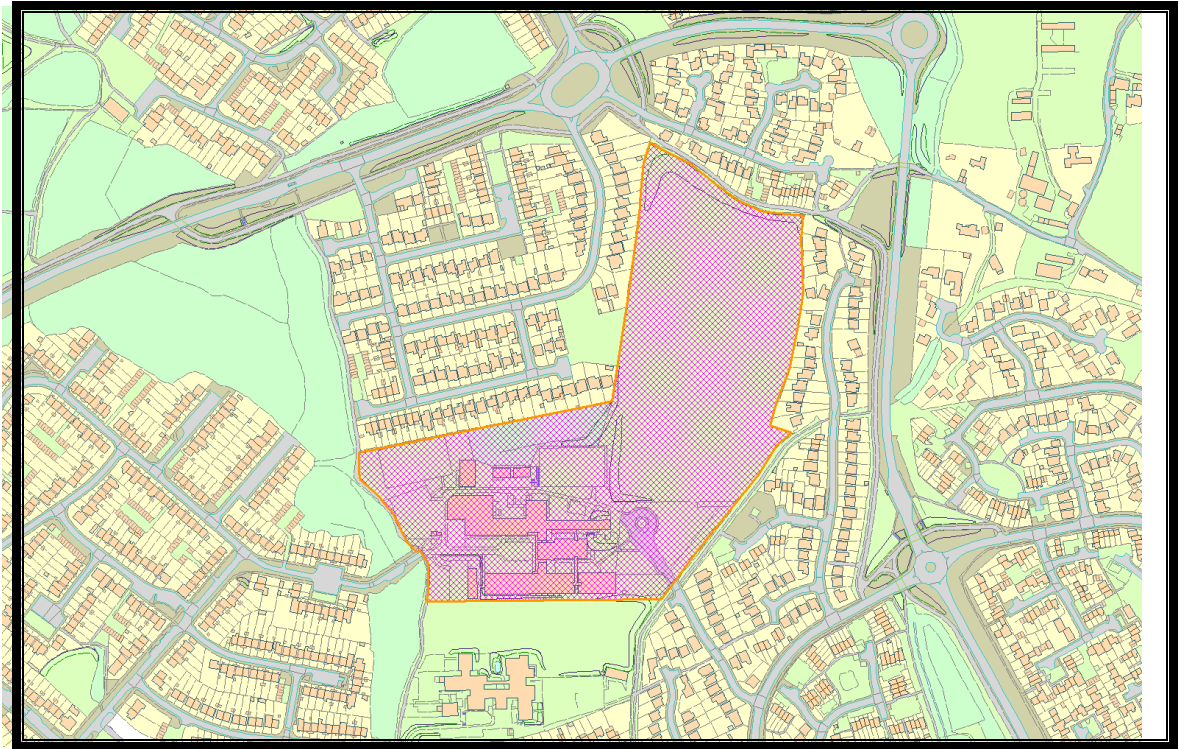
1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (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.

**Meeting:** Planning and Development  
**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.

### 5.2 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.

### 5.3 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 from 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 in 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

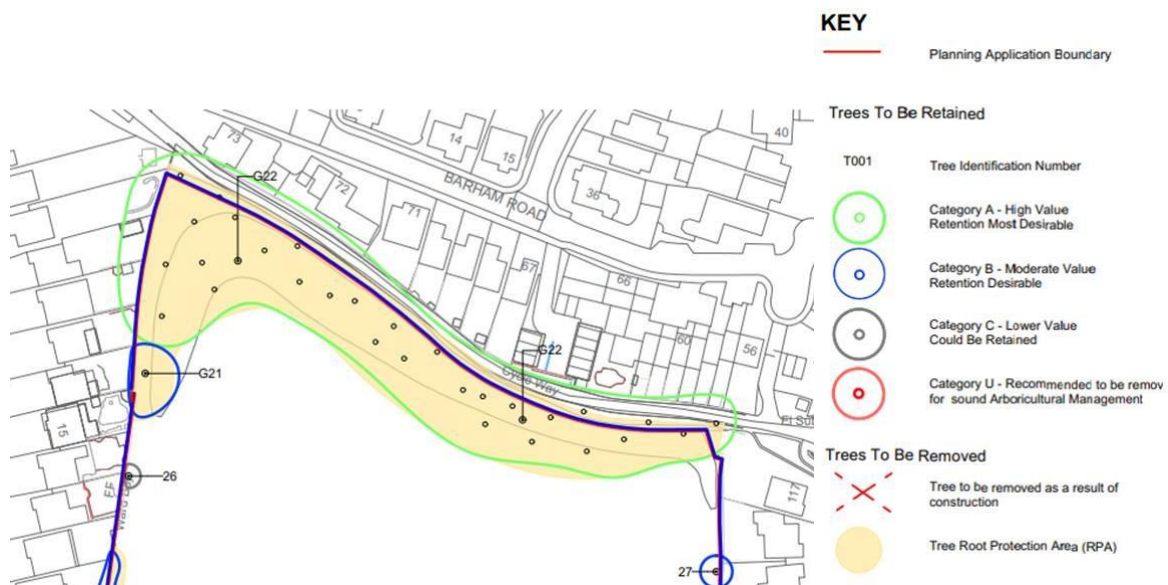
impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

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>

Dear Thomas,

I have received a number of complaints from residents in Cromwell Road and Barham Road regarding the revised planning application at the former Collenswood School site. Their main objection is that the new plans now propose the removal of a group of mature trees in this corner of the site. I have reviewed the plans and the committee reports myself and I share the residents concerns with the application. There are a number of reasons, set out below, why I believe these plans in their current form should not proceed.

1. The Tree Retention and Removal Plans P01 dated 7/3/2022, identifies the trees in the Cromwell/Barham Road corner as "Category A – High Value Retention Most Desirable" and designate a root protection zone around them.



The later tree retention plan dated September 2022, has downgraded these trees to Category B and designated them for removal. These anomalies are strange, and it appears as if the developer is changing the status of the trees to fit their own plans.



2. The Councils Arboriculture and Conservation Manager has not yet commented on the revised application, but a recommendation has still been given for the scheme's approval. Given that most of the objections to this revised scheme relate to the removal of trees this would seem to be a premature decision which should not have been made without an independent view on the arboricultural impacts.
3. The revised proposal still has poor pedestrian links to the Shephall area where historically the majority of pupils for this site have travelled from. There is no valid reason why a footpath cannot be provided along the southern boundary of the SESC site to provide a link from the Michaela School to the cycle track on the Shephall side. A fence between the footpath and SESC site could address any security issues.



4. Paragraph 1.5, Page 3 of July Committee report states "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". Herts and Middlesex Wildlife Trust were consulted on the original plans and viewed them to be acceptable. They have not been consulted on the revised plans which remove a large area of wildlife habitat from the site. There also seems to have been no change in the tree planting plans or Biodiversity Net Gain calculations to take account for the loss of these trees.
5. Paragraph 6.2.7, Page 6 of the October Committee report states the removal of trees is also required to renew a surface water sewer which can't be located and is assumed to be blocked. As a Chartered Land Surveyor, I have many years' experience undertaking and procuring topographic and underground utilities surveys. This is a poor reason to justify the removal of a mature woodland and it is my opinion that the developer hasn't properly investigated the site before coming to this decision. There is no reason why industry standard electromagnetic tracing techniques should not be able to accurately locate this sewer. All it would require is some minor clearance of low level shrubs to facilitate a surveyor accessing this area. It is also standard practice to undertake a CCTV survey of the existing drainage on site to check its condition prior to making decisions about connections or renewal. The lack of proper investigation of the site should not be used as a reason to approve the removal of these trees.

Given that the council has declared a climate emergency with a target of ensuring net-zero emissions by 2030, I believe it is important that the removal of these trees is given proper



consideration. Even if these trees were replanted at a ratio of 3:1 they would not come close to mitigating the environmental impact of the loss of large mature trees by 2030. Please could you pass these comments onto the committee members, and I would urge them to reject or defer this scheme until a more considered solution can be found.

Regards

Tom

**Councillor Tom Wren**

**Chells Ward | Stevenage Borough Council | Liberal Democrat Group**

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**Meeting:** Planning and Development Committee

**Agenda Item:**

**Date:** 1 November 2022

**Author:** Ailsa Davis

07702 874529

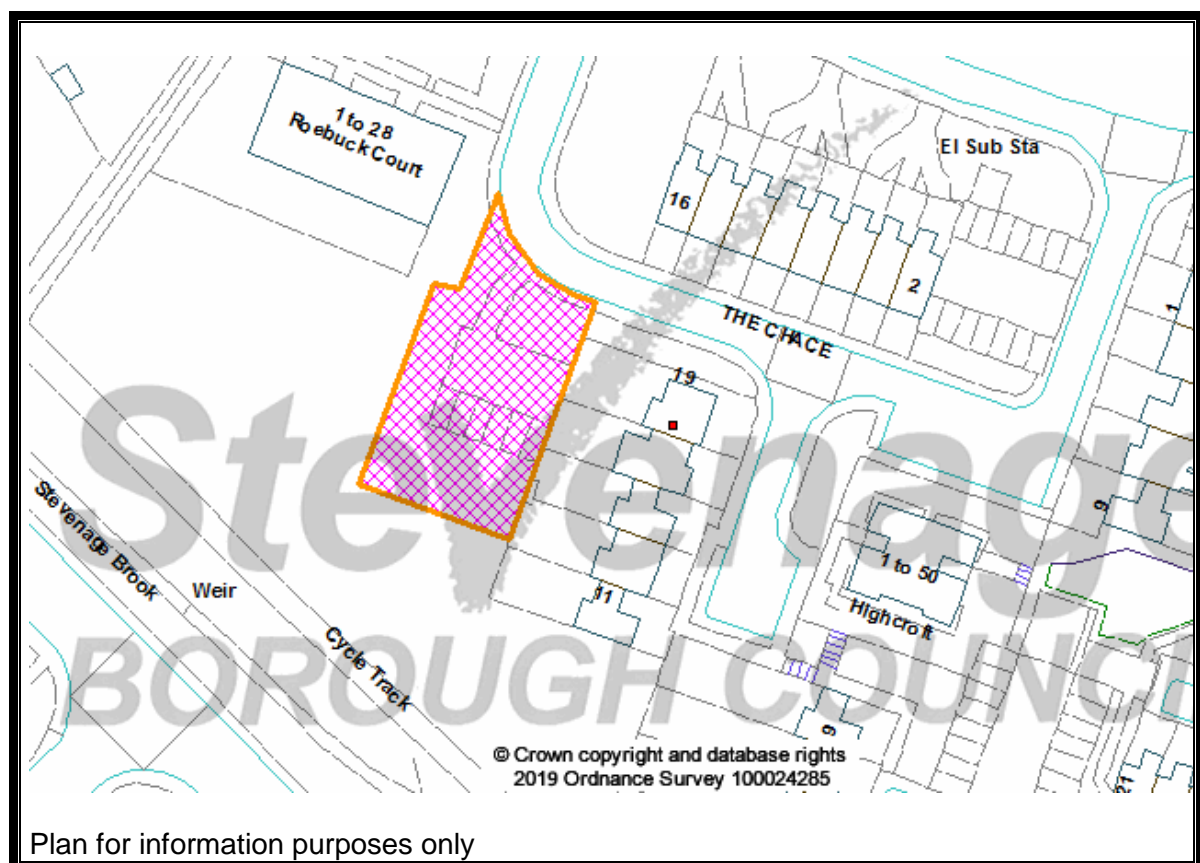
**Lead Officer:** Zayd Al-Jawad

01438 242257

**Contact Officer:** Ailsa Davis

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:	Surfbuild
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 previously came before the Planning and Development Committee in October 2022 and was deferred to allow the applicant to provide an explanation as to why the setting out error has occurred. A letter has been submitted from the 'setting-out' Surveyor for the development explaining what went amiss, the implications of the same and related considerations. The letter is appended to this report for Member's consideration.

