

Public Document Pack



PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday, 7 December 2023

Time: 6.30pm,

Location: Council Chamber, Daneshill House, Danestrete, Stevenage

Contact:

committees@stevenage.gov.uk

Members: Councillors: M Downing (Chair), C Parris (Vice-Chair), J Ashley-Wren, R Broom, F Chowdhury, N Chowdhury, C Howells, G Lawrence CC, M McKay, A Mitchell CC, E Plater, G Snell, C Veres and A Wells

AGENDA

PART 1

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

2. **MINUTES - 26 AND 31 OCTOBER 2023**

To approve as a correct record the Minutes of the previous meetings of the Planning & Development Committee held on 26 and 31 October 2023.

Pages 3 – 30

3. **REVISED CONTAMINATED LAND INSPECTION STRATEGY**

To consider the Council's revised Contaminated Land Inspection Strategy.

Pages 31 – 72

4. **NEW PROCEDURES FOR DEALING WITH TELECOMMUNICATIONS PRIOR APPROVALS**

To receive a verbal update to consider new procedures for dealing with Telecommunications Prior Approvals.

5. **DRAFT PROCEDURE FOR HOUSES IN MULTIPLE OCCUPATION (HMO) ENFORCEMENT**

To receive a verbal update to consider a draft procedure for Houses in Multiple Occupation (HMO) enforcement.

6. **23/00482/FP - CINNABAR, OLD STEVENAGE**

To consider the change of use of parking bays to facilitate construction of outdoor seating area associated with 56 - 58 High Street.

Pages 73 – 84

7. 23/00734/FP - 1-4 AND 5-8 MOUNT PLEASANT FLATS, WESTON ROAD, STEVENAGE

To consider the installation of External Wall Insulation in render finish and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell facade, new windows and doors. Upgrade of ventilation and top up of loft insulation.

Pages 85 – 94

8. 23/00107/OPM - 18 NORTH ROAD, STEVENAGE

To consider outline planning permission for the demolition of existing dwellinghouse and erection of an up to 76 bedroom care home (Use Class C2). Detailed design of access with appearance, landscaping, layout and scale as reserved matters.

Pages 95 – 116

9. INFORMATION REPORT - DELEGATED DECISIONS

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

Pages 117 – 132

10. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on appeal decisions, appeals lodged and called-in applications.

Pages 133 – 134

11. URGENT PART I BUSINESS

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

12. EXCLUSION OF THE PRESS AND PUBLIC

To consider the following motions that:

1. Under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as described in Paragraphs 1 - 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports (if any) being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

13. URGENT PART II BUSINESS

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

This page is intentionally left blank

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Thursday, 26 October 2023

Time: 6.30pm

Place: Council Chamber

Present: Councillors: Michael Downing (Chair), Claire Parris (Vice Chair), Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Lawrence CC, Maureen McKay, Adam Mitchell CC, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Time: Start Time: 6.30pm
End Time: 8.14pm

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

Apologies for absence were received on behalf of Councillor Julie Ashley-Wren. Councillor Booth was in attendance as substitute.

There were no declarations of interest.

2 **23/00526/RMM - LAND TO THE NORTH OF STEVENAGE, OFF NORTH ROAD AND WESTON ROAD, STEVENAGE - PHASE 1A-C RE-SUBMISSION**

The Committee considered an application for the approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 243 units comprising Phase 1 Parcels A-C and commercial unit (Use Class E) pursuant to Outline permission 17/00862/OPM.

The Principal Planning Officer gave an introduction to the Committee. She reminded Members that the outline application to establish the principle of development at the site, with all matters reserved except for the means of access was approved in September 2022 with the S106 Agreement being signed at the same time.

The current application, reference 23/00526/RMM, proposed changes to the approved scheme which included –

- Revised design of the local centre blocks 1 and 4, including a new public plaza and decking area overlooking the open space to the west;
- Revised car parking layout within the local centre;
- Minor highway changes to local centre road;
- Inclusion of changes approved under reference 23/00310/NMA;

- Inclusion of changes approved under reference 23/00431/NMA.

The Principal Planning Officer advised that the main issues for consideration now were the visual impact of the development on the character and appearance of the area, impact of the development on the conservation area, impact on neighbouring amenities, impact upon future amenities of residents, parking provision, highway implications, development and flood risk, impact on the environment, trees and landscaping and ecology.

The Committee was informed that all consultees on the original application had no further comments on the amended application which entailed changes to the design of the local centre.

Officers advised that the proposals for Phases 1A-C for the revised design of blocks 1 and 4 in the local centre, which included the provision of a plaza amenity space, commercial uses and residential flats, and also dwellings and apartments, and secondary and tertiary road network in phases 1A-B were considered to be acceptable on balance and the local centre design changes were considered to further enhance the scheme.

Members noted that in addition to the proposed changes, the scheme continued to extend the highway network with the further spur roads, shared surfaces and private driveways. Foot and cycle way connections were also shown to link up with the green links and main thoroughfares proposed as part of the infrastructure plans.

In relation to the impact on the heritage assets, St Nicholas and Rectory Lane Conservation Area, and nearby listed buildings, Officers did not consider them to be affected further than assessed under approval 22/00810/RMM. Due regard had been given to Section 66 of the Listed Building Act 1990 in terms of considering whether to grant planning permission for development which affected the setting of the conservation area and listed buildings. Officers were of the opinion that it had been demonstrated that the development would cause, at the lower end of the scale, less than substantial harm to the setting of the conservation area and to a lesser degree the settings of the listed buildings.

Members were advised that the proposals would see allocated housing on site in a well-designed and contextual manner. The proposals would also provide an improved design and layout for the local centre with a public plaza area, commercial space and facilities for future residents laid out in a more user-friendly manner.

The proposed level of useable and accessible green open space would be enhanced by the landscaping scheme for the residential parcels and the addition of swift and bat boxes within all three parcels.

Officers therefore concluded that the benefits the development would bring as a whole would be substantial. The proposals were considered to meet the requirements of the relevant local plan policies, and more broadly in terms of design and quality. The proposed changes to the local centre design were considered to significantly elevate the visual appearance of this hub within the development, creating a contemporary and well laid out local amenity.

In terms of the amenity of future residents, the proposals met all the required standards as set out in national and local policy in respect of living space standards and external amenity space. With regards to the impact of the development on the amenity of existing residents, it could be demonstrated that the development would not have a detrimental impact on the residential properties along Granby Road, and surrounding spur road and cul-de-sac estates in terms of privacy and outlook. It was acknowledged that there would be disruption due to the nature of the site being a development site with vehicles being used and likely levels of noise and dust occurring. However, Officers reassured that these would be controlled through the agreement of a Construction Management Plan.

The proposal would provide an acceptable level of car parking, slightly over the required provision, and would include residential and commercial/retail parking, visitor spaces, disabled spaces, EVCP and cycle storage.

Members asked a number of questions and Officers gave the following responses:

- In relation to the grounding of the high voltage cables, although this element did not form part of this application it was advised that there were 2 grounding towers on the development which would be established in a secure enclosure;
- The grounding towers themselves were dealt with through separate legislation via the Electricity Act;
- Whilst concerns around design were noted by officers, it was considered that design was subjective and that officers felt that the design of the local centre was a vast improvement to what was previously agreed by the Council;
- No consultants had been engaged to measure radiation levels on the development. UK Power Networks were fully involved however;
- In relation to the Public Rights of Way, these would be fully reinstated and upgraded satisfactorily to the Council's and HCC's required standards. There were no Rights of Way that impacted on any properties or driveways;
- The main roads through the development would be adopted but it was unlikely the smaller further roads would be adopted;
- Any unadopted roads were likely to be overseen by a management company with costs covered via a service charge on properties. This would be a matter flagged as part of any sales process on the houses when being purchased;
- The buildings within the commercial centre would include flats/apartments and would be fully affordable;
- Any matters relating to the Council tax charged on a property could not be considered by the Committee. Any matters relating to taxation rates on properties would be a matter for the Taxation Office;
- In relation to Bio-diversity net gain, this was initially covered by the outline permission, with on-site provision being proposed in the Country Park and larger green spaces. This would be considered in more detail when the application for the Country Park came forward to the Committee at a future meeting;
- There was a slight over-provision in the allocation of car parking spaces across the site;
- The two access points into the site and the impact on traffic had been fully

considered and agreed with Herts County Council as the Highways Authority at outline stage.

It was **RESOLVED**:

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

The imposition of the following suitable conditions, with authority given to the Assistant Director of Planning and Regulation in consultation with the Chair of the Planning and Development Committee, to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning and Development Committee has resolved to approve.

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: BM1-OC-RMA-1A-1B-DR-C-5117 - R03; BM1-OC-RMA-1A-1B-DR-C-5116 - R03; BM1-OC-RMA-1A-1B-DR-C-5115 - R04; BM1-OC-RMA-1C-DR-C-5205-R04; BM1-OC-RMA-1A-1B-DR-C-5112 - R05; BM1-OC-RMA-1A-1B-DR-C-5113 - R04; BM1-OC-RMA-1A-1B-DR-C-5114 - R04; BM1-OC-RMA-1C-DR-C-5201-R04; BM1-OC-RMA-1A-1B-DR-C-5100 - R04; BM1-OC-RMA-1A-1B-DR-C-5101 - R03; BM1-OC-RMA-1A-1B-DR-C-5102 - R03; BM1-OC-RMA-1A-1B-DR-C-5103 - R05; BM1-OC-RMA-1A-1B-DR-C-5105 -R05; BM1-OC-RMA-1A-1B-DR-C-5104 - R04; BM1-NPA-V1-1a-D2-L-5210-A-C06; BM1-NPA-V1-OS-DR-L-7513-Rev C02; BM1-NPA-V1-1a-DR-L-5215-A-C05; BM1-NPA-V1-1a-DR-L-5216-A-C03; BM1-NPA-V1-1a-DR-L-5217-A-C05; BM1-NPA-V1-1b-DR-L-5220-A-C02; BM1-NPA-V1-ZZ-DR-L-5203-A-C03; BM1-NPA-V1-ZZ-DR-L-5202-A-C03; BM1-NPA-V1-ZZ-DR-L-5201-A-C04; BM1-NPA-V1-ZZ-DR-L-5200-A-C04; BM1-NPA-V1-OS-DR-L-7514-A-C01; BM1-NPA-V1-OS-DR-L-7511-A-C01; BM1-NPA-V1-OS-DR-L-7510-A-C01; BM1-NPA-V1-OS-DR-L-7405-A-C01; BM1-NPA-V1-1c-DR-L-5207-A-C04; BM1-NPA-V1-1c-DR-L-5206-A-C04; BM1-NPA-V1-1c-DR-L-5205-A-C04; BM1-NPA-V1-1b-DR-L-5224-A-C03; BM1-NPA-V1-1b-DR-L-5223-A-C03; BM1-NPA-V1-1b-DR-L-5221-A-C03; BM1-NPA-V1-1abc-DR-Y-3200-A-C02; 9313-KC-InF-Y; SNP-RMA-ZZ-00-DR-A-0160_P4; SNP-RMA-ZZ-00-DR-A-0153_P4; SNP-RMA-ZZ-00-DR-A-0152_P4; SNP-RMA-ZZ-00-DR-A-0151_P4; SNP-RMA-ZZ-00-DR-A-0150_P4; SNP-RMA-ZZ-ZZ-DR-A-0261_P2; SNP-RMA-ZZ-ZZ-DR-A-0260_P3; SNP-RMA-ZZ-ZZ-DR-A-0251_P3; SNP-RMA-ZZ-ZZ-DR-A-0250_P2; SNP-RMA-ZZ-ZZ-DR-A-0201_P1; SNP-RMA-ZZ-ZZ-DR-A-0200_P2; SNP-RMA-ZZ-04-DR-A-0103_P9; SNP-RMA-ZZ-02-DR-A-0102_P9; SNP-RMA-ZZ-02-DR-A-0101_P1; SNP-RMA-ZZ-00-DR-A-0163_P4; SNP-RMA-ZZ-00-DR-A-0162_P4; SNP-RMA-ZZ-00-DR-A-0161_P4; P1708.TH.103; P1708.TH.104; P1708.TH.105; P1708.TH.106; P1708.WB.101; P1708.WB.102; P1708.WB.103; P1708.WB.104; P1708_BMSA_01-L; P1708.SS.101 - Rev H; P1708.SS.102 - Rev E; P1708.SS.103 - Rev C; P1708.SS.104 - Rev B; P1708.SS.105 - Rev C; P1708.SUB.102; P1708.TH.101 - Rev A; P1708.TH.102 - Rev B; P1708.PS.102 - Rev A; P1708.PS.106; P1708.PS.103; P1708.PS.104 - Rev A; P1708.PS.105; P1708.RE.101_A; P1708.RE.102_A; P1708.RE.103; P1708.RE.104; P1708.RE1.101;