## **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/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).

# ***ADF SURVEYS***

Tel: 07768-566450  
email: [info@adfsurveys.co.uk](mailto:info@adfsurveys.co.uk)

25 Ridgehurst Avenue  
Leavesden  
Watford  
Herts WD25 7AZ

Dear Sir/Madam

## **THE CHASE, STEVENAGE**

It is with deep regret that I made an error when setting out the new buildings on the old garage site at The Chase, Stevenage. This error happened when I was copying information from one drawing to another. Simply put I inadvertantly positioned the terrace 1.2m deeper into the site than it was consented to be though, fortunately, the dwellings do remain the same distance as consented from the flank boundary and also in the same orientation as they were consented to be.

I have been doing this work for nearly 50 years and this is the first and, I hope, the last time this will ever happen.

Further, the setting out error has caused my client nothing but inconvenience. Certainly, they have categorically not gained one iota from the change - indeed the contrary is the case. For example, they have had to delay the completion of sales whilst this matter is resolved, been exposed to increased professional costs, gained dwellings with smaller rear garden areas, had to fund the additional costs inherent in building longer driveways as well as, of course, prolonging the planning process for all concerned including neighbouring occupiers, all of which I can but apologise for.

Yours faithfully,

Andrew Fitzpatrick  
ADF Surveys

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

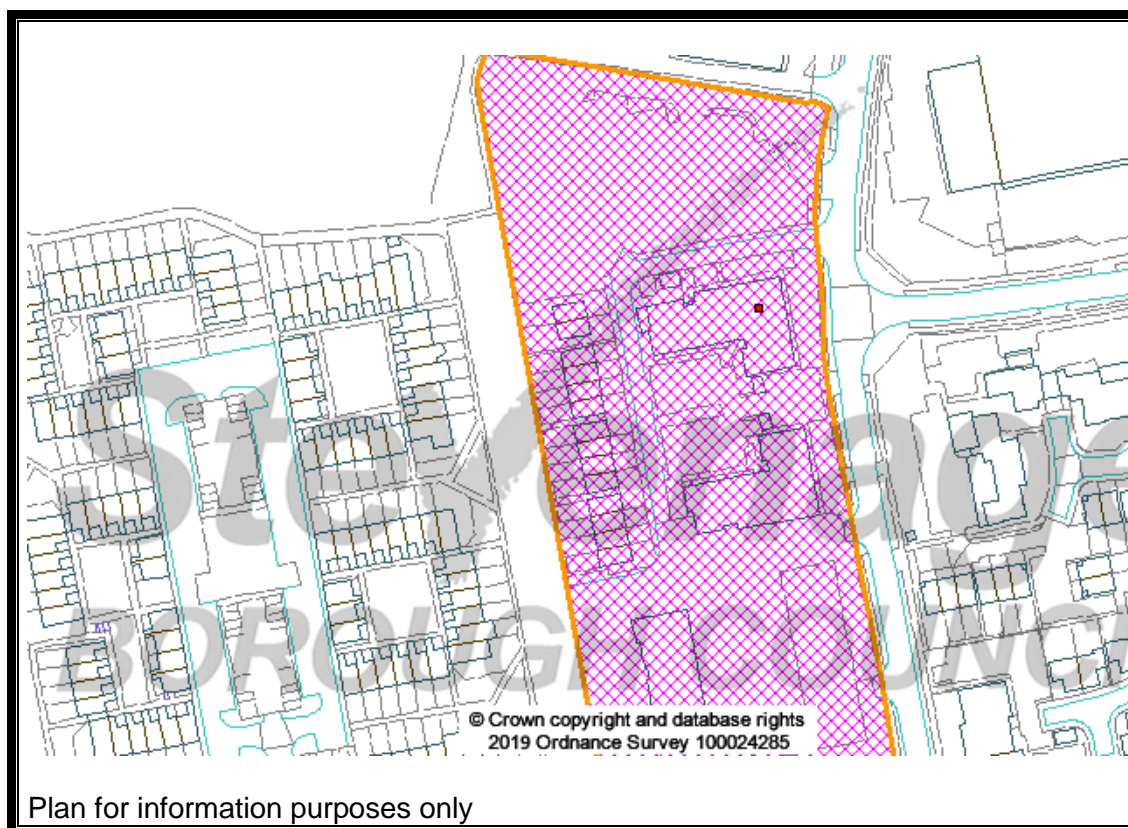
**Date:** 1 November 2022

**Author:** Ailsa Davis 07702 874529

**Lead Officer:** Zayd Al-Jawad 01438 242257

**Contact Officer:** Ailsa Davis 07702 874529

Application Nos:	22/00764/S106
Location:	Moxham House, Giles Crescent, Stevenage
Proposal:	Deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.
Drawing Nos.	DEED OF VARIATION MOXHAM HOUSE; OFFICIAL COPY (REGISTER) - HD129053; OFFICIAL COPY (TITLE PLAN) - HD129053; SECTION 106 AGREEMENT DATED 11.08.2016
Applicant:	Jignesh Harari
Date Valid:	18 August 2022
Recommendation:	Agree Variation of S106 Agreement.



## 1. SITE DESCRIPTION

- 1.1 The application site comprises a residential building in use as flats located in the north east of Stevenage, approximately 2.8km from Stevenage town centre. The site is situated in the south western corner of the Pin Green Industrial Estate and is bounded by Wedgwood Way to the east, amenity grassland, a path and cycleway to the south with Martins Way beyond, a tree belt to the west, beyond which are residential properties in Ely Close and industrial and commercial buildings of the industrial estate to the north. To the north west of the application site is Wellfield Wood which is a designated Wildlife Site. The site was formerly occupied by the DuPont UK Headquarter offices and former training area.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 15/00253/OPM outline application for the demolition of existing buildings and provision of up to 200 new homes, up to 900 sqm of Use classes A1/A2/A3/D1, provision of residential amenity space and associated access and car parking granted planning permission 11 August 2016.
- 2.3 16/00782/RMM Reserved matters application pursuant to planning permission 15/00253/OPM for the erection of 38 no. two bedroom apartments, 42 no. one bedroom apartments, and 14 no. 3 bedroom dwellings, seeking approval of the appearance, landscaping, layout and scale granted planning permission 21 February 2017.
- 2.4 17/00185/RMM Reserved Matters application pursuant to outline planning permission 15/00253/OPM for 37 no. one bedroom apartments, 67 no. two bedroom apartments and commercial space; seeking the approval of the appearance, landscaping, layout and scale granted planning permission 9 June 2017.
- 2.5 17/00376/FPM Erection of apartment building containing 70 apartments with associated access, parking and landscaping granted 21 December 2017.
- 2.6 16/00742/S106 Variation of clause 3.1.3.3 (affordable housing), clause 3.1.4.1 (affordable housing), clause 12.5 (obligation exclusion), and clause 5.4 of schedules 2 and 4 and clause 8 of schedule 4 (mortgagee exclusion) of the section 106 Agreement (dated 11 August 2016) approved under planning permission 15/00253/OPM granted 7 December 2018.

## **3. THE CURRENT APPLICATION**

- 3.1 This application has been made under S106A part 6(b) of the Town and Country Planning Act 1990 (As amended) to seek permission to vary the wording of the S106 agreement which was attached to planning permission reference: 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause. Clause 12.5 of the agreement states:

*“12.5 an Affordable Housing Provider and its successors in title or the mortgagee of an Affordable Housing Provider and the mortgagees of any successors in title”.*

- 3.2 This application seeks permission to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause:

*“19. a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a “Receiver”)) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:*

*(a) such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Housing Units and shall have used reasonable endeavours over a period of three (3) months from the date of the written notice to complete a disposal of the Affordable Housing Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and*

*(b) if such disposal has not completed within the three (3) month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Housing Units free from the affordable housing provisions in this Agreement which provisions shall determine absolutely”.*

- 3.3 The proposal before the Council does not consist of or include any alteration to the external appearance of the existing building nor change the number of flats, including affordable units.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 A site notice has been erected in accordance with Section 5 (1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulation 1992. At the time of drafting this report, no comments or representations have been received.

## **5. CONSULTATIONS**

- 5.1 None required.

## **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 Community Infrastructure Levy Charging Schedule**

- 6.4.1 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 not be CIL liable as no additional floor space is proposed under this application.

### **7. APPRAISAL**

- 7.1 The main issue for consideration in the determination of this application is whether the proposed variation as set out in section 3 above is acceptable to the Local Planning Authority.

#### **7.2 Land Use Policy Considerations**

- 7.2.1 Through Section 106a part 6(b) of the Town and Country Planning Act (1990), an application can be made to the Local Planning Authority to seek to vary the terms of a Section 106 agreement. This application has therefore been submitted, in accordance with the Town and Country Planning (Modifications and Discharge of Planning Obligations) Regulation 1992, to seek the amendment to the original S106 agreement attached to planning permission reference 15/00253/OPM as described above.
- 7.2.2 The amendment is required as the site has been purchased by the Housing Association Metropolitan and the original provisions as set out in the S106 agreement are not acceptable to their lenders. At present when charging, the properties in Moxham House are being restricted by the lender in value due to there being a defective mortgagee exclusion clause. Metropolitan are therefore seeking to modify this clause to enable them to receive full value from the lender, which would in turn allow the Housing Association to raise more money in order to continue building affordable housing for those in need. The amendment as described in section 3 above will now be considered.
- 7.2.3 The application seeks to delete clause 12.5 of the Section 106 Agreement dated 11 August 2016 and insert new clause 19 which incorporates a mortgagee exclusion clause. The proposed amendment is not considered to weaken the position of the Council and would enable the Housing Association to receive full value from the lender and can therefore be accepted.

### **8. CONCLUSION**

- 8.1 The proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed change to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause is considered to be acceptable. It is therefore recommended that this deed of variation can be agreed.

### **9. RECOMMENDATIONS**

- 9.1 That the Committee agree the deletion of clause 12.5 from schedule 2 and the insertion of clause 19, which incorporates a mortgage exclusion clause of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and

Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

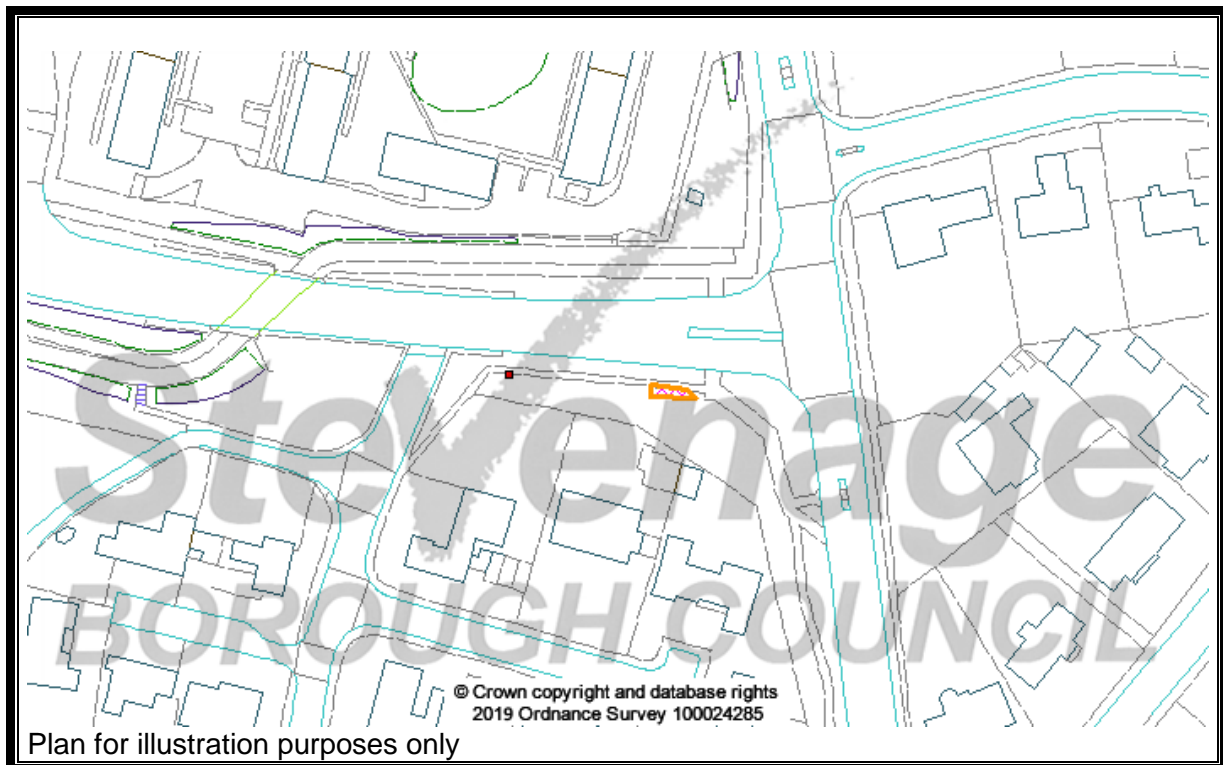
## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
3. Central Government advice contained in the National Planning Policy Framework July 2021 and Planning Policy Guidance March 2014.

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<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>1 November 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 :	22/00847/PATELE
Location :	Corey's Mill Lane Stevenage
Proposal :	Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works
Drawing Nos.:	002; 100; 150; 210; 260;
Applicant :	CK Hutchison Networks (UK) Ltd
Date Valid:	21 September 2022
Recommendation :	PRIOR APPROVAL REQUIRED AND GIVEN



## 1. SITE DESCRIPTION

- 1.1 The application site is located on a highway verge on the southern side of Coreys Mill Lane, near its junction with North Road. To the south and east of the site are residential properties, while on the northern side of the road is the Lister Hospital. The application site is within the Woodfield ward.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 21/00765/PATELE, Corey's Mill Lane. Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Refused at Planning & Development Committee of 18.08.2021 for the following reasons:
1. The proposed siting, design, form and dimension of the proposed 20m high monopole and associated equipment would cause substantive harm to the existing skyline when viewed from any side and where viewed from nearby residential properties on Whitney Drive and North Road. The proposal would also be seen as incongruous to the detriment of the character and appearance of the area. Consequently, it is considered by the Local Planning Authority that there would be more appropriate locations to site the proposed 20m high monopole and associated equipment where it does not cause harm to the skyline or to the character and appearance of the area. The proposal is therefore, contrary to Policies SP8 and GD1 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019) and the NPPF (2021).
  2. The proposed siting of the 20m high monopole and associated equipment would cause significant harm to natural vegetation which is located in close proximity to the proposed mast and associated equipment. Consequently, it is considered by the Local Planning Authority that there would be more appropriate locations to site the proposed 20m high monopole and associated equipment where it does not cause significant harm to nearby natural vegetation. The proposal is therefore, contrary to Policies SP12 and NH5 of the Stevenage Borough Local Plan 2011 - 2031 (adopted 2019) and the NPPF (2021).

## **3. THE CURRENT APPLICATION**

- 3.1 Prior approval is sought under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) for the installation of a 15m high Phase 8 Monopole with associated equipment cabinets.
- 3.2 The proposed pole would be 15m high while the 3no. associated cabinets would measure 1.9m wide, 650mm deep and 1.7m high; 750mm wide, 650mm deep and 1.1m high and 450mm wide, 500mm deep and 1.5m high. The mast would be 2.5m from the edge of the existing footpath to the east which leads to the crossing on Corey's Mill Lane.
- 3.3 The application comes before Committee for consideration as it has been called in by Councillor Bibby.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 Following notification of the application via letter, and a site notice, a number of public representations have been received from the following properties:
- 76, 84, 86, 88, 90 and 93 Whitney drive
  - 4, 6 and 9 Chancellors Road
  - 5 and 6 Woodfield Road
  - 8 North Road

A further letter was received which was submitted to the 2021 application and re-submitted for this application with signatories from 17 properties in Woodfield Road and Whitney Drive as well as the authors of the letter from North Road, Chancellors Road and Rectory Lane.

- 4.2 A summary of the objections raised are as follows:-



- The previous application was refused in 2021 due to its position affecting planned improvements to north road;
- If the 2021 application would impact the area then so will this one;
- Will affect the skyline;
- Will probably affect the roots of trees;
- This application does not address the concerns from the last application;
- Unsightly from all angles and incongruous to the areas;
- Too close to residential properties;
- The Lister Hospital should be used instead;
- Will tower over trees;
- Developer trying to get away with most height possible with no regard to community;
- Out of keeping with the area;
- Already have masts in Corey's Mill;
- Developer already has a mast on the A602 that it says is not a possible site;
- Devalue house prices and unable to sell;
- No data on safety of 5G masts;
- Enough change to this area already with Forster Country being built on and industrial logistic centre, we don't need more change;
- Details in the application are factually incorrect and misleading;
- Mast on Hitchin Road is shared between Three and EE yet developer claims masts cannot be shared;
- Proposed mast will not provide any increase to provision already provided by the Hitchin Road mast;
- No tree root survey undertaken;
- Council have failed to provide the public with full information as previous 2021 application is not listed on the related applications section of the website;
- Will be dangerous to users of the footpath when the doors are open on cabinets for maintenance;
- Siting is 200m from John Henry Newman School;
- Local residents will have broadband so have no need for this service and those mobile users can be adequately served by 2-4G masts in the area;
- Planning Advisory Service states that masts should be shared where possible; and
- Local residents were not consulted by the Developer prior to the application

4.3 The aforementioned summary is not a verbatim copy of the comments received. Full copies of all representations received can be viewed on the Council's website.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

5.1.1 Objection. The highways authority have completed plans for the North Road cycle way improvements; if the proposals go ahead it would prevent the cycle way improvements being implemented.

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

5.2.1 No objections. The overall exposure of radio waves should have no consequence for public health.

### **5.3 Council's Arboricultural and Conservation Manager**

5.3.1 I have studied this application, inspected the site and can confirm that I have no objection from an arboriculture view point. I believe that the proposed excavations are at a sufficient distance to minimise the impact on any nearby tree.

5.4 The aforementioned summary is not a verbatim copy of the comments received. Full copies of all consultation responses received can be viewed on the Councils website.

## **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 Section 10 of the National Planning Policy Framework (NPPF; 2021) states advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

6.2.2 The relevant paragraphs of the NPPF are as follows:  
*Paragraph 114* - supports the provision of 5G infrastructure in order to support economic growth and social well-being through the increased connectivity that 5G will provide. Central Government is also supportive of the provision of 5G network infrastructure.

*Paragraph 115* - Where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

*Paragraph 118* - Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

6.2.3 The installation of a mobile phone mast is classed as development and would normally require a full application for planning permission. However, designated mobile network operators have certain permitted development rights and this allows them to build prescribed infrastructure without having to apply for planning permission from the Local Planning Authority (LPA). "Prior approval" from the LPA regarding the siting and appearance of the development is required in certain circumstances, including for all new ground-based masts.

- 6.2.4 A mobile network operator may submit an application for prior approval under the General Permitted Development Order (Part 16 of Schedule 2 of the GPDO 2015 (as amended)). The Order grants approval of the principle of the development as permitted development but requires operators to obtain the prior approval from the LPA for the siting and appearance of the items to be installed, in addition to providing the 'necessary evidence' set out in NPPF chapter 10, paragraph 115, including a statement that self-certifies that, when operational, International Commission guidelines will be met.

#### **Latest Government Advice 22nd July 2020**

- 6.2.5 The government has published the outcome of a consultation exercise in 2020 on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage. The following paragraphs are relevant to this application.
- 6.2.6 The scope of the consultation was on the principle of proposed planning reforms to support the deployment of 5G and extend mobile coverage. However, concerns were raised that did not relate to the specific proposed planning changes that views were sought on. These concerns, expressed by the majority of personal respondents, were in relation to in-principle opposition to the deployment of 5G infrastructure. In particular, on grounds relating to public health concerns, and the effects of electromagnetic fields (EMF) radiation on the environment, including on wildlife populations.
- 6.2.7 Public Health England's (PHE) Centre for Radiation, Chemical and Environmental Hazards (CRCE) takes the lead on public health matters associated with radiofrequency electromagnetic fields, or radio waves, used in telecommunications. PHE is familiar with the evidence submitted to the consultation about possible risks to public health and considers that its advice, as set out below, remains unchanged. PHE updated its guidance, published in October 2019, in respect of 5G in '5G technologies: radio waves and health'. PHE summarised its guidance as:
- "It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."*
- 6.2.8 Some 5G technology will use similar frequencies to existing communications systems. Other 5G technology will work at higher frequencies where the main change would be less penetration of radio waves through materials. Central to PHE advice is that exposure to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In compliance with PHE advice, mobile network operators have committed to follow the ICNIRP guidelines.
- 6.2.9 ICNIRP is an independent organisation which is formally recognised by the World Health Organisation. It issues guidelines on human exposure to EMF, based upon the consensus view of a large amount of research carried out over many years. This includes the frequencies used by 5G and all other mobile / wireless technologies. Over the last two decades there have been over 100 expert reports on EMF and health published internationally with well over 3,000 studies informing these reviews and the existing scientific exposure guidelines.
- 6.2.10 Ofcom will carry out audits of mobile base stations on an ongoing basis to ensure that ICNIRP guidelines are not exceeded and publish the results of these audits on its website. Mobile operators are responsible for ensuring that all sites remain compliant. PHE have also published guidance in respect of 'Mobile phone base stations: radio waves and health'. Ofcom is also proposing new licence conditions for spectrum licensees using equipment that can transmit at power levels above 10 Watts. Under these proposals, licensees would be required to operate within the ICNIRP guidelines as a condition of their Ofcom licence – including keeping data and records of any testing to demonstrate their compliance.