P1708.RE1.102; P1708.SA.101 - Rev A; P1708.SA.102; P1708.SC.101;
 P1708.SC.102; P1708.SC.103; P1708.SC.104; P1708.SRL.0006-C;
 P1708.PH.106; P1708.PH.107-A; P1708.PH.108; P1708.PhaseP.02-A;
 P1708.PS.101; P1708.LO.102; P1708.LO.101 - Rev A; P1708.LO.103;
 P1708.LA.102; P1708.LA.101; P1708.HU.104; P1708.HU.103;
 P1708.HU.102 - Rev A; P1708.HU.101; P1708.PH.105; P1708.PG.104 - Rev
 A; P1708.PG.103 - Rev A; P1708.M4A.102; P1708.M4A.101; P1708.M4.104;
 P1708.M4.103; P1708.M4.102 - Rev A; P1708.M4.101; P1708.M3.102;
 P1708.M3.101; P1708.M2A.101; P1708.M2.103; P1708.M2.102 - Rev A;
 P1708.M2.101; P1708.GAR.101; P1708.GAR.102; P1708.GAR.103;
 P1708.GAR.104; P1708.GAR.105; P1708.GAR.106; P1708.GAR.107;
 P1708.GAR.108; P1708.GR.101; P1708.GR.102; P1708.HP.101-A;
 P1708.HP.102; P1708.HP.105; P1708.HP.103; P1708.HA.101 - Rev A;
 P1708.HA.102; P1708.HA.105; P1708.CO.103; P1708.CO.102;
 P1708.CO.101 - Rev A; P1708.CH.102; P1708.CH.101; P1708.CA.105 - Rev
 B; P1708.CA.103 - Rev A; P1708.CA.102 - Rev C; P1708.CA.101 - Rev B;
 P1708.BR.102 - Rev C; P1708.BR.101 - Rev B; P1708.BM.104;
 P1708.BM.103; P1708.BM.102; P1708.BM.101; P1708.BLK7.108;
 P1708.BLK7.107; P1708.BLK7.106; P1708.BLK7.105; P1708.BLK7.104;
 P1708.BLK7.103; P1708.BLK7.102; P1708.BLK7.101; P1708.BLK6.108 -
 Rev A; P1708.BLK6.107 - Rev A; P1708.BLK6.106 - Rev A; P1708.BLK6.105
 - Rev A; P1708.BLK6.104; P1708.BLK5.108 - Rev A; P1708.BLK6.103 - Rev
 A; P1708.BLK6.102 - Rev A; P1708.BLK6.101 - Rev A; P1708.BLK5.107 -
 Rev A; P1708.BLK5.106 - Rev A.; P1708.BLK5.105 - Rev A.;
 P1708.BLK5.104; P1708.BLK5.103 - Rev A; P1708.BLK5.102 - Rev A;
 P1708.BLK5.101 - Rev A; P1708.BLK3.108_A; P1708.BLK3.107_A;
 P1708.BLK3.106_A; P1708.BLK3.105_A; P1708.BLK3.104;
 P1708.BLK3.103; P1708.BLK3.102; P1708.BLK3.101; P1708.BLK2.108_A;
 P1708.BLK2.107_A; P1708.BLK2.106_A; P1708.BLK2.105_A;
 P1708.BLK2.104; P1708.BLK2.103; P1708.BLK2.102; P1708.BLK2.101;
 P1708.01-ZB; P1708.02-N; P1708.12-T P1708.13-Q P1708.14-U P1708.15-S
 P1708.16-R P1708.17-S P1708.18-B; P1708.BIN.102; P1708.BIN.101;
 P1708.BC.105; P1708.BC.104; P1708.BC.103; P1708.BC.102;
 P1708.B4.102 - Rev A; P1708.B4.101; P1708.B3B.102; P1708.B3B.101;
 P1708.B3A.102; P1708.B3A.101; P1708.B2A.102; P1708.AN1.101 - Rev B;
 P1708.B2A.101; P1708.B2.102; P1708.B2.101; P1708.AN1.101 - Rev A;
 BM1-OC-RMA-1A-1B-DR-C-5109 - R04; BM1-OC-RMA-1A-1B-DR-C-5110 -
 R03; BM1-OC-RMA-1A-1B-DR-C-5111 - R03; BM1-OC-RMA-1C-DR-C-5204-
 R04; BM1-OC-RMA-1E-DR-C-5401 - R06; BM1-OC-RMA-1A-1B-DR-C-5108
 - R04; BM1-OC-RMA-1A-1B-DR-C-5107 - R04; BM1-OC-RMA-1A-1B-DR-C-
 5106 - R05; BM1-OC-RMA-1C-DR-C-5203-R04; BM1-OC-RMA-1E-DR-C-
 5400 - R06; BM1-OC-RMA-1C-DR-C-5200-R07; BM1-OC-RMA-1C-DR-C-
 5202-R04; SNP-RMA-ZZ-00-DR-A-0100 P13; P1708.MA.103A;
 P1708.MA.104A; P1708.MA.105A; P1708.MA.106A

- 2 The development hereby permitted shall be carried out in accordance with the soft and hard landscaping details submitted, unless otherwise approved in writing by the Local Planning Authority.
- 3 All planting, seeding and turfing comprised in the approved landscaping

details as agreed under condition 2 of this approval shall be carried out for each phase of the development hereby consented in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the completion of the approved development whichever is the sooner.

- 4 All hard surfacing comprised in the approved landscaping details as specified in condition 2 of this approval shall be carried out for each phase of the development hereby consented prior to first occupation of the development hereby permitted or, the completion of the approved development, whichever is the sooner.
- 5 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 6 No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
- 7 The development shall be carried out in accordance with the details approved under discharge of condition reference 23/00667/COND pertaining to bat and swift boxes, unless otherwise agreed in writing by the Local Planning Authority. The boxes shall be installed/integrated on the building/dwelling elevations as identified on Drawing number BM1-NPA-V1-1ABC-DR-Y-3200-A-C02 prior to occupation of the respective dwellings on which they are installed/integrated.
- 8 Prior to the first occupation/use of the buildings/dwellings and development hereby permitted, the approved refuse/recycle stores and bin collection points for that building/dwelling/area shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form unless otherwise approved in writing by the Local Planning Authority.
- 9 Prior to the first occupation/use of the buildings/dwellings and development hereby permitted the approved cycle parking stores for that building/dwelling shall be constructed in accordance with the details submitted with this planning application and shall be permanently retained in that form unless otherwise agreed in writing with the local planning authority.
- 10 Prior to first occupation/use of Block 1 and/or 4 within phase 1C, with any non-residential use, where there is a need for external plant and machinery/kitchen extraction equipment (excluding equipment required under fire safety regulations) details shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

- 11 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking or re-enactive that Order with or without modification) no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles, no loft conversions including dormer windows / roof extensions, or roof lights and openings shall be constructed on the dwellinghouse(s) hereby permitted unless permission is granted on an application made to the Local Planning Authority.
- 12 Prior to the first occupation of the non-residential units of Phase C hereby permitted (retail, leisure, office, commercial), details of the hours of operation of the non-residential units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The non-residential units shall thereafter be occupied solely with the approved details.
- 13 Prior to relevant works in each respective phase or sub-phase of development, details of any external lighting to be installed, including but not limited to, street lighting, car park lighting and any proposed lighting (Non-advertisement) on Blocks 1 and 4 in Phase 1C hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved external lighting shall be provided before that phase of development is occupied.
- 14 Before any above-ground work is commenced on any individual phase or sub-phase of the development hereby permitted, samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - i. Facing and roof materials;
 - ii. Juliette balcony and/or dormer window treatment;
 - iii. Window material details;
 - iv. External rainwater goods where permitted.The development shall be carried out in accordance with the approved details and shall thereafter be retained.
- 15 Prior to the first occupation or use of Phase 1C of the development hereby permitted, the proposed access, onsite car and cycle parking, servicing / loading, unloading / turning /waiting area(s) for the relevant phase(s) shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan(s) and retained thereafter available for that specific use, unless otherwise agreed in writing by the local planning authority.
- 16 The temporary sales areas for Bellway Homes and Miller Homes Ltd as identified on Drawing numbers P1708.TH.109, P1708.TH.110, P1708.BMSA.01.L, BM1-OC-RMA-1E-DR-C-5400-R06, BM1-NPA-V1-1a-D2-L-5210-A-C05, and BM1-NPA-V1-1a-D2-L-5210-A-C06 shall be removed and the relevant areas completed to the satisfaction of the approved plans for these areas by such time as the dwellings noted as sales homes/visitor homes are to be occupied or the sales areas are no longer required,

whichever is the soonest, unless otherwise agreed in writing by the local planning authority.

- 17 The play areas approved for the development shall be provided within each respective phase in accordance with the Phasing plan P1708.PhaseP.02-A hereby approved, unless otherwise agreed in writing by the local planning authority.

INFORMATIVES

1 Hertfordshire Highways

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent

water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) Roads to remain private: The applicant is advised that the new roads marked on the submitted plan (BM1-OC-RMA-XX-DR-C-2025 Rev 06) associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN7) The Public Rights of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially over spills of cement or concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the highway including highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65 sqm or weight of 44,000kg – company applicable cranes, piling machines etc.): The applicant is directed to ensure that operators confirm to the provisions of The Road Vehicles (Authorisation of Special Tyres)(General) Order 2003 in ensuring that the Highways Authority is provided with notice of such

movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 123 4047.

2 **Thames Water**

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

3 **22/00806/RMM - LAND TO THE NORTH OF STEVENAGE, OFF NORTH ROAD AND WESTON ROAD, STEVENAGE - PHASE 1D CONSERVATION AREA HOUSES**

The Committee considered an application for the approval of reserved matters (layout, landscaping, scale, and appearance) for residential development of 115 units comprising Phase 1 Parcels D pursuant to Outline permission 17/00862/OPM

The Principal Planning Officer advised that this application was for the development of Phase 1D located in the St Nicholas and Rectory Lane Conservation Area. The proposed plans had undergone negotiations with officers and the LPA's heritage consultants BEAMS. The revised plans submitted included the erection of 115 dwellings, including aspirational homes, all highways matters outside of the infrastructure application within this Phase, and landscaping and boundary treatments contained within this residential parcel located due east of Phase 1B. The eastern boundary of this parcel would abut the proposed Country Park.

At this juncture, the Chair invited Anne Conche from the Friends of Forster Country to address the Committee.

Mrs Conche informed Members she was speaking on behalf of over one hundred Members of the Friends of Forster Country. She advised that the democratic decision to build had been accepted, however, was disappointed that the Council had not considered and followed the advice from BEAMS, Historic England and the CPRE. She was concerned that the types of housing required in the Local Plan were not reflected in the proposed development. In the spirit of this special area, outstanding houses should be built, and she hoped that the sacrifice of the development would be worthwhile.

The Chair then invited Jamie McArthur from Bellway Homes to address the meeting. Mr McArthur informed the Committee that this phase, situated in the St Nicholas and Rectory lane Conservation Area, included a range of larger aspirational homes encouraging higher earners to live in the Town. The site wide infrastructure works required to support the development were well underway.

The Chair thanked both speakers for their contributions to the meeting.

The Principal Planning Officer advised that paragraph 9.3 within the Local Plan acknowledged that some harm would be caused by the introduction of housing in this area but that the social and economic benefits gained from the development would outweigh the harm caused.

Members were advised that this phase was made up predominantly of detached dwellings, with some pairs of semi-detached houses. Being located in the Conservation Area the phase included the requirement to provide aspirational homes, which were larger dwellings with larger external garden areas. The housing density in this area was much lower than the rest of the site at 24 dwellings per hectare which fit within the parameter density approved under the outline of 15 to 30 dwellings per hectare.

Parking would typically be provided by way of driveways and garages, with access off shared surface roads. Boundary treatments were made up of black three or five bar railings and hedges. Additional planting was provided along the eastern boundary of the phase. This phase of the development included for foot/cycleway connections with phase 1B, the southern bridleway and the proposed Country Park.

Members were informed that vehicular access would be provided by one of the spur roads in Phase 1B, which would extend south easterly into Phase 1D, where it would split at a 'T' junction. To the west of Phase 1D a green link would provide a footway with significant levels of tree planting to provide shade and several benches. It would also provide a landscaped buffer between this phase and Phase 1B to the west.

Impact on the character and appearance of the conservation area and nearby listed buildings was fully assessed in accordance with Section 66 of the Listed Building Act 1990 in terms of considering whether to grant planning permission for development which affected the setting of the conservation area and listed buildings. As with other parcels in the development and given existing built development in the area Officers were of the opinion that it had been demonstrated that the development would cause, at the lower end of the scale, less than substantial harm to the conservation area and to a lesser degree the settings of the listed buildings.

Officers responded to a number of Members questions with the following answers/comments:

- There was only one vehicular route in and out of the area of phase 1D;
- In response to a concern regarding overdevelopment, it was advised that the density levels had been approved at a previous outline stage and that this scheme had come forward reflecting those levels;
- If Members were minded not to vote for the application, and a new proposal would need to be developed reflecting the reasons which had been put forward for the refusal of the application;
- Members were advised that the applicant could appeal the Council's decision if the committee was minded to refuse. In addition, if Members had concerns around density, this should have been dealt with at the outline permission stage as that established the principle of the overall density for this part of the development site;
- Members were also advised that this part of the site had been considered in

detail as part of the Local Plan process and whilst it was noted that the scheme would cause harm, the Inspector, and as detailed in the Local Plan, was of the view that that the benefits would outweigh any harm;

- Officers advised that Historic England had objected at every stage relating to the site, i.e. Local Plan stage, outline stage and in relation to this application. However their concerns had been considered by the planning Inspector when considering the sites allocations and also by Officers at both outline and reserved matters stages;
- The Country Park would offset the development coming forward on the site. The 38 hectare Country Park would be fully in the Conservation Area. The application for the Country Park would come back to the Planning and Development Committee at the end of November 2023. It was proposed that the Country Park would be a managed space by the SBC Parks and Amenities Team;
- Officers agreed to inform Members of the size comparison between Fairlands Valley Park and the proposed Country Park. Fairlands Valley Park is approximately 48.5 hectares in size in comparison to the proposed 38 hectare Country Park;
- Officers advised that the Country Park would be transferred then ultimately managed by Stevenage Borough Council;
- Officers agreed to include consultation with the Vice-Chair along with the Chair for any sign-off of delegated details;
- The provision of the Country Park would meet the Council's required 10% of Biodiversity Net Gain across the site;
- In relation to connections, this parcel of housing had 2 access points going into the Country Park.

It was **RESOLVED**:

That planning permission be granted subject to the following:

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: BM1-NPA-V1-0S-DR-L-7511-A-C01; BM1-NPA-V1-0S-DR-L-7512-A-C01; BM1-NPA-V1-1D-DR-L-5225-A-C03; BM1-NPA-V1-1D-DR-L-5226-A-C02; BM1-NPA-V1-1D-DR-L-5227-A-C02; BM1-NPA-V1-1D-DR-L-5228-A-C03; BM1-NPA-V1-1D-DR-L-5229-A-C02; BM1-NPA-V1-1D-DR-L-5230-A-C02; BM1-NPA-V1-1D-DR-L-5231-A-C02; BM1-NPA-V1-1D-DR-Y-3201-A-C02; M1-NPA-V1-OS-DR-L-7405-A-C01; BM1-NPA-V1-ZZ-DR-L-5203-A-C05; BM1-NPA-V1-ZZ-DR-L-5204-A-C04; BM1-NPA-V1-ZZ-SP-L-5235-A-C03; BM1-OC-RMA-1D-DR-C-5300 - R04; BM1-OC-RMA-1D-DR-C-5301 - R04; BM1-OC-RMA-1D-DR-C-5302 - R03; BM1-OC-RMA-1D-DR-C-5303 - R03; BM1-OC-RMA-1D-DR-C-5304 - R02; BM1-OC-RMA-1D-

DR-C-5305 - R02; BM1-OC-RMA-1D-DR-C-5306 - R02; BM1-OC-RMA-1D-DR-C-5307 - R02; BM1-OC-RMA-1D-DR-C-5308 - R02; BM1-OC-RMA-1D-DR-C-5309 - R02; BM1-OC-RMA-1D-DR-C-5310 - R02; BM1-OC-RMA-1D-DR-C-5311 - R02; P1708.22-G; P1708.32-G; P1708.33-G; P1708.34-F; P1708.35-G; P1708.36-F; P1708.37-F; P1708.D.BN1.101; P1708.D.BN1.102; P1708.D.BN2.101; P1708.D.BN2.102 - REV A; P1708.D.BN2.103 - REV A; P1708.D.BR1.101; P1708.D.BR1.102; P1708.D.BR1.103; P1708.D.BR2.101; P1708.D.BR2.102; P1708.D.BR2.103; P1708.D.BR2.104; P1708.D.BW.101; P1708.D.BW.102; P1708.D.BW.103; P1708.D.BW1.101; P1708.D.BW1.102; P1708.D.CH1.101; P1708.D.CH1.102; P1708.D.CU.101; P1708.D.CU.102; P1708.D.CW1.101; P1708.D.CW1.102; P1708.D.CW1.103; P1708.D.CW1.104; P1708.D.DN.101; P1708.D.DN.102; P1708.D.DR.101; P1708.D.DR.102; P1708.D.DR.103; P1708.D.DR1.101; P1708.D.DR1.102; P1708.D.DR1.103; P1708.D.DR2.101; P1708.D.DR2.102; P1708.D.DR2.103; P1708.D.DR2.104; P1708.D.DR2.105; P1708.D.DR3.101; P1708.D.DR3.102; P1708.D.DR3.103; P1708.D.DR3.104; P1708.D.DR3.105; P1708.D.FW1.101; P1708.D.FW1.102; P1708.D.GF1.101; P1708.D.GF1.102; P1708.D.GF1.103; P1708.D.GF1.104; P1708.D.GF2.101; P1708.D.GF2.102; P1708.D.GF2.103; P1708.D.GF2.104; P1708.D.GF2.105; P1708.D.GW1.101; P1708.D.GW1.102; P1708.D.GW1.103; P1708.D.GW1.104; P1708.D.HN1.101; P1708.D.HN1.102; P1708.D.HN1.103; P1708.D.HN2.101; P1708.D.HN2.102; P1708.D.HN3.101; P1708.D.HN3.102; P1708.D.HN4.101; P1708.D.HN4.102; P1708.D.HP1.101; P1708.D.KF1.101; P1708.D.KF1.102; P1708.D.KF1.103; P1708.D.KF2.101; P1708.D.KF2.102; P1708.D.KF2.103; P1708.D.PG1.101; P1708.D.PG1.102; P1708.D.PG1.103; P1708.D.PG2.101; P1708.D.PG2.102; P1708.D.PH.101; P1708.D.PH.102; P1708.D.PH1.101; P1708.D.PH1.102; P1708.D.RE.101; P1708.D.RE.102; P1708.D.RE1.101; P1708.D.RE1.102; P1708.D.RE2.101; P1708.D.RE2.102; P1708.D.RE2.103; P1708.D.RE3.101; P1708.D.RE3.102; P1708.D.RE3.103; P1708.D.RE4.101; P1708.D.RE4.102; P1708.D.RT.101; P1708.D.SC.101; P1708.D.SC.102; P1708.D.SS.101 - REV A; P1708.D.SS.101 - REV A; P1708.D.SS.103 - REV A; P1708.D.TH.101; P1708.D.TH.102; P1708.D.TH.103; P1708.D.TH1.101; P1708.D.TH1.102; P1708.D.WA1.101; P1708.D.WA1.102; P1708.D.WA2.101; P1708.D.WA2.102; P1708.D.WA2.103; P1708.D.WA3.101; P1708.D.WA3.102; P1708.D.WE.101; P1708.D.WE.102; P1708.D.WN1.101; P1708.D.WN1.102; P1708.D.WN1.103 - REV A; P1708.GAR.101; P1708.GAR.102; P1708.GAR.104; P1708.GAR.107; P1708.GAR.108; P1708.PhaseP.02-A.

- 2 The development hereby permitted shall be carried out in accordance with the soft and hard landscaping details submitted, unless otherwise approved in writing by the Local Planning Authority.
- 3 All planting, seeding and turfing comprised in the approved landscaping details as agreed under condition 2 of this approval shall be carried out for each phase of the development hereby consented in the first planting and seeding seasons following the first occupation of the development hereby permitted or, the completion of the approved development whichever is the sooner.

- 4 All hard surfacing comprised in the approved landscaping details as specified in condition 2 of this approval shall be carried out for each phase of the development hereby consented prior to first occupation of the development hereby permitted or, the completion of the approved development, whichever is the sooner.
- 5 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 6 No tree shown on the approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
- 7 No development above slab level of any building in this phase, shall take place until details of the proposed swift and bat boxes, their construction and integration into the respective buildings/dwellings has been submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be installed/integrated on the building/dwelling elevations as identified on Drawing number BM1-NPA-V1-1ABC-DR-Y-3201-A-C02 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt
- 8 No dwelling hereby approved shall be occupied until the respective cycle parking has been provided on site by way of garage or garden shed as shown on Drawing number: P1708.22.G.
- 9 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking or re-enactive that Order with or without modification) no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles and/or bicycles, no loft conversions including dormer windows / roof extensions, or roof lights and openings shall be constructed on the dwellinghouse(s) hereby permitted unless permission is granted on an application made to the Local Planning Authority.
- 10 Before any above-ground work is commenced on the development hereby permitted, samples of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - i. Facing and roof materials;
 - ii. Juliette balcony and/or dormer window treatment;
 - iii. Window material details;
 - iv. External rainwater goods where permitted.The development shall be carried out in accordance with the approved details and shall thereafter be retained.

- 11 The play areas approved for the development shall be provided within each respective phase in accordance with the Phasing plan P1708.PhaseP.02-A hereby approved, unless otherwise agreed in writing by the local planning authority.
- 12 No development shall take place above slab level within this sub-phase of the development until details of the proposed renewable energy measures to address adaptation to climate change in accordance with the Sustainability Briefing Note have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
- 13 Notwithstanding the details submitted in respect of the hardstanding finishes, prior to any development within this sub-phase above slab level, details of the hardstand finishes to be used within the Conservation Area, including all shared surfaces, private shared driveways and driveways shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

INFORMATIVES

1 Hertfordshire Highways

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be

taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN6) Roads to remain private: The applicant is advised that the new roads marked on the submitted plan (BM1-OC-RMA-XX-DR-C-2025 Rev 06) associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN7) The Public Rights of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement or concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the highway including highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for

which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN8) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65 sqm or weight of 44,000kg – company applicable cranes, piling machines etc.): The applicant is directed to ensure that operators confirm to the provisions of The Road Vehicles (Authorisation of Special Tyres)(General) Order 2003 in ensuring that the Highways Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 123 4047.

2 **Thames Water**

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

4 **URGENT PART I BUSINESS**

None.

5 **EXCLUSION OF THE PRESS AND PUBLIC**

Not required.

6 **URGENT PART II BUSINESS**

None.

CHAIR

This page is intentionally left blank

**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

Date: Tuesday, 31 October 2023

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Councillors: Michael Downing (Chair), Claire Parris (Vice Chair), Julie Ashley-Wren, Rob Broom, Forhad Chowdhury, Nazmin Chowdhury, Chris Howells, Graham Lawrence CC, Maureen McKay, Adam Mitchell CC, Ellie Plater, Graham Snell, Carolina Veres and Anne Wells

Start / End Start Time: 6.30pm
Time: End Time: 7.45pm

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

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

2 MINUTES - 3 OCTOBER 2023

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 3 October 2023 be approved as a correct record and signed by the Chair.

3 23/00482/FP - CINNABAR, HIGH STREET, STEVENAGE

The Committee considered a report in respect of application 23/00482/FP for the change of use of parking bays to facilitate construction of outdoor seating area associated with 56 -58 High Street, Stevenage.

The Principal Planning Officer informed the Committee that the application did not take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.

Councillor Loraine Rossati had called the application in due to the potential impact on neighbouring properties, car parking and highway safety.

The Chair invited Councillor Rossati to address the Committee.

Councillor Rossati expressed concern regarding the current parking and traffic situation in the area. She advised that the area was already short of parking spaces and that the traffic was often queuing to get into the spaces outside Tesco. The reduction in spaces would force drivers to park on yellow lines and pedestrians to navigate the pavements unsafely. The reduction in parking would also have a

negative impact on the local businesses in the area.

The Chair then invited Dr. Veal from the Old Town Business and Community Partnership to address the meeting.

Dr. Veal advised that although he was keen to see the Old Town flourish, the decision on this application should be delayed until the Herts County Council (HCC) plans for the High Street along with the decisions for similar premises at the South end of the High Street were known.

Mr Linnard, Planning Agent on behalf of the applicant advised the Committee that the premises had a temporary licence since 2021. As there had been no objections from consultations with HCC, SBC Environmental Health or BEAMS he hoped that the Committee would support the application as the hospitality sector played an important role in the Old Town.

The Chair thanked all speakers for their contributions.

Members asked a number of questions relating to the loss of the spaces and were concerned regarding the potential similar issues with premises at the south end of the High Street.

The Development Manager advised the Committee that the recent adoption of the new Levelling-Up and Regeneration Act 2023 encouraged Local Authorities to support local businesses relating to outdoor seating. However, due to the Act being so new, the implications for the Council on this issue had yet to be fully drawn out.

Following further consideration, it was moved by Councillor Broom and seconded by Councillor Claire Parris and **RESOLVED** that application 23/00482/FP be deferred for Officers to provide to the Committee, at their next meeting, clarity on the implications for the application of and direction following the adoption into Law of the new Levelling-Up and Regeneration Act 2023.

4 **23/00477/OP - LAND BETWEEN 146 & 225 HOPTON ROAD, STEVENAGE**

The Committee considered an application for outline planning permission with all matters reserved for the erection of 1 no. detached three bedroom dwelling with associated car parking. Officers advised that since all matters were reserved, the application was principally concerned with the principle of the development whereas access, appearance, landscaping, layout and style would be considered at a later date.

The application was before the Committee for determination as the applicant was Stevenage Borough Council.

The Principal Planning Officer gave an introduction to the Committee. He advised that the main issues for consideration were the principle of the development, standard of accommodation, character and appearance, impact on neighbouring properties, parking, highway safety, ecology, arboriculture and biodiversity, flood risk and drainage, climate change and sustainability, developer obligations and CIL.

The Committee was advised that Officers considered that the land was suitable for the provision of housing as a small underused site, with the play equipment having been removed a number of years ago, with no fundamental unacceptable impacts on the environment or surrounding properties. The development would also make a small contribution towards meeting the Council's housing needs.

In response to questions from members, Officers gave the following responses:

- There would be no access to the property from Clovelly Way;
- The position of the fence line of a property adjoining the site was down to the Council selling a small portion of land to the property owner a number of years ago;
- If the property was sold to a developer, the reserved matters would only come back to the Committee for approval if it was called in. If the Council retained the property, the reserved matters would be submitted to Committee;
- The land currently had no formal use and there was a much larger green space in the vicinity which was used as a play/recreational area;
- If a developer wished to put forward an alternative proposal for the site, for example the construction of flats, they would be required to submit a fresh application for the Council to make its decision.

It was **RESOLVED:**

That planning permission be granted subject to the following conditions and the completion of a memorandum of understanding to provide:

- Off-site habitat creation equal to 0.55 units

With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of the Planning and Development Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), and to amend or add to the suggested draft conditions set out in this report, prior to the decision notice being issued, where such amendments or additions would be legally sound and most effectively deliver the development that the Planning Committee has resolved to approve.

Conditions

General 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:

01 Rev A
02
03 Rev A

2. Approval of the details of the layout, scale and appearance of the building,

the means of access thereto and the landscaping of the site (hereinafter “the reserved matters”) shall be obtained in writing from the local planning authority before any development is commenced.

3. In the case of any reserved matter, application for approval must be made to the local planning authority not later than the expiration of three years from the date of this permission.
4. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Unless otherwise agreed in writing by the Local Planning Authority, no demolition or construction 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.
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.
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.
8. The development to which this permission relates shall be carried out in accordance with the mitigation measures as specified in Section 5 of “Preliminary Ecological Appraisal” authored by CSA Environmental and dated June 2023 unless otherwise agreed in writing by the Local Planning Authority.

Prior to Commencement

9. 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.
10. No development shall take place (including site clearance or demolition) until a tree protection plan 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 plan.