- 6.2.11 PHE is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.
- 6.2.12 EMF radiation has the potential to impact the movement of insects and some species of animals. However, there is currently no evidence that human-made EMF radiation at realistic field levels has population level impacts on either animals or plants.

### **Justification of Need**

- 6.2.13 Central Government expects LPAs to respond positively to proposals for telecommunications development and not question the need for equipment in principle, or obstruct the competitiveness of code operators. If a code operator provides justification for needing a telecommunications installation in any given vicinity, the LPA has no choice but to agree to some form and kind of installation.
- 6.2.14 The justification provided to support the development is that the location has been identified as being necessary for CK Hutchison Networks (UK) Ltd business development and meets its specific technical and operational requirements. The application site is required to provide new 5G network coverage for CK Hutchison Networks (UK) Ltd. The cell areas for 5G are very limited with a typical radius of only 50m.
- 6.2.15 Other locations in the vicinity of the site have been considered and dismissed and it is accepted that mobile phone base stations operate on a low power and accordingly, the base stations need to be located in the areas they are required to serve. With increasing numbers of people using mobiles in their homes for business as well as for social purposes, the base stations need to be located in, or close to, residential areas to ensure coverage.
- 6.2.16 The information submitted with the application states that 8 other sites in the area, have been considered but dismissed as not suitable due to obstructing tree canopies, pavement widths or underground services:

D1 – Nominal – North Road – Discounted due to obstructing tree canopy.  
 D2 – Coreys Mill Lane – Discounted due to proximity to residential properties.  
 D3 – Chancellors Road – Discounted due to insufficient pavement width and obstructing tree canopy.  
 D4 – North Road – Discounted due to insufficient pavement width and proximity to residential properties.  
 D5 – Hitchin Road – Discounted due to underground services.  
 D6 – Hitchin Road – Discounted due to underground services.  
 D7 – Rectory Lane – Discounted due to insufficient pavement width.  
 D8 – Hitchin Road – Discounted due to insufficient pavement width.

- 6.2.17 The mast on Hitchin Road to which a number of representations refer to was granted full planning permission in 2019 (planning reference number 19/00719/FP). This application was submitted by CK Hutchison UK for EE. Whilst CK Hutchison UK (the applicant for this current application) is now the owner of Three, this existing mast is not a shared mast for Three and EE, it is only for EE. The two masts approved under 15/00623/PATELE and 17/00088/PATELE were for Telefonica UK which is now O2. The newer style 5G masts include a Remote Radio Unit which now needs to be placed at the top of the mast and not at ground level as on previous masts. As such, the masts, and other street works, are not structurally capable of accommodating the equipment needed for more than one operator which is why 5G masts are not shared. Whilst the Planning Advisory Service (PAS) may continue to recommend mast sharing, this is no longer supported for 5G installations. For the same reason, the other masts on North Road and Corey's Mill Lane are also not considered acceptable for site sharing purposes.

- 6.2.18 Additionally, with 5G masts operating at lower frequencies, they serve smaller areas and therefore additional masts are required to ensure full coverage of service for the mobile operator. Whilst there may be masts in the wider area, they cannot be shared for reasons stated above and if they provide service for a competitor company then they are not providing service for the applicant. Paragraph 118 of the NPPF (2021) states that Local Planning Authorities should not prevent competition between operators or question the need for an operator in that location. As such, to refuse prior approval because there are other masts in the wider area would be contrary to policy guidelines.
- 6.2.19 The Government is driving forward the delivery of 5G networks. In a press release in May 2022 they state that 5G is the next generation of mobile internet and can offer download speeds up to 100 times faster than 4G. It is expected to broaden the role that mobile technology plays in wider society which could transform the way public services are delivered by allowing greater real-time monitoring and responsiveness in order to reduce waste, pollution or congestion.
- 6.2.20 At the time of writing, our dependence on network services and connectivity is ever more apparent. Restrictions on travel resulting from the Coronavirus pandemic, plus three national lockdowns, have resulted in a large shift from office based to home working, from physical, professional and social gatherings to virtual ones, and to unprecedented reliance on online shopping and entertainment services. Network usage within suburbs has increased dramatically as less people are travelling to town and city centres than during pre-pandemic times. Maintaining and enhancing the mobile networks is of vital national importance, and it was significant that telecommunications were designated as “critical work” during that time. It is anticipated that the current shift towards homeworking and online services will persist, to a lesser degree, in the future. It is vital that the infrastructure is in place throughout the UK to meet this demand, and the needs of the public.
- 6.2.21 The benefit of having a strong and resilient network has been highlighted in the last 30 months following the sudden shift in the network requirements, as the demand on the network in residential areas increased with home-working and home-schooling. Research by Ofcom, Online Nation 2020 found that until early that year, online video calling was used much less than other online communication services, with 35% of online adults using online video calling at least weekly in the 12 months to February 2020. However, in May 2020, this had doubled to 71% of online adult consumers using online video calling services at least weekly, with 38% using them at least daily. Research suggests that 7% of adult internet-users used video calling for the first time as a result of the coronavirus pandemic.
- 6.2.22 The Ofcom Connected Nations 2020 UK Report outlined a sharp increase in both mobile and voice data, particularly during the enforced national lockdowns of 2020. The report states that average call volumes and average call duration increased in the week that national lockdown was introduced in March 2020, with mobile hotspots shifting away from city centres to the suburbs and residential areas as restrictions continued. Significantly, the same report states that the consumption of mobile data saw a staggering rise of 42%, when compared with the previous year. Additionally, the traffic carried in England in June 2020 (during lockdown) exceeded that carried across the whole of the UK (England, Scotland, Wales, and Northern Ireland) in February 2020 (prior to lockdown).
- 6.2.23 Research by Online Nation 2020 found in April 2020, internet users in the UK spent an average of 4 hours 2 minutes online each day, 37 minutes more each day per online adult compared with January 2020. This emphasises the importance of telecommunications infrastructure in being able to provide internet users with reliable network coverage and capacity to deal with an increasing amount of time online each day.
- 6.2.24 Notwithstanding the Covid-19 pandemic, and the increase in network reliance, a look at past data shows that our reliance on mobile networks was increasing year-on-year, prior to 2020. Ofcom’s Communications Market Report 2018 provides a figure of 92 million active

mobile subscribers in the UK at the end of 2017. It detailed that 78% of adults used a smartphone and that 76% of mobile users were using their devices for web and data access. Figures within the report also confirm that users were spending an increasing amount of time per day using their mobile phone. 68% of participants in the Touchpoints research reported that they “could not live without” their mobile phone (rising to 78% among 25-34s). Whilst not included within the research figures, anecdotal evidence suggests that this number is greater still amongst those aged under 18. Given that two years have now passed since this report, it is anticipated that these figures have increased further. All of which points towards the nation’s increasing dependency on mobile services and connectivity.

- 6.2.25 A relatively recent YouGov survey (January 2021) adds further support to this, with 67% of those who were at the time working from home during the pandemic confirming that they had been using mobile data, as opposed the fixed-line broadband, agreeing that access to it would be an important factor when choosing where to live in the future. This rises to 76% for 18 to 34-year olds. The survey also confirmed that 44% of one network Operator’s data traffic in January 2021 went to streaming services, such as Disney+, and that 45% of 18 to 24 year olds confirming that they are more likely to use their mobile data for browsing social media.
- 6.2.26 All of the above occur in a domestic setting. There is a clear need and demand for connectivity and capacity, and it is anticipated that telecommunications infrastructure has become, and will continue to become, commonplace in residential and suburban settings, and on highways verges, such as the application site.
- 6.2.27 Ofcom’s 2018 Communications Market Research Report shows that smartphones are owned by four of every five UK consumers and smart TVs are in almost half of all households. Demand for data continues to grow rapidly for UK consumers, with 1.9GB consumed by an average mobile subscription per month in 2017, (up from 1.3 GB the previous year). The report found that more than seven in ten now use their mobile to access the internet, sufficient coverage is obviously vital for this basic utilities service to be provided.
- 6.2.28 Since 2016, and particularly during the enforced lockdowns of 2020 and 2021, public and business reliance on the established mobile networks has continued to increase. Improved mobile coverage and connectivity is now no longer viewed as a ‘luxury’, but rather an every-day necessity. This has been further exacerbated as, at the time of writing, the country appears to be adopting a more hybrid-working pattern, split between traditional office working, and working from home. As this ‘working from home’ naturally occurs within a residential setting, then it follows that the necessary infrastructure and apparatus must be in place to allow this to happen. As such, this type of infrastructure must be deployed within sub-urban, urban and residential areas. It is imperative that improving network connectivity and capacity is continuous – to meet the demands of the public who have changed both their working and social behaviour over the last 2 and a half years.

### 6.3 **Stevenage Borough Local Plan 2011 – 2031 (adopted May 2019)**

- Policy SP8 – Good Design;
- Policy GD1 – High Quality Design;

## 7. **APPRAISAL**

- 7.1. The determining issues relate to the acceptability of the application in terms of siting and appearance as defined under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The factors which can be considered in relation to appearance as part of the prior approval process include:
  - design, form, shape and dimensions;

- colour and materials; and
- whether there are more suitable sites for the proposed works.

7.1.1 The factors which can be considered concerning siting include:

- the height of the site in relation to surrounding ground;
- the existing topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;
- the site in relation to areas designated for scenic value;
- the site in relation to existing masts; and
- the site in relation to residential properties

7.1.2 It is therefore clear that the considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited and do not include issues of public health.

## **7.2 Appearance**

7.2.1 The proposed development is for the erection of a 15m tall monopole with wraparound cabinet and 3no. associated equipment cabinets on the highway grass verge on the southern side of Corey's Mill Lane, close to its eastern end junction with North Road. A recent change in legislation has increased the height of some masts to 20m, therefore while this proposed mast may be taller than others in the borough, heights of 20m will become more typical. A Government press release in March 2022 indicates that the Government intends to relax the permitted development rights further to allow masts up to 30m tall and 2m wider than is currently allowable.

7.2.2 Corey's Mill Lane and North Road are very well landscaped with tall trees and other soft landscaping. There are a number of lampposts, street signs, roof aerials and tall buildings in the immediate vicinity. The siting of the pole and associated cabinets on the grass verge with some surrounding tree screening and with some other reasonably tall structures and building in the vicinity such as those located at Lister Hospital as well as the development at 12 North Road, which is a part four storey, part five storey residential development, is considered that on balance, to be acceptable. It is not considered that the single storey nature of some of the nearby dwellings would exacerbate the height and the impact of the proposed mast, especially as these houses are screened behind the mature tree belt which lies between the application site and the properties on Whitney Drive.