Prior to Occupation

11. Prior to the beneficial occupation of the development to which this permission relates, the car parking shall be provided 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.
12. Prior to beneficial occupation of the development to which this permission relates, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to beneficial occupation and shall thereafter be permanently kept free from obstruction and maintained for its intended purpose unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to beneficial occupation 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 and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
14. Prior to beneficial occupation 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 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 and permanently retained as such 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. Building Regulations

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

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

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

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

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

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

5. Community Infrastructure Levy

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

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

Stevenage's adopted CIL Charging Schedule and further details of CIL can

be found on the Council's webpages at www.stevenage.gov.uk/CIL or by contacting the Council's CIL Team at CIL@Stevenage.gov.uk .

5 **23/00631/CLEU - 127 RIPON ROAD, STEVENAGE**

The Committee considered a report in respect of application 23/00631/CLEU for a Certificate of Lawfulness for (Existing Use) for the use of the property at 127 Ripon Road, Stevenage, as a 6-bed House of Multiple Occupation (Use Class C4).

The application was originally submitted to the Planning and Development Committee on 3 October 2023 but following debate was deferred to enable a selection of redacted evidence documents to be shared with the Committee. The applicant had submitted evidence of rental agreements, bank statements and property management invoices and inspections which corroborated the application and in the opinion of the Officers proved that on the balance of probabilities, the property had been in continuous use as an HMO since 2015.

The Committee was reminded by the Borough Solicitor that any debate referring to the redacted evidence documents would have to be considered in Part II of the meeting once the Press and Public had been excluded.

It was **RESOLVED** that the Certificate of Lawfulness is approved for the following reason:

On the balance of probabilities, the evidence that had been provided has demonstrated that No.127 Ripon Road was operating as a C4 House of Multiple Occupation prior to 20 September 2017 when the Council's Article 4 Direction came into force, and is, therefore a lawful use that is exempt from enforcement action.

6 **23/00618/CLEU - 45 YORK ROAD, STEVENAGE**

The Committee considered a report in respect of application 23/00618/CLEU for a Certificate of Lawfulness for use as a 7 bedroom HMO (Use Class Sui-Generis) at 45 York Road, Stevenage.

The application was before the Planning and Development Committee as it had been called-in by local Ward Councillor Sandra Barr.

The application had originally been considered by the Committee on 3 October 2023 when it had been deferred to enable a selection of redacted evidence documents to be shared with the Committee.

The Committee was again reminded by the Borough Solicitor that, as in the previous item, any debate referring to the redacted evidence documents would have to be considered in Part II of the meeting once the Press and Public had been excluded.

Officers reminded Members that for the purposes of Section 171(b) (3) Time Limits, of the Town and Country Planning Act 1990 (as amended), which states that in the case of any other breach of planning control, no enforcement action may be taken

after the end of the period of ten years beginning with the date of the breach. Therefore, providing the applicant could demonstrate through the submission of sufficient evidence, the large HMO, the subject of this application, was operating for more than 10 years, in line with the Act, they would be immune from enforcement action. Officers considered that the evidence submitted with the application demonstrated the continuity of the existing use in excess of this time period and the evidence was sufficiently precise and unambiguous to justify the Grant of a Certificate of Lawfulness. Officers advised that in their professional opinion, the evidence met the relevant required test of 'on the balance of probability' from the Statutory Declarations and other documents provided.

In response to a question Officers confirmed that in compliance with the Town and Country Planning Act, the Council could not take any enforcement action on the property after the end of the ten year period beginning with the date of the breach.

It was **RESOLVED** that the Certificate of Lawfulness is approved for the following reason:

On the balance of probabilities the evidence that had been provided has demonstrated that No.45 York Road has been continually operating as a Large House of Multiple Occupation for a period of at least 10 years from the date of the application and is, therefore a lawful use that is exempt from enforcement action.

7 **INFORMATION REPORT - DELEGATED DECISIONS**

Noted.

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

Noted.

9 **URGENT PART I BUSINESS**

None.

10 **EXCLUSION OF THE PRESS AND PUBLIC**

It was **RESOLVED**:

1. That under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve 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 the reasons for the following reports being in Part II were accepted, and that the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

11 **URGENT PART II BUSINESS**

None.

CHAIR

Meeting Planning and Development Committee
Portfolio Area Environment and Performance
Date 7 December 2023

REVISED CONTAMINATED LAND INSPECTION STRATEGY

NON KEY DECISION

Authors Christine Walker-Wells | 2247
Lead Officers Maurice Clay | 2175
Contact Officer Christine Walker-Wells | 2247

1 PURPOSE

1.1 To consider the Council's revised Contaminated Land Inspection Strategy.

2 RECOMMENDATIONS

2.1 That the Planning and Development Committee approves the publication of the attached draft contaminated land inspection strategy for external consultation until 4 February 2024.

3 BACKGROUND

3.1 Section 78B(1) of Part 2A of the Environmental Protection Act 1990 (EPA 1990) places a duty on local authorities to inspect their areas to identify contaminated land and confers regulatory powers to deliver against that duty.

3.2 Contaminated Land Statutory Guidance produced by the Department for Environment, Food and Rural Affairs in 2012 sets out how local authorities should meet these duties, including the need to have a written strategy setting out their strategic approach. The proposed Contaminated Land

Inspection Strategy is intended to meet this requirement and provides a brief overview of the contaminated land regime, its aims and objectives.

- 3.3 Any Part 2A inspection undertaken by the Council must be at its own expense and by its nature can consist of numerous phases under the supervision of environmental consultants.
- 3.4 Where contaminated land assessments conclude that there are unacceptable risks, as per Statutory Guidance, the Council must ensure these are addressed, typically through the completion of remedial works. Such works could comprise excavation of contaminated ground and sending to landfill, encapsulating the ground or cleaning the soil in situ.
- 3.5 Where no responsible party can be identified (e.g. landowner, developer, polluter), the cost may fall to the Council. Such costs have the potential to escalate to seven figure sums.
- 3.6 The Contaminated Land Capital Grants programme from central Government was previously available to local authorities to bid for funds to carry out such investigations and remediation work. This funding programme was withdrawn in 2013 and has subsequently not been replaced with an alternative, leaving many authorities unable to fund such inspections.
- 3.7 However, it is important to note that while Part 2A gives the Council powers to proactively deal with contaminated land, in the vast majority of cases such land is assessed and dealt with through the development control system.

4 DISCUSSION

- 4.1 The refreshed strategy, which can be found at Appendix A, contains updates based on amended national guidance, the updated Local Planning Policy Framework and, following the ending of the national Contaminated Land Capital Grants Programme, DEFRA's decision not to introduce a replacement scheme.
- 4.2 In light of the above the strategy incorporates a change from the approach of undertaking proactive inspection of sites where contamination may be present due to previous uses, to one of utilising the existing assessment of sites within the development control process to manage the Council's duties under Part 2A. It should be noted that formal proactive Part 2A work has never been needed to date in the borough and very rarely in other districts.
- 4.3 Environmental Health is a consultee within the planning process. The National Planning Policy Framework (NPPF) requires consideration of potential contamination as part of the planning process to ensure a site is suitable for its proposed use and, after remediation (where required), the land is not capable of being determined as Contaminated Land under Part 2A.
- 4.4 Through this process the Council reviews the previous use of a site from the information submitted by the applicant as well as Council records and decides whether further investigation is required. Officers review reports submitted, agree remediation measures where required and assess validation reports demonstrating that concerns have been addressed.

- 4.5 Many planning application sites have had some previous use and therefore may be identified as having potential for concern in respect of contamination. Ensuring these sites are addressed through the planning process, as required by the NPPF, also provides the Council with information on them. The large number of planning applications received each year allows a much greater number of sites to be addressed than would be possible under the Part 2A regime.
- 4.6 The revised Statutory Guidance places an emphasis on this approach, stating that the use of Part 2A should only occur where 'no appropriate alternative solution exists' and emphasises that land contamination can be addressed through the planning and building control processes as well as voluntary action by landowners. Officers continue to provide advice and guidance to landowners wishing to proactively deal with their land.
- 4.7 One of the overarching objectives of Government's policy in relation to the Part 2A regime is 'to ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.' Accordingly, the Council will continue to use the preferred mechanisms detailed in the Statutory Guidance to ensure that historical contamination is appropriately dealt with whilst ensuring unnecessary burdens are not placed on the Council and its stakeholders.
- 4.8 The Council may still need to act in any cases where evidence of an immediate or likely case of harm occurring from land contamination exists as this would not be dealt with by other regimes. However, based on experience to date such scenarios are likely to be extremely rare.
- 4.9 The new strategy is predicated upon the identification of statutorily contaminated land in an ordered, rational and efficient manner, based firmly on the principles of risk assessment. It will slightly amend but largely build on the general approach detailed in the 2001 Strategy and will be implemented using a staged approach that will make the best use of scarce resources.
- 4.10 The 2001 Strategy had the following staged strategic approach:
1. A framework for inspection of sites requiring urgent attention
 2. Collection of information on potentially contaminated sites
 3. Compilation of a list of potentially contaminated sites
 4. Risk-based assessment and prioritisation of sites
 5. Initial assessment of potentially contaminated sites
 6. Detailed inspection of high-risk sites from the priority list
- 4.11 No sites were identified within Stage 1 of the Strategy and this Stage is complete.
- 4.12 Stages 2 and 3 can also be considered to be complete with a list of just over 400 sites identified as locations where contaminated land could theoretically be present.
- 4.13 To date, however, there has been no prioritisation of the sites within that list. Therefore, in order to meet the statutory requirements of being rational,

ordered and efficient with an approach to the prioritisation of the detailed inspection of potentially contaminated land, it is from Stage 4 of the strategic approach onward that this version of the Strategy needs to address.

5 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 5.1 The Statutory Guidance directs that a local authority sets out its approach as a written strategy, which it should formally adopt and publish to a timescale to be set by the authority.
- 5.2 Further, the authority must keep its strategy under periodic review to ensure that it remains up to date. As good practice it should aim to review its strategy at least every five years.

6 IMPLICATIONS

Financial Implications

- 6.1 There are no direct financial implications arising from the policy or the report. The legislation already provides that in certain exceptional circumstances a situation might occur however where the responsibility for investigating or remediating a site could fall to the Council.

Legal Implications

- 6.2 The Council has a statutory duty to produce a Contaminated Land Inspection Strategy under Part 2A of the Environmental Protection Act 1990.

Risk Implications

- 6.3 Failure to adopt an up-to-date Contaminated Land Inspection Strategy exposes the authority to risk of challenge from landowners and developers as a result of lack of clarity in how the authority will discharge its inspection duty.

Policy Implications

- 6.4 The Contaminated Land Inspection Strategy will accord with and supplement policies in the adopted Stevenage Borough Local Plan (2019).

Planning Implications

- 6.5 The Contaminated Land Inspection Strategy will add to and complement the Development Plan for Stevenage and will be a material consideration for planning applications.

Environmental Implications

- 6.6 The Contaminated Land Inspection Strategy will assist in enabling the remediation of contaminated land to be effected in a sustainable manner, minimising the environmental impact of operations.

Climate Change implications

- 6.7 No direct implications.

Equalities and Diversity Implications

- 6.8 None.

Community Safety Implications

- 6.9 None.

BACKGROUND DOCUMENTS

- BD1 Environmental Protection Act 1990: Part 2A
- BD2 Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance; April 2012

APPENDICES

- A Draft Contaminated Land Inspection Strategy 2023-2028

CONTAMINATED LAND STRATEGY 2023
Version 2.0

as required under the provisions of the
ENVIRONMENT ACT 1995
ENVIRONMENTAL PROTECTION ACT 1990



Document History:

| | |
|---------------|--|
| June 2001 | Contaminated Land Strategy Published |
| 2017/18 | Revised Draft Strategy - Unpublished |
| December 2023 | Contaminated Land Strategy Version 2.0 |

Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
SG1 1HN

Tel: 01438 242754
Email: env.health@stevenage.gov.uk

TABLE OF CONTENTS

| | |
|---|---------------|
| PREFACE | 1 |
| 1 INTRODUCTION | 2 |
| 1.1 Background to the Legislation | 2 |
| 1.2 Regulatory and Policy Context | 2 |
| 1.3 Roles and Responsibilities | 2 |
| 1.4 Strategic Planning | 3 |
| 1.5 Financial and Manpower Implications | 4 |
| 1.6 Information, Complaints and Questions from the Public | 4 |
| 2 THE CONTAMINATED LAND REGIME | Error! |
| Bookmark not defined. | |
| 2.1 Aims and Objectives | Error! |
| Bookmark not defined. | |
| 2.2 Definition of Contaminated Land | Error! |
| Bookmark not defined. | |
| 2.3 Outline of the Statutory Procedure | Error! |
| Bookmark not defined. | |
| 3 AIMS AND OBJECTIVES OF THE STRATEGY | 6 |
| 3.1 Aims | 6 |
| 3.2 Objectives | 6 |
| 4 DESCRIPTION OF THE STEVENAGE AREA | 7 |
| 4.1 Geography | 7 |
| 4.2 History | 7 |
| 4.3 Environment | 8 |
| 4.4 Geology, Hydrogeology and Hydrology | 8 |
| 4.5 Protected Locations | 8 |
| 5 IDENTIFICATION OF POTENTIALLY CONTAMINATED LAND | 8 |
| 5.1 Introduction | 8 |
| 5.2 Potential Sources of Contamination | 9 |
| 5.3 Potential Receptors | 10 |

5.4 Potential Pathways of Exposure to Contamination
Bookmark not defined.

Error!