7.2.3 The previous application in 2021 was refused on the basis that a 20m high mast in this location would cause harm to the skyline and be an incongruous form of development in the area. Further, it would likely result in harm to the nearby trees and vegetation (this is covered in more detail under the siting section below). This current application has addressed the impact on the skyline by reducing the height of the mast to 15m which is more in keeping with the height of the nearby landscaping and so would reduce the visual impact of the mast. Further, the siting of a mast in this location would not be considered out of keeping in this urban setting as explained further in point 7.2.4 below.

7.2.4 A previous telecommunications application (21/00638/PATELE) was refused in Fishers Green and subsequently allowed on appeal (APP/K1935/W/21/3281055). In his report, the Inspector stated that the area of Fishers Green was essentially urban in nature despite the open common land due to the presence of roads, kerbs, footways, verges, street lighting, a bus shelter, traffic signs, speed humps, lane markings, yellow lines and other urban paraphernalia. As such, he concluded that a mast in an urban setting, even when visible from substantial distances, would nevertheless not appear out of place in these urban surroundings.

- 7.2.5 It is not considered that the proposed development would result in visual clutter, in addition to the two masts approved under refs. 15/00623/PATELE and 17/00088/ PATELE, and nearby lighting columns and signage. The two masts were granted in locations at the opposite end of Corey's Mill Lane (near the roundabout with the A602) and accordingly, the distance between these approved masts and that proposed in this application is sufficient that they would not cumulatively cause visual harm to the area. The existing lighting columns and signage in the vicinity are not considered to be that numerous or prominent to give rise to visual clutter, in addition to the proposed mast, either.
- 7.2.6 It is, therefore, considered that on balance the appearance of the proposed mast in this urban setting is acceptable and would not appear out of keeping within the urban setting and would not therefore give rise to undue harm to the character and appearance of the area. The justification of the need for the mast and the continued provision of coverage for mobile users are considered to outweigh any harm in this instance.
- 7.2.7 Turning to the proposed equipment cabinets, they are essential to the operation of the mast. Moreover, these cabinets being less than 2.5m<sup>3</sup> each could be implemented under permitted development. Therefore, the cabinets are deemed to be acceptable in this instance.
- 7.3 Siting**
- 7.3.1 In terms of siting and position, the mast and its associated cabinets are set on an existing highway verge. The Highways Authority issued notice that they cannot extend the grant of permission as they state that the siting of the mast in this location would prevent the implementation of the North Road cycle way improvements.
- 7.3.2 Whilst the comments from the highways authority are noted, applications must be determined upon the merits of the application and the location at present. A refusal of an application based on future developments would be unreasonable and not defensible at appeal as, whilst they may already be planned, there is no guarantee that they will come forward. The location at present does not contain a cycleway and the proposed development would be sited within a grassed area of highway verge.
- 7.3.3 Telecommunications Operators are a Statutory Undertaker and under the New Road and Street Works Act 1991 they are provided with rights under Section 50 to install their equipment within maintained highways without prior consent. As such, whilst the mast itself needs prior approval, the equipment cabinets fall under Permitted Development (see point 7.2.7 above) and can be installed in this location without consent from either the Council or the highways Authority. In this regard, it would be a matter for HCC Highways and the telecommunications operator to resolve any issues of equipment being in the way of any improvements works, if those improvements come forward in the future.
- 7.3.4 It is considered that the public benefits of improving the mobile network outweigh the concerns of the Highways Authority in this instance in relation to future improvement works. In addition, it is important to note that the Highways Authority has not objected to the application on ground of highway safety. As such, it can be concluded that the siting and position of the mast does not prejudice the safety and operation of the highway network.
- 7.3.5 The Council's Environmental Health department have raised no objections to the siting of the mast and equipment cabinets in this location.
- 7.3.6 Neither the Legislation, NPPF nor the Code of Practice for Wireless Network Development in England set any parameters or guidance on siting of masts in residential areas; nor do they set any prescribed distances from residential dwellings. As such, despite the proximity of the development to residential dwellings in Whitney Drive and North Road, there are no



Legislative or policy means with which to refuse the application on this basis and defend at appeal.

- 7.3.7 The comments from local residents regarding residents already having access to better broadband and therefore not requiring a mobile phone mast, as referred to in point 6.2.19 above in this report, the siting of masts are not just for the benefit of immediate local residents, but rather by having masts covering all areas of the Town, they will allow a greater degree of accuracy for real-time monitoring of public transport as well as improving access to mobile services by members of the public in the area who would not have access to a broadband service.
- 7.3.8 The previous application which was refused in 2021 included a reason of refusal based on the siting of the mast being likely to harm the nearby vegetation. However, research by Officers into these types of developments show that the foundations required for such masts and cabinets are generally a similar width to the article they support. The mast and cabinets are approximately 2m from the outer edge of the canopy of the trees; the canopy is generally accepted to be the size of the extent of the root area. As such, it is considered that the proposed development is sited a sufficient distance away from the root protection area of the vegetation so that no detrimental harm would be caused to this existing vegetation. Further, other masts and cabinets which have been erected in the Town close to trees and other vegetation have not caused them any harm.
- 7.3.9 The Council's Arboricultural Manager has assessed the application and visited the site and his professional view as an experienced and qualified Arborist is that the proposed development is sited a sufficient distance from the adjacent vegetation such that there would not be any harm to said vegetation.
- 7.3.10 The importance of continued, and improved, telecommunications network coverage cannot be underestimated, especially throughout the years 2020 and 2021, when the dependence on these networks has been higher than ever before. This dependence has continued into 2022 as our online shopping, gaming, and social habits have changed, post-pandemic, as well as many people adopting a working-from-home or hybrid work pattern.

#### **7.4 Matters Raised from Public Representations**

- 7.4.1 The impact of the proposed mast upon property values and health are not issues that may be taken into consideration in the determination of the application as they are not specifically included in the legislation and are not planning issues.
- 7.4.2 The application has been accompanied by an ICNIRP certificate stating the proposed mast would comply with the required guidelines and would accordingly not have a harmful impact upon health.
- 7.4.3 The Council must assess and determine these Prior Approval applications as received and they cannot be amended once submitted. As such, the Council cannot negotiate alternative locations, such as the Lister Hospital.

#### **Equality, Diversity and Human Rights**

- 7.4.4 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.
- 7.4.5 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.

- 7.4.6 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.
- 7.4.7 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.
- 7.4.8 The proposed development is sited within an adopted highways verge. In this regard, there would be no detrimental harm to the free flow of users of the adjacent public footpath, including those users who have protected characteristics under the Equalities Act.

## **8. CONCLUSIONS**

- 8.1 The proposed 15m Phase 8 Monopole and associated ancillary works would not have an unduly harmful impact on the character and appearance of the area and are therefore considered acceptable in terms of siting and appearance. The justification of the need for the mast and the continued provision of coverage for mobile users outweigh any harm identified in this instance.

## **9. RECOMMENDATIONS**

- 9.1 That prior approval is Required and Given

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
3. Central Government advice contained in the National Planning Policy Framework June 2021 and the Planning Policy Guidance March 2014.
4. Stevenage Borough Local Plan 2011-2031 (adopted May 2019).
5. Central Government advice contained in the Code of Practice for Wireless Network Development in England, 2016.

**Meeting:** Planning and Development Committee

**Agenda Item:**

**Date:** 1 November 2022

**Author:** Lewis McGann

07936 349276

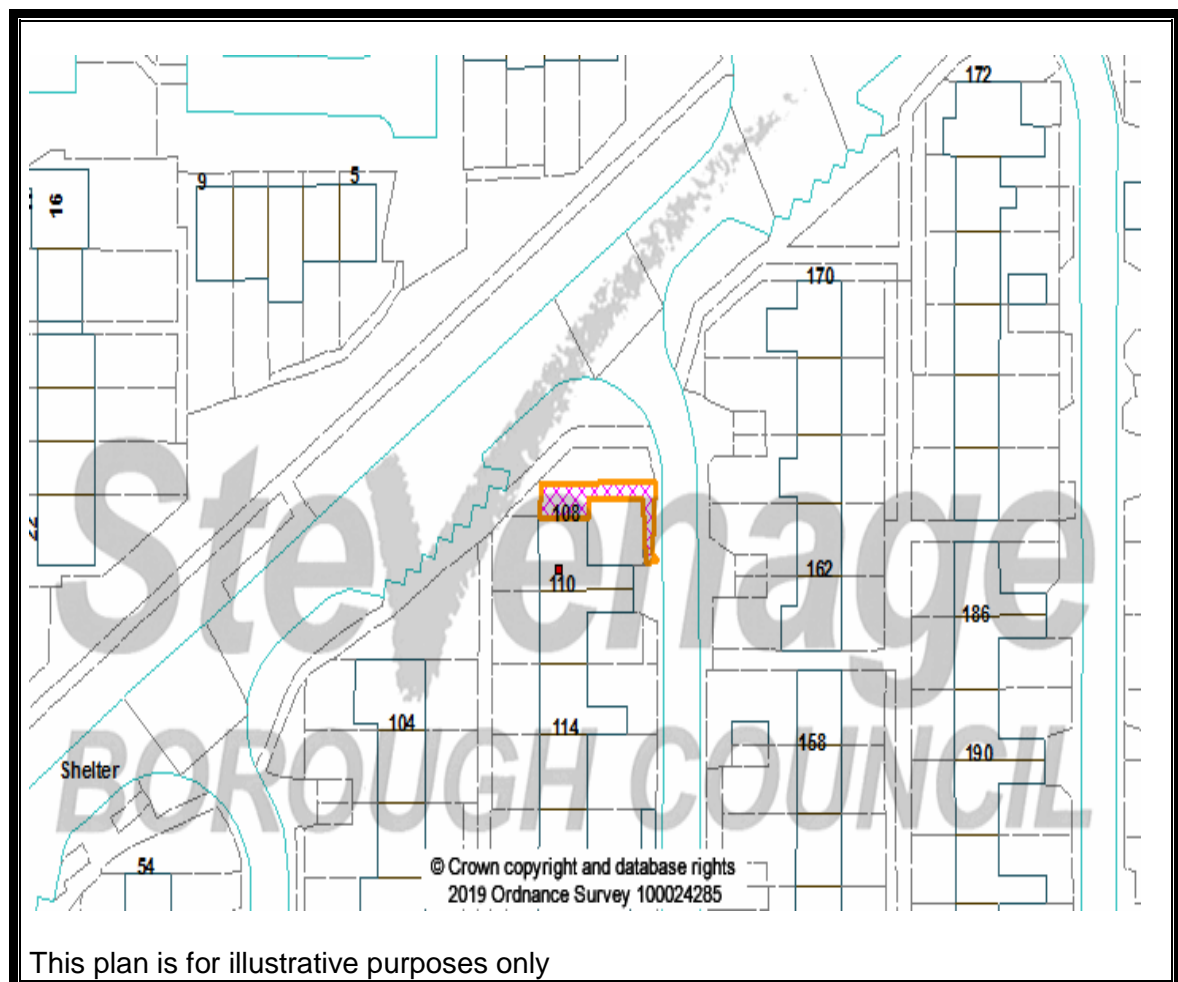
**Lead Officer:** Zayd Al-Jawad

01438 242257

**Contact Officer:** Lewis McGann

07936 349276

Application No :	22/00521/FP
Location :	108 Canterbury Way, Stevenage
Proposal :	Change of use from public amenity land to residential use
Drawing Nos.:	Site Location Plan;
Applicant :	Mr Daniel Warren
Date Valid:	12 July 2022
Recommendation :	GRANT PLANNING PERMISSION