6 THE RISK PRIORITISATION PROCESS

11

| | | |
|-----|--|---------------|
| 6.1 | The Strategic Approach Bookmark not defined. | Error! |
| 6.2 | Stage 4: Initial Risk Prioritisation Bookmark not defined. | Error! |
| 6.3 | Stage 5: Detailed Inspection of Prioritised Sites | 13 |
| 7 | DETERMINING CONTAMINATED LAND Bookmark not defined. | Error! |
| 7.1 | Responsibilities and Requirements Bookmark not defined. | Error! |
| 7.2 | The Written Record of Determination and Formal Notification Bookmark not defined. | Error! |
| 8 | DETERMINING LIABILITY Bookmark not defined. | Error! |
| 8.1 | Identification of Appropriate Person(s) and Liability Groups Bookmark not defined. | Error! |
| 8.2 | Specifying Remediation Bookmark not defined. | Error! |
| 8.3 | Attributing Responsibility Bookmark not defined. | Error! |
| 8.4 | Assessing Exclusion Bookmark not defined. | Error! |
| 8.5 | Apportionment of Liability Bookmark not defined. | Error! |
| 8.6 | Orphan Linkages Bookmark not defined. | Error! |
| 9 | ENFORCEMENT Bookmark not defined. | Error! |
| 9.1 | Remediation Notices Bookmark not defined. | Error! |
| 9.2 | Remediation Statements Bookmark not defined. | Error! |
| 9.3 | Remediation Declarations Bookmark not defined. | Error! |
| 10 | RECONSIDERATION OF DETERMINATIONS Bookmark not defined. | Error! |

| | | |
|------|---|---------------|
| 11 | CONTAMINATED LAND REGISTERS & ACCESS TO INFORMATION | Error! |
| | Bookmark not defined. | |
| 11.1 | Contaminated Land Registers | Error! |
| | Bookmark not defined. | |
| 11.2 | The Environmental Information Regulations 2004 | 19 |
| 12 | REVIEW ARRANGEMENTS | Error! |
| | Bookmark not defined. | |
| 12.1 | Inspecting the Borough | Error! |
| | Bookmark not defined. | |
| 12.2 | Reviewing the Strategy | Error! |
| | Bookmark not defined. | |
| 13 | PROGRESS TO DATE AND FUTURE ACTIONS | Error! |
| | Bookmark not defined. | |

Appendices

Appendix 1 – Special Sites including Land Contaminated by Radioactivity

Appendix 2 – The Consultation Procedure

Appendix 3 – List of Potentially Contaminative Land Uses

Appendix 4 – Detailed Risk Prioritisation Methodology

PREFACE

This document is Version 2.0 of the Stevenage Borough Council (the Council) Contaminated Land Strategy. Version 2.0 replaces the earlier version of the Strategy dated June 2001 and has been produced to accommodate the Central Government initiated changes to the 2012 Statutory Guidance. The Statutory Guidance has been in place in one form or another since 2000 in order to support the legal framework for dealing with contaminated land under Part 2A of the Environmental Protection Act 1990.

The updated Statutory Guidance was published in April 2012 with the stated aims being to:

- give greater clarity to regulators as to how to determine when land is and is not actually contaminated land
- be shorter, simpler and more focused towards achieving optimum results in terms of dealing with sites most in need of remediation
- reflect the experience accumulated over eleven years of operating the regime allowing regulators to take a more targeted approach which remains precautionary but avoids an over cautious blanket approach.

The changes made to the Strategy have been necessary in order to fulfil the Council's statutory obligations and to protect against the risk of any future Part 2A activities being challenged on the grounds that the Council Strategy is out of date.

The key changes that are incorporated into this Strategy are summarised below:

- The separation of the Statutory Guidance for radioactively contaminated land from the Statutory Guidance for non-radioactively contaminated land (Section 7.1 & Appendix 1).
- Revisions to the Council's approach to Risk Prioritisation of land that has the potential to be contaminated land (Section 6.2).
- Change to the definition and assessment of the significance of pollution of controlled waters from land contamination (Section 7.1).
- Introduction of requirement for Risk Summaries (Section 7.2).
- Introduction of the ability to reconsider, revoke or vary Statutory Determinations of Contaminated Land (Section 10.0)
- The revocation of Regional Spatial Strategies and Planning Policy Statements/Guidelines following the introduction of the National Planning Policy Framework (NPPF), the most recent version of which was published in 2021 (Section 1.4).

1. INTRODUCTION

1.1 Background to the Legislation

The industrial revolution and its subsequent impact on the demographic and spatial distribution of people in the United Kingdom resulted in an unprecedented change in land use patterns. In the latter half of the 20th century the character of the UK economy shifted significantly, albeit gradually, away from industrial production to a more service based economy. Inevitably, these changes and others, for example the type and volume of waste that is sent to landfill, have left behind a legacy of land that has been contaminated with harmful substances which may pose a risk to the environment (human, animal, natural and built). This gave rise to a need for a regulatory framework by which land affected by contamination, which was adversely impacting the environment could be remediated for the benefit of the environment and if vacant brought back into beneficial use.

The current and projected need for homes has placed renewed pressure on local authorities to reuse land in urban areas and this provided an additional impetus for the rehabilitation of historically contaminated land.

1.2 Regulatory and Policy Context

The contaminated land statutory framework is the principal driver for requiring an up to date Contaminated Land Strategy. The legislation in question is Part 2A of the Environmental Protection Act 1990 (Part 2A EPA 1990), which was introduced by Section 57 of the Environment Act 1995. This is supported by the Contaminated Land (England) Regulations 2006 (amended 2012) and statutory guidance. At the time of writing the most recent version is the Contaminated Land Statutory Guidance 2012.

The legislation and guidance states that local authorities should cause their areas to be inspected from time to time with a view to identifying contaminated land. There should be a strategic approach to this and it should be detailed in a written contaminated land strategy, which should be kept under periodic review.

The Contaminated Land Strategy has been prepared in the context of the Council's vision 'Making Stevenage Even Better' and corporate priorities of Transforming our Town and providing More Social, Affordable and Good Quality Homes.

1.3 Roles and Responsibilities

The primary regulator in respect of the contaminated land regime is the local authority. For Stevenage Borough Council the strategy will be under the control of the Environmental Health Team overseen by the Senior Environmental Health and Licensing Manager. The role in broad terms is:

- to cause the area to be inspected to identify potentially contaminated sites;
- to determine whether any particular site is contaminated (by definition);
- to determine whether any such land should be designated a 'special site' (**Appendix 1**); and
- to act as enforcing authority for contaminated land not designated as a 'special site'.

The Environment Agency also has three main roles:

- to assist local authorities in identifying contaminated land (particularly where water pollution is involved);

- to provide site specific guidance to local authorities on contaminated land where requested;
- to act as enforcing authority for contaminated land designated a 'special site'

Where the presence of contaminated land has been confirmed the enforcing authority must:

- establish who should bear responsibility for remediation;
- decide after consultation what must be done in the form of remediation and ensure it is effectively carried out;
- determine liability for the costs of the remedial works; and
- maintain a public register of regulatory action in relation to contaminated land.

In order to satisfy the far reaching objectives of the contaminated land regime it will be necessary to assess land throughout the whole of the Borough and to collate significant volumes of information. This will ultimately enable this Authority to make the sometimes difficult and inevitably complex decisions relating to its condition, the risks it presents and who may be liable for it under law.

It must be noted that although local authorities have the sole responsibility for designating sites as contaminated land and this responsibility cannot be delegated to another body, support and advice can be obtained from contaminated land professionals external to the Council. Additionally the responsibility of local authorities should not be considered in isolation from their other duties that have the potential to achieve the same goal as the Contaminated Land Strategy or from the impact on their available resources.

Appendix 2 contains the list of organisations and internal departments that will be consulted on the Contaminated Land Strategy.

1.4 Strategic Planning

The Stevenage Borough Local Plan 2011-2031 was adopted on 22nd May 2019 and replaced the District Plan (Second Review). It sets out how Stevenage will develop in the future and seeks to provide around 7,600 new homes alongside new jobs and community facilities.

Inevitably this scale of development will require the development of previously developed (brownfield) land, some of which will have an industrial or commercial history that may have resulted in land contamination. However, the Local Plan includes Policy FP5: Contaminated Land. This states that planning permission will be granted for development on brownfield sites if an appropriate Preliminary Risk Assessment is submitted which demonstrates that any necessary remediation and subsequent development poses no risk to the population, environment and groundwater bodies.

Therefore, in line with the planning regime, development of land will be subject to; site investigation where land contamination is likely to be an issue and remediation where significant contamination is identified. Such land and land that has been the subject of development via the planning regime since the establishment of the Contaminated Land Regime should be unlikely to constitute statutorily contaminated land in the future and should be suitable for its intended use.

Of particular significance is that the National Planning Policy Framework 2021 (NPPF 2021) states that if a site is treated within the planning regime it should not be capable of being determined as contaminated land under Part 2A. As a consultee to the local planning

authority, the Environmental Health Team considers all applications for the potential for land contamination and must keep in mind the relationship between the two regimes. As such it is expected that most contaminated land remediation will continue to be dealt with through the use of 'contaminated land' planning conditions.

1.5 Financial and Manpower Considerations

The Government has accepted that successful operation of the Contaminated Land Regime demands considerable resources. This reflects the fact that detailed inspection and assessment of potentially contaminated land can be complex, time consuming and open to legal challenge, as can the apportionment of liability for remediation.

1.6 Information, Complaints and Questions from the Public

All information supplied to the Council will be dealt with confidentially and will be considered by the appointed officer with the purpose of updating the current understanding of any given site. Information supplied that is non-specific and generalised will likely not be considered sufficient for initial consideration. This will be at the discretion of the appointed officer.

If information comes to the attention of the Council that indicates a site is causing concerns relating to contaminated land the Council will consider the necessity of undertaking any investigation in accordance with the Contaminated Land Statutory Guidance, or other relevant guidance.

Complaints may be received about particular sites needing further investigation that may give rise to concern, especially where a potential sale has failed as a result of the suggestion that the land may be contaminated. Those so affected may seek an early investigation to clarify their position, thereby seeking to circumvent the prioritisation process (Section 6). Such requests for priority inspection will be considered on the basis of the site specific circumstances and will be dealt with as considerately as possible, but ordinarily will not be taken forward. However, in exceptional circumstances, where a sufficiently strong enough case can be made and where resources are made available by Stevenage Borough Council or Central Government an investigation may be possible.

2.0 THE CONTAMINATED LAND REGIME

2.1 Aims and Objectives

The Act itself states in Section 7B (1) that:

Every local authority shall cause its area to be inspected from time to time for the purpose of:

- identifying contaminated land; and
- enabling the authority to decide whether any such land is land which is required to be a Special Site (**Appendix 1**).

Section 78B (2) states that the authorities must act in accordance with guidance issued by the Secretary of State, currently the Contaminated Land Statutory Guidance, April 2012.

The overarching objectives of the Government's policy on contaminated land and the Part 2A Regime are to:

- Identify and remove unacceptable risks to human health and the environment arising from historically contaminated land;
- Seek to ensure that historically contaminated land is made suitable for its current use.
- Ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

2.2 Definition of Contaminated Land

Contaminated land is defined for the purposes of Part 2A as:

“any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- (a) significant harm* is being caused or there is a significant possibility of such harm being caused; or
- (b) significant pollution of controlled waters** is being, or there is a significant possibility of such pollution being caused.”

** What may or may not constitute the various categories of harm is described in the statutory guidance.*

*** Controlled waters include inland freshwater, groundwater and coastal waters.*

2.3 Outline of the Statutory Procedure

Local authorities are required to cause their areas to be inspected with a view to identifying contaminated land. The approach taken should be strategic and be rational, ordered and efficient and take account of local circumstances. It should be set out in a written Strategy.

As part of their Strategy the local authority should seek to give priority to areas of land that it considers pose the greatest risk to human health or the environment. It should be those higher priority potentially contaminated sites that should, ordinarily, be subjected to detailed inspection first.

Where the local authority identifies land where it considers there is a reasonable possibility that a significant contamination linkage (Section 5.0) exists it should inspect that land in sufficient detail to decide if it is statutorily contaminated. The timing of the inspection should be subject to the authority’s approach to prioritisation of detailed inspection. The owner of the land and other stakeholders in the land being investigated should be consulted before inspection, unless there is a particular reason why this is not possible. This consultation process represents the first opportunity for securing the possibility of voluntary site inspection and if necessary voluntary remediation (without the need for enforcement action) should either an intrusive site investigation or remediation be required.

Where the findings of any detailed inspection identify a source(s) of contamination and a sensitive receptor(s) together with a pathway(s) linking them, they must undertake a formal risk assessment. This should be in accordance with established scientific principles in order to establish the likelihood of harm, or pollution and the scale and seriousness of such harm or pollution if it did occur. Detailed advice on the approach to the risk assessment process is contained in the 2012 Statutory Guidance.

In the event that the necessary inspection has not been undertaken voluntarily and the Council is satisfied that the land meets the definition of statutorily contaminated land it must inform the land owner and other appropriate person(s). If a voluntary approach is still not forthcoming it shall declare that a significant pollutant linkage(s) exists and that the land is contaminated land by definition. In every case where the land does not fall within the category of “special site” the Council must commence regulatory action, which involves a series of complex steps and considerations that are detailed within Sections 5 - 8 of the 2012 Statutory Guidance.

The considerations relate to:

- the area of land, the nature of the contamination and its likely impact (Section 5)
- remediation (Section 6)
- liability (Section 7)
- cost recovery and hardship (Section 8)

3. AIMS AND OBJECTIVES OF THE STRATEGY

3.1 Aims

The overarching aim of the strategy is to meet the Council’s statutory obligation to produce a formal strategy pursuant to Part 2A of the Environmental Protection Act 1990 in accordance with Statutory Guidance issued in April 2012.

The strategy prioritises sites where there is a theoretical risk of land contamination and one or more vulnerable receptors at risk of harm or pollution. The Strategy appropriately takes into account local circumstances and the history of, and the prospect for, sites being dealt with via the planning system.

The legislation and accompanying guidance for the risk-based approach to dealing with contaminated land requires a rational, ordered and efficient approach. Specifically the Council aims to ensure:

- A risk-based approach, that is both systematic and objective in order to prioritise those areas which are in need of further investigation and possible remedial action.
- Where possible, un-necessary burdens on the tax-payer, businesses and individuals are minimised e.g. site owners are encouraged to voluntarily investigate and remediate sites.
- Where voluntary remediation is not forthcoming, determination of the most appropriate action to ensure compliance with, and enforcement, of the appropriate legislation.
- Procedures are in place to produce and publish a Public Register of the enforcement history of land statutorily designated as “contaminated land”.