## **1. SITE DESCRIPTION**

- 1.1 The application site is an end-terrace dwelling located on the southern side of the main highway and is the first house on the western side of the cul-de-sac. The application property is designed in a classic Radburn style with a fairly small front garden overlooking a public footpath which runs in front of its front elevation before connecting with a network of footpaths to the south which provide pedestrian access to the surrounding branch roads of Canterbury Way and York Road. Vehicular access to the property meanwhile is provided from the roadside to the rear of the application site. The land already owned by No.108 Canterbury Way is enclosed to the rear by wooden fencing up to 2m high and around the front garden by a tall hedgerow. Adjacent to the south lies the attached neighbouring property of No.110 Canterbury Way whilst to the east on the opposite side of the branch road lies the neighbouring property of No.164 Canterbury Way.
- 1.2 The application property itself is constructed of a buff brick course with a gable-end dual-pitched roof clad in grey concrete roof tiles and a white fascia trim. A single storey garage element constructed of buff brick with a flat roof attaches to the rear elevation of the main dwelling and is shared with the neighbouring property to the south at No.110 to provide each property with a single door garage and a hard surfaced driveway which together provides both properties with two off-street parking spaces each. The fenestration to the property is finished with white uPVC.
- 1.3 The surrounding area is characterised by dwellings of a similar age and style to the application property, typically laid out as rows of two storey terraces. These dwellings are typically set within regimented building lines that face the roadside in standard sized, regular shaped plots.

## **2. RELEVANT PLANNING HISTORY**

- 2.1. No relevant planning history

## **3. THE CURRENT APPLICATION**

- 3.1. The application seeks planning permission for the change of use from public amenity land to private residential of the land immediately to the north and east of the application site.
- 3.2. This application has been referred to the Planning and Development Committee, in line with its constitution, as the applicant is related to members of staff currently employed at the Council.

## **4. PUBLIC REPRESENTATIONS**

- 4.1. The application was publicised by way of neighbour letters. No comments were received.

## **5. CONSULTATIONS**

### **5.1. Hertfordshire County Council as Highways Authority**

- 5.1.1 HCC Highways has no comment to make as section 24 of the application form declares the ownership of the land to be Stevenage Borough Council

## **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).

6.2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

### **6.3 Stevenage Borough Local Plan 2011-2031 (Adopted 2019)**

Policy SP8: Good Design;  
Policy GD1: High Quality Design;  
Policy NH6: General Protection for Open Space;

## **7. APPRAISAL**

7.1.1 The main issues for consideration in the determination of this application are the acceptability of the change of use from public amenity land to residential garden and its impact on the character and appearance of the area.

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 Change of Use of Amenity Land**

7.2.1 The area of land in question is currently in the ownership of Stevenage Borough Council and is designated as an area of informal open space and is protected by Policy NH6 of the Stevenage Local Plan. Policy NH6 for general protection of open space states that planning

permission for development of any existing, unallocated open space will be permitted where the loss of the open space is justified having regard to the quality and accessibility of the open space, the existence of any interventions to improve quality or access, whether the open space is serving its function or purpose and whether alternate spaces would remain available for community use.

- 7.2.2 The plot of amenity land subject to this change of use application is sited immediately to the north and east of the application site and forms part of a slightly larger area of grassed open space which wraps around the north eastern corner of the existing curtilage of No.108 and across much of its rear elevation. This area of grassed open space is one of many running along both sides of the main road of Canterbury Way and is bordered to the north by a public footpath that also runs along Canterbury Way, with another area of grassed open space beyond this followed by the main road. A row of off-street communal parking bays is located along Canterbury Way immediately to the west.
- 7.2.3 The plot itself is shaped in an inverted L-shape and has a maximum length of approximately 15m, a maximum width of approximately 8m and a total area of approximately of 42sqm. To the north of the plot, a row of tall shrubs runs just beyond the fenced boundary of No.108 and wraps around all the way to the front garden of the application site which is bordered by a tall hedgerow that screens it from view from the public realm. It is expected that the plot of land subject to this application would be enclosed with wooden fencing to increase the overall size of the garden belonging to No.108, and the existing shrubbery either removed or cut back to enable the plots enclosing.
- 7.2.4 It is accepted that the area of grassed open space containing the plot of amenity land in question could be used as an informal play space for children but given its relatively small size, extensive shrubbery coverage and location adjacent to the main road it would not be considered the safest or most appropriate place for children to play. Notwithstanding this, whilst the proposal would leave only a small strip of the original area of grassed open space remaining, a larger area of grassed open space to the north between this area and the main road would be left untouched and this is still sufficient to provide some amenity value to the surrounding properties and those travelling along the main road, not to mention the many other areas of grassed open space running along both side of the main road. As a result, enclosing the plot in question with wooden fencing would not have a detrimental impact on the overall openness of the street scene. Given the aforementioned factors, the change of use is considered acceptable in policy terms as it would not undermine the Council's policy to protect open spaces.
- 7.2.5 With regard to the impact of the character and appearance of the area, the changes to the boundary treatment will be of a height and style similar to other properties in the wider area and will be of a similar appearance to that which already encloses the application site. The change of use is therefore not considered to detrimentally impact the character and visual appearance of the area.

### 7.3 Equality, Diversity and Human Rights

- 7.3.1 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.
- 7.3.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.3.3 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum

this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

- 7.3.4 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.3.5 It is 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 conclusion, it is considered that the change of use of the land from public amenity to residential use will not harm the character and appearance of the area and the loss of the open space has been demonstrated to be acceptable.

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the conditions below.
- 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:  
Site Location Plan;  
**REASON:-** For the avoidance of doubt and in the interests of proper planning
  2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
  3. The area of land shown in red on the approved 'Location Plan' located to the north and east of the curtilage of No.108 Canterbury Way, shall be enclosed with timber fencing no higher than 2m high, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:-** In the interests of highway safety and to protect the visual amenity of the area.

## **10 BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide adopted October 2009.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
5. Central Government advice contained in the National Planning Policy Framework (2021) and Planning Policy Guidance (2014).





**Meeting:**            **Planning and Development  
Committee**

**Date:**                **1 November 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 :     21/01273/COND  
            Date Received :    29.11.21  
            Location :            The Bragbury Centre Kenilworth Close Stevenage Herts  
            Proposal :            Discharge of condition 6 (external lighting) attached to planning  
   permission reference number 20/00736/FPM  
            Date of Decision :   03.10.22  
            Decision :            **The discharge of Condition(s)/Obligation(s) is APPROVED**
  
2.        Application No :     22/00141/FP  
            Date Received :    22.02.22  
            Location :            Bowling Green Stevenage Herts SG1 3BH  
            Proposal :            Erection of a fire fighters memorial sculpture  
            Date of Decision :   26.09.22  
            Decision :            **Planning Permission is GRANTED**

3. Application No : 22/00469/COND  
Date Received : 19.05.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of conditions 4 (Surface Water Scheme) and 5 (Final Drainage Scheme) attached to planning permission reference number 21/01264/FPM.  
Date of Decision : 18.10.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
4. Application No : 22/00490/FPH  
Date Received : 27.05.22  
Location : 109 Hertford Road Stevenage Herts SG2 8SH  
Proposal : Proposed boundary wall and gates  
Date of Decision : 14.10.22  
Decision : **Planning Permission is REFUSED**  
  
For the following reason(s);  
  1. Harm to Character and Appearance
  2. Highway Safety
5. Application No : 22/00589/COND  
Date Received : 23.06.22  
Location : Garages At Dunn Close Stevenage Herts  
Proposal : Discharge of condition 23 (Surface water drainage scheme) of planning permission 21/00944/FPM  
Date of Decision : 29.09.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

6. Application No : 22/00620/FP  
Date Received : 05.07.22  
Location : 106 Hopton Road Stevenage Herts SG1 2LG  
Proposal : Change of use from public amenity land to private residential use and parking of vehicle.  
Date of Decision : 29.09.22  
Decision : **Planning Permission is GRANTED**
7. Application No : 22/00678/FP  
Date Received : 23.07.22  
Location : Church Of St. Peter The Willows Stevenage Herts  
Proposal : Demolition of brick single storey entrance lobby and construction of new enlarged glazed lobby with new flat roof joining existing flat roof, new entrance steps and ramp  
Date of Decision : 26.09.22  
Decision : **Planning Permission is GRANTED**
8. Application No : 22/00684/FP  
Date Received : 26.07.22  
Location : 12 Lower Sean Stevenage Herts SG2 9XN  
Proposal : Proposed erection of 1 no. 2 bedroom dwelling with associated garden and parking.  
Date of Decision : 26.09.22  
Decision : **Planning Permission is GRANTED**
9. Application No : 22/00688/FP  
Date Received : 27.07.22  
Location : 35 Rookwood Drive Stevenage Herts SG2 8PH  
Proposal : Erection of 1 no. 2 bedroom dwelling.  
Date of Decision : 17.10.22  
Decision : **Planning Permission is GRANTED**

10. Application No : 22/00702/CLPD  
Date Received : 29.07.22  
Location : 66 Bronte Paths Stevenage Herts SG2 0PH  
Proposal : Certificate of lawfulness for proposed single storey rear extension  
Date of Decision : 22.09.22  
Decision : **Certificate of Lawfulness is APPROVED**
11. Application No : 22/00709/FPH  
Date Received : 01.08.22  
Location : 11 Dryden Crescent Stevenage Herts SG2 0JG  
Proposal : Proposed single storey rear and side extension  
Date of Decision : 26.09.22  
Decision : **Planning Permission is GRANTED**
12. Application No : 22/00723/CLPD  
Date Received : 04.08.22  
Location : 30 Skipton Close Stevenage Herts SG2 8TN  
Proposal : Certificate of lawfulness for a single storey rear extension  
Date of Decision : 26.09.22  
Decision : **Certificate of Lawfulness is APPROVED**
13. Application No : 22/00724/TPTPO  
Date Received : 04.08.22  
Location : 4 Greencote Mews Stevenage Herts SG2 9BP  
Proposal : Crown reduction by 1.5m and Crown lift to provide 4m clearance from ground level to 1no: Yew Tree (T18) protected by TPO 8  
Date of Decision : 26.09.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