3.2 Objectives

- To provide an efficient mechanism by which information derived from existing records, members of the public, industry, etc. can be collected, collated, assessed and updated to inform a prioritisation list of potentially contaminated land.

- To review previous action taken to deal with contaminated land to ensure that the previous action was stringent enough to deal with the contamination in order to meet with current guidelines.
- To ensure that sites identified as “contaminated land” are effectively dealt with through consultation and monitoring.
- To enable the dissemination of information related to land contamination, when requested and which is not in contravention of relevant legislation.

4.0 CHARACTERISTICS OF THE STEVENAGE BOROUGH AREA

4.1 Geography

The borough of Stevenage encompasses the town of Stevenage and is situated to the north of Hertfordshire, around thirty miles north of London on the A1(M) motorway. It has a total area of 2,606 hectares (6,439 acres) and a population of 89,500 according to the 2021 Census. It has boundaries with North Hertfordshire District Council to the north, west and south and with East Hertfordshire District Council to the east.

4.2 History

Until the 1940s Stevenage was a small market town situated at the junction of the Great North road and the Hitchin to Hertford route. The first settlements, however, can be traced back to the Romans with burial grounds in the town dating from around 100AS. The community remained small but grew slowly with the coaching days of the 18th and 19th centuries. Employment at the time was mostly based around agriculture and the small trades based in what is now the old town.

After the Second World War there was a need for new housing for Londoners and Professor Abercrombie initiated his ‘Greater London Plan’ which involved the creation of a number of satellite or ‘new towns’ circling London. These were aimed at relieving the post war housing problems of London. Due to the size and location of Stevenage it was found to be an ideal site to be developed as a new town and on the 1st August 1946 Stevenage was designated as Britain’s first new town.

The plan for Stevenage was for six separate residential neighbourhoods, all self contained and each providing homes for around 12,000 people. The first phase of the development was completed in 1952. Since then the development, including additional residential neighbourhoods has continued, throughout which the population is fairly evenly distributed.

The master planning process by which Stevenage has developed gives it a theoretical advantage over many other towns where the potential for pollutant linkages to be present is concerned. One of the guiding principles of that process was to keep industrial and residential areas separate by setting aside designated areas of the town solely for industrial use.

This is in contrast to a town that has developed on a more ad-hoc basis over a many years, which is more likely to have old industrial and residential areas interwoven throughout the town, thus bringing potential receptors into closer contact with potential sources of contamination.

The aim in Stevenage was to provide an easily accessible area of concentrated employment, whilst protecting residents from the day to day hazards that arise from living near industry. The minimum that separated the two was usually a major road, often supplemented by trees or open green space. Inevitably there are some residential areas that are close to, or located on historical industrial sites, but these were kept to a minimum.

This way in which Stevenage has developed has enabled Officers responsible for contaminated land to focus attention in key areas.

Former land use types that have the potential to cause contamination include gas-works, quarries, in-filled land, landfills, the rail industry, bus depots, petrol stations, manufacturing and engineering sites, sewage works, slaughterhouses and timber yards.

4.3 Environment

The area of natural habitats (excluding farmland) within the Borough amounts to about 20% of its total area, which is low when compared with the Hertfordshire average of around 30%. This reflects the urban nature of the Borough. The majority of the natural habitats are grassland, with a smaller proportion of woodland and scrubland.

There is, however, proportional to its size twice as much amenity grassland in the Borough than in any other area of Hertfordshire. This is another positive legacy of the ethic behind the town's development, emphasizing that Stevenage is not completely urbanised. The Local Plan recognises 45 sites in Stevenage for their wildlife value and local importance. There are no European or nationally designated sites in the Borough, however, there are a number outside the Borough boundary, including the Knebworth Woods Site of Special Scientific Interest (SSSI), Rye Meads SSSI, Chilterns Area of Outstanding Natural Beauty (AONB) and the Lea Valley Special Protection Area (SPA).

4.4 Geology, Hydrogeology and Hydrology

Stevenage can be divided into two main areas of solid geology. To the west lies a solid geology mainly comprising middle chalk with a varying thickness of between 10-70m, underlain by lower chalk and gault. Overlying the middle chalk are a variety of drift deposits largely comprising of undifferentiated glacio-fluvial deposits and tills.

The east of the Borough has a layer of upper chalk, around 25 metres thick, overlaying the middle chalk. Various drift deposits comprising clay and tills overlie the upper chalk.

The majority of the soils are of high leaching potential, defined as 'soils with little ability to attenuate diffuse pollutants meaning that pollutants have the potential to move rapidly to underlying drift geology.

As a result of the entire Borough being underlain by chalk bedrock the groundwater vulnerability is high and the aquifer designation is a Principal Aquifer. Linked to that hydrogeology there are seven source protection zones (SPZ) located within, or which extend into, the Borough. There is also one private drinking water supply in the Borough. As well as being an important source of potable water supplies, the chalk aquifer provides base-flow to the area's chalk streams.

4.5 Protected Locations

Listed buildings and conservation areas are designations which aim to protect heritage assets that add distinctive character and historical interest to a place. There are over 100

listed buildings in Stevenage and seven conservation areas and these are protected by National laws and guidance.

5.0 IDENTIFICATION OF POTENTIALLY CONTAMINATED SITES

5.1 Introduction

In undertaking its duty to inspect the Borough under Part 2A, the Council will take into consideration the particular characteristics of the area, including:

- Potential sources of contamination.
- Relevant geology, hydrogeology and hydrology.
- Potential specified receptors (all human receptors, sensitive water receptors, sensitive property receptors and relevant ecological receptors).

Before a piece of land can be considered as possibly being “contaminated land”, a “pollutant linkage” must be identified. The process of identifying pollutant linkages and of assessing the significance of each linkage is based on “contaminant-pathway-receptor” methodology.

A **contaminant** is a substance which is in, on or under the land and which has the potential to cause harm to a relevant receptor, or cause pollution of controlled waters.

A **receptor** is either, (a) a living organism, a group of living organisms, an ecological system or piece of property and is being or could be harmed by a contaminant, or (b) controlled waters that are being or could be polluted by a contaminant.

A **pathway** is one or more route(s) or means by or through which a receptor, (a) is being exposed to or affected by a contaminant, or (b) could be so exposed or affected.

Unless all three elements of a pollutant linkage are identified land cannot be considered contaminated. All search strategies will therefore be prioritised on areas where both contaminants and receptors are known or likely to exist.

For example, if an area had a land use that was likely to have been affected by contaminants it would not be considered of the highest priority if there were no specified receptors within the area of interest. This would also apply if receptors were present but pathways by which they could be exposed to the contaminants were absent. However, if one or more pathway or receptor were present then the same land use would be considered a higher priority.

5.2 Potential Sources of Contamination

Any site with the potential to cause pollution will be identified at this preliminary stage. A non-exhaustive list of land uses considered to be potentially contaminative can be found in **Appendix 3**. Both historical and current land uses will be considered.

Past Industrial, Commercial, Waste Disposal & Mineral Extraction Activities

The vast majority of potentially contaminated sites will be identified through the examination of historical data in the form of old ordnance survey maps, plans and photographs for evidence

of past industrial use. Information obtained from local sources and local knowledge of past industry will also be utilised.

It must be recognised that many of those former industrial sites will have been redeveloped over the years. In some cases they will have been redeveloped with residential dwellings, schools or other land uses that are inherently more vulnerable to the presence of contamination than the original land use. In such cases the methods and extent of remediation may be unknown; in others it may be known but the adequacy of the remediation will need to be examined. This will be a factor in the risk prioritisation process.

Current Industrial, Commercial, Waste Disposal & Mineral Extraction Activities

The present industrial areas of the Borough are also potential sources of historical contamination and these will be inspected in accordance with the statutory guidance to establish whether there is a potential for contamination, and if there is, whether it is controlled by another agency.

5.3 Potential Specified Receptors

Land can only be considered contaminated if the contamination adversely impacts specified receptors:

Human

The present population of the Borough is approximately 89,500. The potential for persons either living on or frequenting a potentially contaminated site will be considered within the prioritisation process, with higher priority assigned to sites occupied and frequented by children.

Property - Buildings

All buildings are potential receptors and will be considered in every case where contamination and buildings exist. Where relevant, the heritage status of a building will be assessed at the later stages of any risk assessment.

Property - Crops including Timber

Being a largely urban area, crop growing regions will not be specifically identified but taken into consideration as necessary. Where contamination is known or suspected, associations with poor yield and crop failure will be investigated. Crop failure as a result of contamination is, however, most unlikely except perhaps where trees have been planted on contaminated land as part of a remediation programme.

Property - Produce Grown Domestically and on Allotments

There are numerous allotment areas within the Borough and these will be factored into the risk prioritisation process as will the presence of domestic gardens.

Property - Livestock, Game and other Owned Animals

Again being a largely urban area, the presence of livestock or other animals in an area will not be specifically identified but taken into consideration as necessary.

Ecological Receptors

Where relevant, any identified ecological receptors will be considered at the later stages of any risk assessment. If necessary this will include consideration of the potential for contamination migration across boundaries in relation to sites adjacent to the Borough.

Water - Controlled Waters

All surface water receptors, such as rivers, streams, tributaries, reservoirs and lakes, will be considered as part of the inspection strategy. All groundwater receptors including Principal, Secondary and non-aquifers will be identified and factored into the risk prioritisation process.

Water - Public Water Supplies

All public water supply abstraction points will be considered as well as their respective Source Protection Zones. All other authorised abstraction points will also be considered including any used for agricultural or recreational use.

Water - Private Water Supplies

There is one private water supply within the Borough of Stevenage and its existence has been factored into the risk prioritisation process. The protection of private water supplies is particularly important due to the reliance on them by the local communities that they serve. The Council already monitors this supply as part of its duties under the Private Water Supplies (England) Regulations 2016 and 2018 (Amendment) Regulations.

5.4 Potential Pathways of Exposure to Contamination

Pathways by which receptors can be exposed to contamination are many and will vary considerably depending on the contaminant and the different types of receptors. It is neither practical nor appropriate to summarise all potential pathways in this document, but for context two examples are included below.

For volatile contaminants, or gases, a pathway to human exposure could be through cracks in, or service penetrations through, concrete floor slabs. Whereas for contaminants in a liquid or solid phase this pathway to human exposure would not be significant, but direct contact with the soil, or dusts from the soil, containing the contaminants may well be.

For contaminants in the ground that can be mobilised by precipitation, or that exist in a liquid form, a porous/permeable geology will represent a viable pathway through which those contaminants could move laterally or vertically to impact on a surface water or groundwater receptor. Whereas, if those same contaminants were present in, or were contained by, an impermeable or low porosity/permeability geology then that pathway would be much less significant or not viable at all.

6.0 THE RISK PRIORITISATION PROCESS

6.1 The Strategic Approach

The identification of statutorily contaminated land will be carried out in an ordered, rational and efficient manner based firmly on the principles of risk assessment. It will slightly amend but largely build on the general approach detailed in the 2001 Strategy and will be implemented using a staged approach that will make the best use of scarce resources.

The 2001 Strategy had the following strategic approach:

1. A framework for inspection of sites requiring urgent attention
2. Collection of information on potentially contaminated sites
3. Compilation of a list of potentially contaminated sites
4. Risk-based assessment and prioritisation of sites
5. Initial assessment of potentially contaminated sites
6. Detailed inspection of high risk sites from the priority list

No sites were identified within Stage 1 of the Strategy, so this Stage is complete.

Stages 2 and 3 can also be considered to be complete with a list of just over 400 sites identified as locations where contaminated land could theoretically be present.

To date, however, there has been no prioritisation of the sites within that list. Therefore, in order to meet the statutory requirements of being rational, ordered and efficient with an approach to the prioritisation of the detailed inspection of potentially contaminated land, it is from Stage 4 of the strategic approach onward that this version of the Strategy needs to address.

6.2 Stage 4: Initial Risk Prioritisation:

Having identified sites that may be contaminated as a result of historical activities and having established the general circumstances of each site (e.g. what receptors and what pathways are present), it is necessary to conduct a simple risk assessment of each site. This will provide an estimate of each site's likelihood of causing harm to, or pollution of, receptors and in so doing establish the priority it should be assigned for further inspection under Stages 5 and 6 of the Strategy.

The initial risk prioritisation process represents a risk based screening procedure with scoring awarded to each aspect of the source – pathway – receptor linkage for each site.

This procedure will be undertaken by utilising the Council's Geographical Information System (GIS) to enable site land uses (current and historical) to be overlain on their respective planning history and geological, hydro-geological and hydrological environments.

This initial risk prioritisation will be made on a limited amount of data and is designed to be an efficient process that is neither resource, nor time intensive; but which will generate a list of potentially contaminated sites organised in a rational manner from sites with the greatest likelihood risk of causing harm or pollution down to sites with the lowest likelihood.

The process will need to be kept under review as more knowledge about existing sites is obtained and if previously un-identified sites are found.

The detailed prioritisation methodology is included in **Appendix 4** but the scoring that feeds into the methodology is summarised below.