14. Application No : 22/00726/FPH  
Date Received : 05.08.22  
Location : 207 Bedwell Crescent Stevenage Herts SG1 1NG  
Proposal : Erection of part-single storey, part two-storey front extension  
Date of Decision : 11.10.22  
Decision : **Planning Permission is GRANTED**
15. Application No : 22/00729/TPTPO  
Date Received : 07.08.22  
Location : 27 Poston Place Stevenage Herts SG2 0BS  
Proposal : Reduce 1No: Oak tree (T4) Protected by TPO 112 by 30% to ensure continued good health and reduce risk.  
Date of Decision : 26.09.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
16. Application No : 22/00732/FP  
Date Received : 08.08.22  
Location : 36 Dovedale Stevenage Herts SG2 9EP  
Proposal : Change of use from residential dwelling house (Use Class C3) to a 6 bedroom HMO (Use Class C4).  
Date of Decision : 30.09.22  
Decision : **Planning Permission is GRANTED**
17. Application No : 22/00733/CLPD  
Date Received : 08.08.22  
Location : 16 Swale Close Stevenage Herts SG1 6DF  
Proposal : Certificate of lawfulness (Proposed) for enlargement of existing dormer window, construction of new dormer window and 3 no. roof lights  
Date of Decision : 29.09.22  
Decision : **Certificate of Lawfulness is APPROVED**

18. Application No : 22/00734/CLPD  
Date Received : 08.08.22  
Location : 16 Swale Close Stevenage Herts SG1 6DF  
Proposal : Certificate of lawfulness for the erection of rear dormer window, enlargement of existing dormer window and installation of 3 no. roof lights.  
Date of Decision : 06.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
19. Application No : 22/00737/CLPD  
Date Received : 10.08.22  
Location : 63 Skipton Close Stevenage Herts SG2 8TW  
Proposal : Certificate of lawfulness (Proposed) for a single storey rear extension  
Date of Decision : 22.09.22  
Decision : **Certificate of Lawfulness is APPROVED**
20. Application No : 22/00745/FP  
Date Received : 12.08.22  
Location : 96 Broadwater Crescent Stevenage Herts SG2 8EE  
Proposal : Change of use from Class E to Sui Generis - (Tattoo Studio)  
Date of Decision : 05.10.22  
Decision : **Planning Permission is GRANTED**
21. Application No : 22/00746/FPH  
Date Received : 12.08.22  
Location : 12 Godfrey Close Stevenage Herts SG2 9SY  
Proposal : Single storey rear extension.  
Date of Decision : 29.09.22  
Decision : **Planning Permission is GRANTED**

22. Application No : 22/00748/FPH  
Date Received : 15.08.22  
Location : 164 Fairview Road Stevenage Herts SG1 2NE  
Proposal : Erection of first floor side and rear extension.  
Date of Decision : 05.10.22  
Decision : **Planning Permission is GRANTED**
23. Application No : 22/00751/FPH  
Date Received : 16.08.22  
Location : 15 The Pastures Stevenage Herts SG2 7DF  
Proposal : Erection of single storey front extension; part-single storey, part-two storey rear extension.  
Date of Decision : 10.10.22  
Decision : **Planning Permission is GRANTED**
24. Application No : 22/00752/FP  
Date Received : 17.08.22  
Location : 338 Ripon Road Stevenage Herts SG1 4NQ  
Proposal : Change of use of land from public amenity to private residential garden.  
Date of Decision : 10.10.22  
Decision : **Planning Permission is GRANTED**
25. Application No : 22/00756/FPH  
Date Received : 17.08.22  
Location : 20 Goddard End Stevenage Herts SG2 7ER  
Proposal : Demolition of existing garage and erection of a part one / two storey side extension  
Date of Decision : 11.10.22  
Decision : **Planning Permission is REFUSED**

For the following reason(s);

1. Design

26. Application No : 22/00760/HPA  
Date Received : 18.08.22  
Location : 4 Ruckles Close Stevenage Herts SG1 1PE  
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.00m for which the maximum height will be 2.75m and the height of the eaves will be 2.40m  
Date of Decision : 26.09.22  
Decision : **Prior Approval is NOT REQUIRED**
27. Application No : 22/00769/HPA  
Date Received : 19.08.22  
Location : 6 Badgers Close Stevenage Herts SG1 1UH  
Proposal : Single storey extension which will extend beyond the rear wall of the original house by 6 metres, for which the maximum height will be 3 metres and the height of the eaves will be 3 metres  
Date of Decision : 30.09.22  
Decision : **Prior Approval is REQUIRED and REFUSED**  
  
For the following reason(s);  
  
1. Too big
28. Application No : 22/00774/TPTPO  
Date Received : 22.08.22  
Location : Dickens House 12 The Grange Stevenage Herts  
Proposal : Reduction of canopy by 30% to 1no. Sycamore tree (T28), 1no. Yew tree (T27) and 1no. Hornbeam (T26) tree protected by Tree Preservation Order 61  
Date of Decision : 14.10.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**



29. Application No : 22/00777/FP  
Date Received : 23.08.22  
Location : 37 Fellowes Way Stevenage Herts SG2 8BS  
Proposal : Part change of use of ground floor of the dwellinghouse (Use Class C3) to use as dance studio (Use Class E) (Pursuant to planning permission 21/00357/FP).  
Date of Decision : 07.10.22  
Decision : **Planning Permission is GRANTED**
30. Application No : 22/00787/CLED  
Date Received : 26.08.22  
Location : 330 Ripon Road Stevenage Herts SG1 4NG  
Proposal : Lawful development certificate (existing) for use of the property as a 5 bed HMO (Use Class C4)  
Date of Decision : 11.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
31. Application No : 22/00788/CLED  
Date Received : 26.08.22  
Location : 334 Ripon Road Stevenage Herts SG1 4NG  
Proposal : Lawful development certificate (existing) for the continued use of the property as a 5 bed HMO (Use Class C4).  
Date of Decision : 11.10.22  
Decision : **Certificate of Lawfulness is APPROVED**
32. Application No : 22/00790/FPH  
Date Received : 30.08.22  
Location : 4 Newcastle Close Stevenage Herts SG1 4TL  
Proposal : Single storey rear extension and enclosure of side garden  
Date of Decision : 17.10.22  
Decision : **Planning Permission is GRANTED**

33. Application No : 22/00793/FPH  
Date Received : 31.08.22  
Location : 17 Brighton Way Stevenage Herts SG1 2JQ  
Proposal : Raising the roof level of the garage.  
Date of Decision : 18.10.22  
Decision : **Planning Permission is GRANTED**
34. Application No : 22/00795/COND  
Date Received : 01.09.22  
Location : Stevenage Bus Station And Town Square Danestrete  
Stevenage Herts  
Proposal : Discharge of condition 7 (Noise Management Plan) attached to  
planning permission 22/00423/FP  
Date of Decision : 11.10.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
35. Application No : 22/00801/HPA  
Date Received : 02.09.22  
Location : 3 Kymswell Road Stevenage Herts SG2 9JX  
Proposal : Single storey rear extension which will extend beyond the rear  
wall of the original house by 4.00m, for which the maximum height  
will be 3.00m and the height of the eaves will be 3.00m  
Date of Decision : 29.09.22  
Decision : **Prior Approval is NOT REQUIRED**
36. Application No : 22/00805/COND  
Date Received : 06.09.22  
Location : Land To The North West Of Junction 7 Of The A1(M)  
Knebworth Park Old Knebworth  
Proposal : Discharge of condition 5 (Highway Specification) attached to  
planning permission 21/00536/FPM  
Date of Decision : 11.10.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

37. Application No : 22/00812/NMA  
Date Received : 08.09.22  
Location : Marshgate Car Park St. Georges Way Stevenage Herts  
Proposal : Non material amendment to reserved matters approval 21/00627/FPM for minor alterations to the building elevations at ground and first floor levels, car park and public realm street works to reflect SBC request for the SDA  
Date of Decision : 29.09.22  
Decision : **Non Material Amendment AGREED**
38. Application No : 22/00818/TPCA  
Date Received : 09.09.22  
Location : 17 Orchard Road Stevenage Herts SG1 3HE  
Proposal : (T1) Trim and Reduce Magnolia, (T2) Remove Holly tree to front of house, (T3) Trim overhanging branches in rear garden, (T4) Reduce/remove other shrubs in front garden  
Date of Decision : 17.10.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
39. Application No : 22/00819/TPCA  
Date Received : 10.09.22  
Location : 7 Nycolles Wood Stevenage Herts SG1 4GR  
Proposal : Crown reduction of overhanging branches and crown lift up to 3m from ground level to 1no. Birch Tree  
Date of Decision : 14.10.22  
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

40. Application No : 22/00830/PADEMO  
Date Received : 14.09.22  
Location : Airbus Defence And Space Gunnels Wood Road Stevenage Herts  
Proposal : Prior approval for the demolition of redundant office building.  
Date of Decision : 14.10.22  
Decision : **Prior Approval is NOT REQUIRED**
41. Application No : 22/00836/NMA  
Date Received : 16.09.22  
Location : Land To The North West Of Junction 7 Of The A1(M) Knebworth Park Old Knebworth  
Proposal : Non material amendment to planning permission reference number 21/00536/FPM to relocate the retail and bin stores, service bay, air and water bay; reconfigure the electrical infrastructure and HGV charging area, high-level canopy overhang removed over internal road and alterations to the electrical compound.  
Date of Decision : 04.10.22  
Decision : **Non Material Amendment AGREED**
42. Application No : 22/00837/NMA  
Date Received : 16.09.22  
Location : 26 Frobisher Drive Stevenage Herts SG2 0HJ  
Proposal : Non material amendment to planning permission 22/00248/FPH to install 1 no. additional roof light to the roof of the rear extension and installation of small window to the W.C. on the side elevation.  
Date of Decision : 04.10.22  
Decision : **Non Material Amendment AGREED**

43. Application No : 22/00850/NMA  
Date Received : 22.09.22  
Location : Land To The North Of Stevenage Weston Road Stevenage Herts  
Proposal : Non material amendment to outline planning permission 17/00862/OPM to amend wording of conditions 4, (Approval of Details), 18 ( Service and Delivery Plan) and 37 (Power Lines)  
Date of Decision : 17.10.22  
Decision : **Non Material Amendment AGREED**
44. Application No : 22/00855/COND  
Date Received : 23.09.22  
Location : Station Car Park North Lytton Way Stevenage Herts  
Proposal : Discharge of condition 16 (Cycle Parking) attached to planning permission reference number 21/01264/FPM  
Date of Decision : 29.09.22  
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
45. Application No : 22/00859/NMA  
Date Received : 24.09.22  
Location : Unit 11A And Unit 11B Roaring Meg Retail Park London Road Stevenage  
Proposal : Non material amendment to planning permission reference number 21/00054/FP to allow minor alterations to the approved elevations  
Date of Decision : 13.10.22  
Decision : **Non Material Amendment AGREED**

46.      Application No :      22/00865/CLPD  
            Date Received :      28.09.22  
            Location :              Meggitt Six Hills Way Stevenage Herts  
            Proposal :              Certificate of lawfulness (Proposed) for hard surfacing to be installed.  
            Date of Decision :      18.10.22  
            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.