(A) Sources of Contamination

| Probability of Contamination | Example Land Use | Score |
|-------------------------------------|---|--------------|
| Very High | Gas works & landfill sites | 10 |
| High | Manufacturing works and petrol stations | 8 |
| Moderate | Printers & transport depots | 6 |
| Low | Quarry or cemetery | 4 |

(B) Human Receptors

| Sensitivity of Receptor | Score |
|----------------------------------|-------|
| Residential with private garden | 10 |
| Residential with communal garden | 8 |
| Allotments | 8 |
| Schools | 6 |
| Public Open Space | 4 |
| Commercial | 2 |

(C) Groundwater Receptors

| Sensitivity of Receptor | Score |
|--|-------|
| Principal Aquifer (public drinking water supply or Source Protection Zone (SPZ) I) | 8 |
| Principal Aquifer (SPZ II) | 7 |
| Principal Aquifer (SPZ III or outer) | 6 |
| Secondary Aquifer A | 5 |
| Secondary Aquifer B | 4 |
| Non Aquifer | 1 |

(D) Surface Water Receptors (within 150m)

| Sensitivity of Receptor | Score |
|-------------------------|-------|
| River, stream or brook | 6 |
| Lake | 4 |
| Pond | 3 |

(E) Geological Pathways

| Probability of Migration | Example Geology | Score |
|--------------------------|--|-------|
| Likely | Chalk or Sands & Gravels | 8 |
| Probable | Alluvial deposits (e.g. inter-bedded sands & gravels with peat or silts) | 5 |
| Possible | Head deposits | 4 |
| Unlikely | Clays | 2 |

(F) Proximity of Source to Each Receptor

| Probability of Migration | Score |
|--------------------------|-------|
| On site | 1 |
| Within 50m | 0.8 |
| Within 100m | 0.4 |
| Beyond 100m | 0.2 |

(G) Evidence of Remediation

| Probability of Effective Remediation | Score |
|--------------------------------------|-------|
| Since 2006 & fully documented | 0.5 |
| Pre-2006 or not fully documented | 0.75 |
| None or no records | 1 |

Once the various scores for each site have been combined as described by the methodology detailed in **Appendix 4** each potentially contaminated site will be awarded a risk prioritisation score and a prioritisation category (see below).

| Sensitivity of Receptor | Score | Explanation |
|-------------------------|-------|-------------|
|-------------------------|-------|-------------|

| | | |
|-------------------|-------|---|
| High Priority | ≥ 25 | Sites where, theoretically, there is considered to be a significant possibility of significant harm/pollution existing |
| Medium Priority | 15-24 | Sites where, theoretically, there is considered to be a strong case for a significant possibility of significant harm/pollution existing |
| Low Priority | 9-14 | Sites where, theoretically, there is not considered to be a strong case for a significant possibility of significant harm existing, but that the possibility for contamination does exist |
| Very Low Priority | 0-8 | Sites where there is considered to be no risk of the significant possibility of significant harm or that, that risk is low |

6.3 Stage 5: Detailed Inspection of Prioritised Sites:

The old Stage 5 (initial assessment of potentially contaminated sites) part of the strategic approach has been removed from the strategic approach taken in this Strategy for the following reasons:

- it is impractical in terms of time and resources
- it would add little value to the work undertaken in Stage 4

and most importantly

- it should represent the first stage of the detailed inspection of each of the highest priority sites and as such should be undertaken on a one (highest priority) site at a time basis.

Therefore, Stage 5 is now the part of the strategic approach where an appropriate, scientific and technical assessment of the circumstances of the land using all available evidence is undertaken. This will involve contact with owners of sites to request information about and access to the site and involve a comprehensive review of all available records or documentation associated with a site. There is also the possibility that intrusive ground investigations and the collection and analysis of environmental samples will be required.

The aim is to obtain sufficient information to enable this authority to make a determination that the land in question is statutorily contaminated land.

It must be recognised that this Stage is highly resource and time intensive for the authority. Therefore, considered in the context of financial constraints on local authorities and the absence of central government funding or priority given to the implementation of the Part 2A Regime, it has to be recognised that Stage 5 of the process is not being actively pursued at the time of publication.

Nonetheless the existence of the Risk Prioritisation List and the provision within this Strategy to enable this authority to carry out detailed inspections remain valuable tools in ensuring that the residents and environmental resources of the Borough are protected from harm and pollution arising from contaminated land.

The circumstances under which Stage 5 may need to be implemented are:

- Where there is evidence presented to this authority of an active pollutant linkage(s) that is causing harm to a designated receptor or pollution to controlled waters.
- Where there is the possibility of the presence of an active pollutant linkage(s) that is having an unacceptable adverse impact on the well-being of one or more residents of this Borough and where there is a political imperative to establish the significance of the pollution linkage(s) in question.

The processes of undertaking a detailed inspection of sites is not something that can or should be detailed within a Contaminated Land Strategy because of its complexity and the existence of a plethora of specialist guidance and best practice publications covering a comprehensive range of circumstances. It must, however, meet the requirements of the Statutory Guidance, it must be based on robust science-based evidence and be sufficient to be defensible in the event that the conclusions of the inspection are challenged.

7.0 DETERMINING CONTAMINATED LAND

7.1 Responsibilities and Requirements

The local authority has the sole responsibility for determining whether any land appears to be contaminated land. It cannot delegate this responsibility (except in accordance with Section 101 of the Local Government Act 1972). However, in making such decisions the authority may rely on information or advice provided by another body such as the Environment Agency, or a suitably qualified experienced practitioner appointed for that purpose.

There are four possible grounds for the determination of land as contaminated land (with regard to non-radioactive contamination):

- (a) Significant harm to human health.
- (b) Significant possibility of significant harm to human health.
- (c) Significant harm or significant possibility of such harm (non-human receptors).
- (d) Significant pollution of controlled waters or significant possibility of such pollution.

The legal definition of contaminated land is slightly different if harm is due to radioactivity as it is defined in Regulation 5 of The Radioactive Contaminated Land (England) Regulations 2006. Land contaminated by radioactivity is the responsibility of the Environment Agency.

Before making any determination, the local authority should have identified one or more significant contaminant linkage(s), and carried out a robust, appropriate, scientific and technical assessment of all the relevant and available evidence. The Contaminated Land Statutory Guidance (April 2012) provides the guidance necessary to enable the above as well as defining four categories of harm to human health to aid the determination process following completion of the risk assessment.

In the case of any land which, following determination as contaminated land, would be likely to meet one or more of the descriptions of a "Special Site" set out in the Contaminated Land Regulations 2012 (as amended), the Council should consult the Environment Agency before deciding whether or not to determine the land. The authority should take the Agency's views into full consideration and it should strive to ensure it has the Agency's agreement to its decision (although the decision is for the authority to make subject to the provisions of Part 2A).

Situations may arise where, with the information available, it is not possible to determine whether a pollutant linkage is significant in accordance with the statutory guidance. In such cases the Council will determine that, on the balance of probabilities, the land does not fall within the statutory definition of contaminated land. However, the situation will be kept under review and reopened at any time new information becomes available.

Inspection may identify contamination that would form a significant pollutant linkage should new receptors be introduced to the site. In such circumstances this information will be recorded. Should such a site be identified for future development, the information obtained during the investigation will be made available to the planning authority and the owners/developers.

7.2 The Written Record of Determination and Formal Notification

Where a site is to be determined as “contaminated land”, the Council shall:

- produce a Risk Summary that explains their understanding of the risk and other relevant factors in a manner that is understandable to a layperson. This is a prerequisite of a formal determination.
- afford all opportunities for the land owner and/or responsible person(s) to undertake their own suitable remediation. This reflects the fact that the legislation and statutory guidance is designed to encourage voluntary remediation (without the need for enforcement action) and in doing so minimise unnecessary burdens on the taxpayer, businesses and individuals.

However, if the Council is of the opinion that the timescale or the remediation method proposed will not alleviate the risk, then the Council will determine the land as “contaminated land” by statutory definition, and the Council will prepare a written record to include:

- a description of the pollutant linkage(s) confirmed;
- a summary of the evidence which confirms the existence of the pollutant linkage(s) including the risk assessments used to conclude their significance (the Risk Summary);
- a summary of the way the requirements of the statutory guidance were satisfied.

The Council will formally notify all relevant parties in writing that the land has been determined “contaminated land”, including:

- the owner(s);
- the occupier(s);
- those liable for remediation (‘appropriate persons’ in the guidance); and
- the Environment Agency.

At the notification stage it may not be possible to identify all the relevant parties. The Council will, however, act on the best information available to it at that time and keep the situation under review should more information comes to light.

If land has been determined as “contaminated land” and also falls within one or more of the “special site” descriptions prescribed in the regulations made under Part 2A (**Appendix 1**), it is required to be designated a “special site”. The Environment Agency then becomes the enforcing authority for that land.

The formal notification procedure commences the process of consultation on what remediation might be most appropriate. To aid this process the Council will therefore provide as much information to the relevant parties as possible, including where available:

- a copy of the written record of determination;
- copies of site investigation reports (or details of their availability);
- an explanation of why the appropriate persons have been chosen as such; and

- details of all other parties notified.

Appropriate persons will be provided with written explanations of the tests for exclusion and apportionment.

8.0 DETERMINING LIABILITY

When a significant pollutant linkage(s) has been identified, the procedure relating to the apportionment of liability must commence. This has five distinct stages as follows:

- Identifying potential appropriate persons and liability groups.
- Specifying remediation actions.
- Attributing responsibility to liability groups.
- Assessing exclusion from liability within any liability group.
- Apportioning liability between members of a liability group.

8.1 Responsibilities and Requirements

These procedures are complex, commencing with the establishment of liability groups. All appropriate persons for any one pollutant linkage are a 'liability group'. These may be either class 'A' or class 'B' persons.

Appropriate Persons - Class 'A'

These are, generally speaking, the polluters, but also include persons who "knowingly permit pollution". This would include developers who leave contamination on a site that subsequently results in the land being determined as contaminated land.

Appropriate Persons - Class 'B'

Where no class 'A' persons can be found, liability reverts to the owner or the occupier of the land. These are known as class 'B' persons.

The Council will make all reasonable enquiries to identify class 'A' persons before liability reverts to owners or occupiers.

8.2 Specifying Remediation

The Council will specify what remediation measures are to be carried out in any Remediation Notice, with the reasonableness of the measures being an important factor. As such they will be both appropriate and cost effective, employing 'best practicable techniques' with the aim of the remediation being to ensure that the land is no longer contaminated.

8.3 Attributing Responsibility

Appropriate persons or liability groups must be considered for each significant pollutant linkage. Therefore, where a site has had a series of contaminative uses over time, each significant pollutant linkage will be identified separately and responsibility considered for each.

8.4 Assessing Exclusion

The Council will consider whether any members of a liability group should be excluded, in accordance with the rules for exclusion set out in Part 2A of the EPA 1990. There are numerous tests specified to identify Class 'A' groups who should be excluded from liability. These will be applied in sequence and separately for each pollutant linkage. The exclusion of Class 'B' persons is much less complex. A single test merely excludes those who do not have an interest in the capital value of the land. Tenants therefore are excluded.

8.5 Apportionment of Liability

The Council decides how to apportion liability between members of each liability group who remain after any exclusions have been made.

The financial circumstances of those concerned have no relevance.

The Council must consult persons affected to obtain information (on a reasonable basis having regard to the cost). If someone is seeking to establish an exclusion or influence an apportionment to their benefit then the burden of providing the Council supporting information lies with them.

Where there are agreements between appropriate persons the local authority has to give effect to these agreements, subject to paragraph 7.30 of the Contaminated Land Statutory Guidance 2012.

The statutory guidance also sets out considerations to which the enforcing authority should have regards when making any cost recovery decision. Therefore the Council will consider whether any of those liable for the remediation of “contaminated land” may not be able to afford the necessary work before serving any remediation notices.

8.6 Orphan Linkages

It is possible that either no Appropriate Person(s) can be found for a pollution linkage on a contaminated land site, or that all members of a liability group benefit from one or more exemptions. In such circumstances that pollution linkage shall be treated by the Council as an Orphan Linkage and the enforcing authority will have the power to carry out the remediation action(s) itself, at its own cost.

9.0 ENFORCEMENT

9.1 Remediation Notices

Where the Council has identified contaminated land and established the appropriate person(s) the Council shall serve on each appropriate person a ‘remediation notice’ specifying what that person is to do by way of remediation and the periods within which that person is required to do each of the things so specified.

Remediation notices will be served only as a last resort (notwithstanding urgent cases), and then only after the lengthy consultation processes and required considerations have been completed. Notices will be authorised after two tests are satisfied:

- that the remediation actions will not be carried out otherwise; and
- that the Council has no power to carry out the work itself

If these are met the Council will serve a remediation notice on each appropriate person. Notice cannot be served less than three months after formal notification that the land is contaminated, unless urgent action is deemed necessary (where there is an imminent risk of serious harm).

9.2 Remediation Statements

Before the Council can serve a Remediation Notice it will first determine whether it has the power to carry out any of the remediation actions itself. There are five specified circumstances where this may be the case:

- where urgent action is required (see below);
- where no appropriate person can be found;
- where one or more appropriate persons are excluded (e.g. on hardship grounds);
- where the local authority has made an agreement with the appropriate person(s) that it should carry out the remediation; and
- in default of a remediation notice.

In these circumstances the Council (where it is the enforcing authority) shall prepare a Remediation Statement specifying the works that will be undertaken and when they will take place.

Urgent action is required where the Council is satisfied that there is imminent danger of serious harm, or serious pollution of controlled waters, being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve forced entry into the premises. Section 108 of the Environment Act 1995 gives the Council power to authorise, in writing, “suitable persons” to investigate potentially contaminated land. These powers are extensive and will be considered in detail with the Council’s Solicitor prior to any resisted entry being attempted.

The terms “imminent” and “serious” are not defined, so local authorities are advised to use the normal meaning of the words.

In appropriate cases the Council will seek to recover costs of remediation works it has completed.

9.3 Remediation Declarations

In circumstances where the only things by way of remediation which may be done are things that the Council considers are unreasonable having regard to the cost which is likely to be involved and the seriousness of harm, or of the pollution of controlled waters, it shall prepare a Remediation Declaration. This shall record the reason why the Council would have specified that remediation and the grounds on which it is satisfied that it is precluded from specifying that remediation.

10.0 RECONSIDERATION OF DETERMINATIONS

The Contaminated Land Statutory Guidance 2012 has introduced the option for the Council to reconsider, revoke or vary any of its determinations that land is contaminated land if it becomes aware of further information which it considers significantly alters the basis for its original decision. If the Council does so it should record its reasons alongside the initial record of determination in a way that ensures that the changed status of the land is made clear.