**Meeting:** Planning and Development  
Committee

**Date:** Tuesday 1 November 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 None.

### **2. DECISIONS AWAITED**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

### **3. DECISIONS RECEIVED**

- 3.1 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.
  - 3.1.1 Appeal Dismissed.
  - 3.1.2 The Inspector agreed that the site failed to meet criterion (a) of Policy HO5 as it is neither previously developed land nor an underused urban site.

- 3.1.3 The proposal would introduce a dwelling which does not reflect the established pattern and grain of development as it is single storey whilst the surrounding properties are two storeys within large plots. It would therefore be an incongruous addition to the surrounding area that would be out of keeping with the character and appearance of the area.
- 3.1.4 The Inspector stated that whilst views of the development from Fairview Road would be limited, it would be highly visible from the rear of nearby properties which would reduce the occupiers' appreciation of the quality of the environment within which they live.
- 3.1.5 The Inspector agreed with the Council that nearby developments (Gunnels and rear of 206-206 Fairview Road) are materially different to the appeal site and therefore have no direct comparison which weighs in favour of the proposed development.
- 3.1.6 The Inspector stated that the requirement of a 10m deep garden is reasonable for developments of this nature and as such the proposed development, through failing to meet this requirement, would appear to be a constrained and confined space, and therefore would not offer a good level of amenity for future occupiers.
- 3.1.7 Due to the limited depth of the garden, the established trees at the rear, which are not in the appellant's control, would appear overbearing and imposing which would further exacerbate the unsatisfactory outlook for future occupiers. Accordingly, the development fails to provide satisfactory living conditions for future occupiers with particular regard to outlook and access to private amenity space.
- 3.1.8 The Inspector noted that the provision of one dwelling would make only a small contribution to housing supply and would not overcome significant harms identified above.
- 3.1.9 The appellant argued that the Lawful Development Certificate (LDC) for an outbuilding of the same size and in the same location would represent a fall-back position for the proposed dwelling. The Inspector agreed with the Council that this is not the case as the two types of development are materially different and result in differing levels of usage. He stated that an outbuilding would not result in the same general comings and goings and domestic activities associated with a new dwelling, which would be separate to No 168. Furthermore, He did not agree that it would be a conversion as a new dwelling requires planning consent as it would no longer be ancillary or incidental to No 168. Therefore, He gave the LDC limited weight for the purposes of the appeal.
- 3.1.10 Whilst the Council did not use the unsatisfactory garden size as a reason for refusal on the first application that was refused, the Inspector stated that this does not alter His findings that the garden is unsatisfactory.
- 3.1.11 He concluded that the development would be contrary to Policies GD1, SP8 and HO5 of the Local Plan.
- 3.1.12 Appeal Decision attached.





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## Appeal Decision

Site visit made on 18 August 2022

**by A Hickey MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 September 2022**

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**Appeal Ref: APP/K1935/W/22/3290545**

**168 Fairview Road, Stevenage SG1 2NE**

- 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 D Nye against the decision of Stevenage Borough Council.
  - The application Ref 21/00809/FP, dated 16 July 2021, was refused by notice dated 12 October 2021.
  - The development proposed is the erection of a 2-bedroom detached dwelling with parking and access.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the time of my site visit, a building in the back garden was under construction. The development was not complete. Accordingly, in the interests of fairness, I have considered the appeal on the basis that the development is proposed as shown on the application drawings.
3. Since the application was refused, the Council has published its Housing Delivery Test Action Plan (AP). The appellant was invited to provide representations on the AP. I have considered the appellant's response in my determination of the appeal.

### Main Issues

4. The main issues are:
  - whether the location of the proposed development is appropriate, having regard to local planning policies on the location of housing;
  - the effect of the proposed development on the character and appearance of the area; and
  - whether the proposed development would provide satisfactory living conditions for the future occupiers with particular regard to outlook and access to private outdoor space; and

### Reasons

#### *Location*

5. Paragraph 12 of the National Planning Policy Framework (2021) (the Framework) is clear that the development plan is the statutory starting point for decision making. Moreover, where a planning application conflicts with an

up-to-date development plan, permission should not usually be granted unless material considerations indicate that a plan should not be followed.

6. As I have set out above the proposal is located within the rear garden of No 168. Policy HO5 of the Stevenage Borough Local Plan 2019 (LP) specifies exceptions where development on windfall sites will be supported, subject to meeting other relevant policies of the LP. Given the location of the site, it would have access to a range of local facilities and services and its small scale and location would not prejudice the deliverability of housing on allocated sites. It would also be unlikely to overburden existing infrastructure thereby compiling with other relevant criteria of Policy HO5.
7. However, to be compliant with criterion a. of Policy HO5 proposals will be required to be on previously developed land or that it is a small underused urban site. The Framework excludes land in built-up areas such as residential gardens from being considered as previously developed land. Moreover, the evidence before me, states the appellant would use permitted development rights for an outbuilding should the appeal fail. This would match with my onsite observations which include recent construction work for an outbuilding. For these reasons, I find that the site cannot be considered an underused urban site within the meaning of criterion a. of Policy HO5 of the LP.
8. As Policy HO5 requires compliance with other policies of the LP and in finding harm to the character and appearance of the area the proposed development would not be compliant with criterion c. of Policy HO5 of the LP.
9. I conclude that the development proposed would not accord with the plan led strategy for windfall sites set out in the Local Plan and there are no exceptions or identified policies that would permit additional dwellings in this location. As the appeal site would not represent an appropriate location for housing, it would conflict with Policy HO5 of the LP and the Framework.

#### *Character and Appearance*

10. The appeal site is located within an area comprising a variety of two-storey dwellings of different designs and sizes. At the rear of the site is a buffer of well-established trees screening commercial units. Except for the Gunnells, a small cul-de-sac to the south, dwellings in the immediate area are typically set back from the road with open frontages and large rear gardens, which makes a positive contribution to the openness of the area. I saw how the long rear gardens and the well-established tree buffer, provide an open and verdant appearance along the rear of this undisturbed section of Fairview Road.
11. The front building line of the proposed dwelling would closely align with the terrace row located within the Gunnells. However, it would nonetheless introduce a dwelling which does not reflect the established pattern and grain of development which is two-storey dwellings set within large plots. As a result of its low height, shallow pitch and plot size seen against larger properties in more spacious plots, the introduction of the dwelling would appear as an incongruous addition within the surrounding area that would be out of keeping with the prevailing spacious character of the area.
12. Additionally, whilst views from Fairview Road would be limited, the proposed dwelling given its height, footprint, associated domestic paraphernalia, separate access and boundary treatments would be highly visible from the rear

of nearby properties. This would likely reduce the appreciation nearby occupiers have about the quality of the environment within which they live. Thereby harming the character and appearance of the area.

13. The appellant has drawn my attention to other developments which have similarly sized plots. Whilst I do not have full details of these schemes, I note the example of the Gunnells is in a cul-de-sac arrangement and was built as part of a new development and has a different layout and appearance overall. Similarly, the development to the rear of 206 and 208 Fairview Road is for a number of larger dwellings in a short terrace row. Other examples are directly located off Fairview Road where access is not gained through the side of existing dwellings. In this regard, existing developments are materially different to the appeal proposal and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
14. In light of the above, I conclude that the proposed development would significantly harm the character and appearance of the area, contrary to Policies SP8, GD1 and HO5 of the LP. These policies, amongst other things, seek to ensure that development is of good quality design. The proposal would also conflict with the provisions of paragraph 130 of the Framework and guidance contained within the Stevenage Design Guide Supplementary Planning Document (2009) (SDG) which seek to ensure that development is sympathetic to its surroundings and respects local character.

#### *Living Conditions*

15. Policy GD1 of the LP requires, amongst other things, proposals to have regard to the requirements of the SDG. The SDG requires that new dwellings should provide a minimum garden space of 50 sq. m. As the development would provide above this figure, it would satisfy the SDG in that respect. However, the SDG also states that gardens should also normally have a depth of 10m.
16. The Council calculate that the garden would be approximately 6m at its deepest. Thus, it would fall far short of the requirements of the SDG and I have nothing substantive before me to suggest that such a requirement is not reasonable for a scheme of this nature. Whilst I acknowledge that an adequately sized garden would be provided in terms of overall space available, given its limited depth sited between the proposed dwelling and the mature tree buffer it would be a somewhat constrained and confined space, with limited daylight throughout the day. The use of the side garden would not be sufficient to overcome this harm. As a result, it would not offer a good level of amenity for future occupiers.
17. As a result of the limited depth of the garden, a short separation distance between the proposed dwelling and the rear boundary of the site would exist. The established trees and planting which are outside of the appellant's control are of such a height and close distance that they would appear as an overbearing and imposing feature enclosing the small garden area and views out of this rear elevation thereby providing unsatisfactory outlook for future occupiers of the proposed dwelling.
18. I find therefore that the proposed development would fail to provide satisfactory living conditions for the future occupiers, with particular regard to outlook and access to private outdoor space. It would therefore be in conflict with Policy GD1 of the LP, which seeks, amongst other things, to ensure that

development does not lead to an adverse impact on the amenity of future occupiers. In reaching this decision I have also had regard to the SDG.

### **Other Matters**

19. Footnote 8 to paragraph 11 d) of the Framework directs that where the Housing Delivery Test shows that the delivery of housing has been substantially below the housing requirement over the past three years, Paragraph 11 d) is engaged. However, the evidence before me shows that the Council has delivered 79% of its housing requirement. There is no compelling evidence before me to demonstrate otherwise. As such, it is above the threshold for Paragraph 11 d) of the Framework to be engaged.
20. I have had regard to the evidence provided by the appellant which identifies how small sites can make a contribution to the required supply of housing. However, even accepting that the Government's objective is to significantly boost the supply of housing, the provision of a single dwelling would make only a small contribution towards housing supply and would not overcome the significant harms I have identified above.
21. I have also had regard to the Lawful Development Certificate<sup>1</sup> (LDC) which the appellant has argued represents a fallback position, however this was for an outbuilding set within an existing garden, not a dwelling. I find that a detached outbuilding in this location would not appear unexpected nor, being an outbuilding, would it represent a significant conflict with the established pattern of development referred to above. Also, an outbuilding would not result in the same general comings and goings and domestic activities associated with a new dwelling, which would be separate to No 168. Furthermore, I do not agree that it would be a conversion as a new dwelling requires planning consent as it would no longer be ancillary or incidental to No 168. Therefore, I give the LDC limited weight for the purposes of this appeal.
22. I acknowledge that a member of the appellant's family is seeking to downsize to a smaller home and be closer to family. However, I have not been provided with any evidence to demonstrate that there are no suitably sized properties within the area or that there is a need for a property to be located close by. Even if this was supplied it would unlikely be sufficient to outweigh the harms I have found.
23. I have had regard to the appellant's statement about garden size not forming a reason for refusal on a previous application for the site. However, this does not alter my own findings that the garden would not provide suitable outdoor space for future occupiers.

### **Conclusion**

24. 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.

*A Hickey* INSPECTOR

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<sup>1</sup> Ref: 20/00190/CLPD