11.0 CONTAMINATED LAND REGISTERS AND ACCESS TO INFORMATION

11.1 Contaminated Land Registers

Part 2A requires the Council to keep a public register. The public register is intended to act as a full and permanent record, open for public inspection, of all regulatory action taken by the enforcing authority in respect of the remediation of contaminated land. Schedule 3 of the

Contaminated Land (England) Regulations 2006 provides details of the information required to be entered on the register. The Council's contaminated land register will be maintained by the Environmental Health Team. Members of the public will be able to view the register free of charge during normal office hours. Written, telephone and electronic requests for copies of documents should be made to the Council's Environmental Health Team. An administration charge will be levied.

11.2 The Environmental Information Regulations 2004

Implementation of the strategy will be likely to result in significant volumes of data that will be held on computer databases and geographical information systems. There is no statutory obligation to disclose this information therefore the Council must comply with the requirements of the Environmental Information Regulations when dealing with requests for disclosure.

These Regulations require local authorities to make any environmental information they hold available upon request, subject to certain exemptions. These are complex but it would be likely that the Council will have to respond to requests for information on land it has identified as part of, for example, the inspection of the Borough, as outlined in Part 2 of this strategy.

It should be noted that the Council's prioritisation list for further investigation is being classified as "a record which is in the course of completion". This is because it is always liable to update and as such this will not be disclosed under the Regulations. It should, however, be understood that information held about specific sites within the prioritisation list will be made available via an Environmental Information Regulation request. A charge will usually be made for the supply of information in accordance with the Regulations. Where the Council must refuse a request for any of the reasons stated in the Regulations, it will provide details of the reasons in writing at no cost to the applicant.

It should also be noted that the Council will always act in accordance with the Data Protection Act 2018.

12.0 REVIEW ARRANGEMENTS

12.1 Inspecting the Borough

Whilst the Council has a duty to inspect the Borough "from time to time" to identify contaminated land, the frequency of inspection is not prescribed. In practice inspection it will be a continuum, balancing a systematic approach with the availability of resources. Of particular significance in meeting this duty will be the involvement of the Environmental Health Team as a:

- consultee of the Planning Department
- regulatory authority pursuant to the Environmental Permitting (England and Wales) Regulations 2016.
- point of contact for members of the public with environmental concerns

12.1 Reviewing the Strategy

The Council has a duty to keep its written strategy under periodic review to ensure that remains up to date. It is up to the Council to decide when its strategy should be reviewed. However, a

review at least every 5 years is considered good practice, or earlier if needed to reflect changes in Statutory Guidance.

Any proposed changes to the written strategy will be reported to the Members before they are finalised and any updated strategy published.

13.0 PROGRESS TO DATE AND FUTURE ACTIONS

The Government has identified that to implement this complex and demanding piece of legislation will involve considerable local authority resources. Yet there is currently no Defra Contaminated Land Capital Projects Programme available to assist local authorities in fulfilling their responsibilities under Part 2A, such as funding the costs of site investigations, detailed risk assessments and in certain cases remediation. There is also no internal Council budget to undertake detailed site investigations, risk assessments or where it becomes necessary remediation.

For these reasons progress with the implementation of the Part 2A of the EPA 1990 has not progressed beyond the publication of this written strategy and the initial stages of the identified strategic approach to identifying contaminated land within the Borough.

Despite the above it is important to recognise that over the past 10-15 years considerable progress has been made in the voluntary remediation of land adversely impacted by contamination as a direct consequence of the:

- Planning Regime – National Planning Policy Framework 2021 (and early versions), which identifies a clear relationship between the remediation of contaminated land for redevelopment and the Contaminated Land Regime.
- The Contaminated Land Regime - Part 2A of the EPA 1990 and associated Regulations and Guidance, which have provided clarity for local authorities and owners of land that is potentially contaminated in regard to liability, risk assessment and remediation expectations.

PROPOSED TIMETABLE FOR THE IMPLEMENTATION OF PART 2A

| Duty | Year |
|---|---|
| Production and publication of statutory contaminated land strategy | 2001, 2017/18 draft unpublished, 2023 |
| Periodic Review of the statutory contaminated land strategy | 2028 (unless earlier change to Statutory Guidance) |
| Identification of potentially contaminated sites and prioritisation for further investigation | 2024 - 2028 ongoing (to be kept under review and updated as and when new information becomes available) |

| | |
|---|---|
| <p>Detailed inspection and assessment of potentially contaminated sites</p> | <p>On hold in the absence of funding.</p> <p>(Unless site specific evidence is presented that warrants an internally funded inspection by the Council)</p> |
|---|---|

APPENDIX 1

SPECIAL SITES INCLUDING LAND CONTAMINATED BY RADIOACTIVITY

Once the Council has formally identified land as “contaminated land”, it must also consider whether it falls into the category of a “special site”. For any “special site”, the Environment Agency is the enforcing authority for the purposes of the Part 2A regime. What constitutes a “special site” is specified in the Contaminated Land (England) Regulations (CLeR) 2006. For a legal definition the Regulations must always be consulted, but in simple terms they include:

- **Land causing pollution of Controlled Waters** (*Schedule 1 Regulation 3(c) of the CL(e)R 2006*)
- **Land contaminated with waste acid tar**
- **Land used for oil refining**
- **Land used for the manufacture or processing of explosives**
- **Land subject to Integrated Pollution Control** (see Environmental Protection Act 1990 Part I - Prescribed Processes and Substances Regulations 1991 schedule 1 part A)
- **Land owned or occupied by a defence organisation for naval, military or air force purposes.**
- **Atomic Weapons Establishment land.**
- **Land used for the production or disposal of chemical and biological weapons.**
- **Certain land at Greenwich Hospital.**
- **Land contaminated by radioactivity.**

Where adjacent or adjoining land to a special site has been affected by the contamination so that it meets the definition of “contaminated land”, this land also forms part of the special site.

The legal definition of contaminated land is slightly different if harm is due to radioactivity, as defined in Regulation 5 of The Radioactive Contaminated Land (England) Regulations 2006:

‘any land which appears to the local authority in whose land is situated to be in such a condition, by reason of substances in, on or under the land, that

- a) Harm is being caused; or
- b) There is a significant possibility of harm being caused’

With regard to radioactivity, ‘harm’ means lasting exposure to any human being resulting from the after effects of a radiological emergency, past practice or past work activity.

APPENDIX 2

THE CONSULTATION PROCEDURE

The Council is required to consult on the revised strategy with colleagues across regulator organisations and services, both internally and externally. The Council has consulted:

Stevenage Borough Council (Internal)

- Finance and Operations
- Housing
- Planning, Development and Regeneration
- Legal and Corporate Services

External Consultees

- Hertfordshire County Council – Planning and Public Health Departments
- Hertfordshire Building Control
- Department for Environment, Food and Rural Affairs (Defra)
- Environment Agency
- Natural England
- UK Health Security Agency

APPENDIX 3

LIST OF POTENTIALLY CONTAMINATIVE LAND USES

This list has been drawn up to provide a broad indication of the type of sites that are known to use, or to have used in the past, materials that could pollute the soil. **It must be understood that the list is not exhaustive and that inclusion on this list does not necessarily infer the existence of a pollutant linkage.**

| | |
|--|-----------------------------------|
| Abattoirs | Adhesives manufacture |
| Agriculture | Aircraft manufacture |
| Airports | Animal burial |
| Animal by-product processing | Anodisers |
| Anti-corrosion treatment | Asbestos products |
| Asphalt works | Automotive engineering |
| Battery manufacture | Bearings manufacture |
| Blacksmiths | Boiler makers |
| Bookbinding | Brass and copper tube manufacture |
| Brass founders | Brewing |
| Car manufacture | Carbon products manufacture |
| Cement works | Chemical manufacture and storage |
| Chrome plating | Ceramics manufacture |
| Coal carbonisation | Coal merchant |
| Concrete batching | Coppersmiths |
| Descaling contractors (chemical) | Detergent manufacture |
| Distilleries | Dockyards |
| Drum cleaning | Dry cleaners |
| Dye works | Dyers and finishers |
| Electricity generation | Electrical engineers |
| Electro platers | Engineering works |
| Explosives manufacture (including fireworks) | Farms |
| Fertiliser manufacture | Fellmongers |
| Fibre glass works | Food processing |
| Foundries | Fuel manufacture |
| Fuel storage | Garages and depots |
| Gas mantle manufacture | Gas works |
| Glass works | Glue manufacture |
| Gum and resin manufacture | Hatters |
| Hide and skin processors | Ink manufacture |
| Iron founder | Iron works |
| Knackers yards | Lacquer manufacture |
| Laundries | Leather manufacture |
| Metal coating | Metal manufacture |
| Metal sprayers and finishers | Mining |
| Mirror manufacture | Motor vehicle manufacture |
| Oil fuel distributors and suppliers | Oil merchants |
| Oil refineries | Oil storage |
| Paint and varnish manufacture | Paper works |
| Pesticides manufacture | Petrol stations |
| Photographic film works | Photographic processing |
| Paper manufacture | Plastics works |
| Plating works | Power stations |
| Print works | Printed circuit board manufacture |
| Radioactive materials processing | Railway land |
| Railway locomotive manufacture | Refiners of nickel and antimony |

Resin manufacture
Scrap metal dealers
Sewage works
Sheet metal merchants and works
Ship builders
Small arms manufacture
Soap manufacture
Solvent recovery
Stove enamellers
Tank cleaning
Tar and pitch distillers
Thermometer makers
Timber preservatives manufacture
Transport depots
Vehicle manufacture
Vulcanisers
Waste recycling
Zinc works

Rubber manufacture
Sealing compound manufacture
Sewage sludge disposal areas
Ship breakers
Skein silk dyers
Smokeless fuel manufacture
Solvent manufacture
Steel manufacture
Synthetic fibre manufacture
Tanneries
Textile manufacture
Timber treatment
Tin plate works
Tyre manufacture and re-treading
Vulcanite manufacture
Waste disposal
Waste treatment

APPENDIX 4

DETAILED RISK PRIORITISATION METHODOLOGY

This methodology is based on a desk-based assessment of all three elements of a pollutant linkage. The ranked order will place sites according to their potential to represent contaminated land, **BUT NOT** their actual, risk, since the assignment of scores is theoretical only.

Site rankings are not absolute, although trial sites were run with the methodology to attempt to ensure that the worst types of sites are prioritised upwards and vice versa.

The source of the information used to score the 'potential source sites' the 'potential receptors' and the 'potential pathways' are the Council's Geographical Information System (GIS) which includes former land use mapping, current land use mapping and information on geology, hydrology and hydrogeology. Additional data held within the Council's internal electronic databases will also be reviewed where appropriate.

High scores will be given to the source, pathway and receptor factors that would represent the highest hazard. A greater weighting has been given to human health receptors.

Mitigation of potential hazards by virtue of distance of a receptor from the potential source of contamination is addressed as the mitigation offered by any records of historical remediation of a potential source site.

The scoring system is detailed below:

Scores for sources, pathways and receptors

(A) Sources of Contamination (see Table at foot of Appendix 4 for more detail)

| Probability of Contamination | Example Land Use | Score |
|-------------------------------------|---|--------------|
| Very High | Gas works & landfill sites | 10 |
| High | Manufacturing works and petrol stations | 8 |
| Moderate | Printers & transport depots | 6 |
| Low | Quarry or cemetery | 4 |

(B) Human Receptors

| Sensitivity of Receptor | Score |
|----------------------------------|--------------|
| Residential with private garden | 10 |
| Residential with communal garden | 8 |
| Allotments | 8 |
| Schools | 6 |
| Public Open Space | 4 |
| Commercial | 2 |

(C) Groundwater Receptors

| Sensitivity of Receptor | Score |
|--|-------|
| Principal Aquifer (public drinking water supply or Source Protection Zone (SPZ) I) | 8 |
| Principal Aquifer (SPZ II) | 7 |
| Principal Aquifer (SPZ III or outer) | 6 |
| Secondary Aquifer A | 5 |
| Secondary Aquifer B | 4 |
| Non Aquifer | 1 |

(D) Surface Water Receptors (within 150m)

| Sensitivity of Receptor | Score |
|-------------------------|-------|
| River, stream or brook | 6 |
| Lake | 4 |
| Pond | 3 |

(E) Geological Pathways

| Probability of Migration | Example Geology | Score |
|--------------------------|--|-------|
| Likely | Chalk or Sands & Gravels | 8 |
| Probable | Alluvial deposits (e.g. inter-bedded sands & gravels with peat or silts) | 5 |
| Possible | Head deposits | 4 |
| Unlikely | Clays | 2 |

Scores for Potential Mitigation**(F) Proximity of Source to Each Receptor**

| Probability of Migration | Score |
|--------------------------|-------|
| On site | 1 |
| Within 50m | 0.8 |
| Within 100m | 0.4 |
| Beyond 100m | 0.2 |

(G) Evidence of Remediation

| Probability of Effective Remediation | Score |
|--------------------------------------|-------|
| Since 2006 & fully documented | 0.5 |
| Pre-2006 or not fully documented | 0.75 |
| None or no records | 1 |

The individual scores are combined by using the following equation:

$$(A + (B \times F) + (C \times F) + (D \times F) + E) \times G = \text{Final Risk Prioritisation Score}$$

Once the various scores for each site have been combined as above each potentially contaminated site will have its own risk prioritisation score and a resultant prioritisation category (see below).

Risk Prioritisation Categories

| Sensitivity of Receptor | Score | Explanation |
|-------------------------|-------|---|
| High Priority | ≥ 25 | Sites where, theoretically, there is considered to be a significant possibility of significant harm/pollution existing |
| Medium Priority | 15-24 | Sites where, theoretically, there is considered to be a strong case for a significant possibility of significant harm/pollution existing |
| Low Priority | 9-14 | Sites where, theoretically, there is not considered to be a strong case for a significant possibility of significant harm existing, but that the possibility for contamination does exist |
| Very Low Priority | 0-8 | Sites where there is considered to be no risk of the significant possibility of significant harm or that, that risk is low |

Predominant Land Use Classification and Perceived Risk

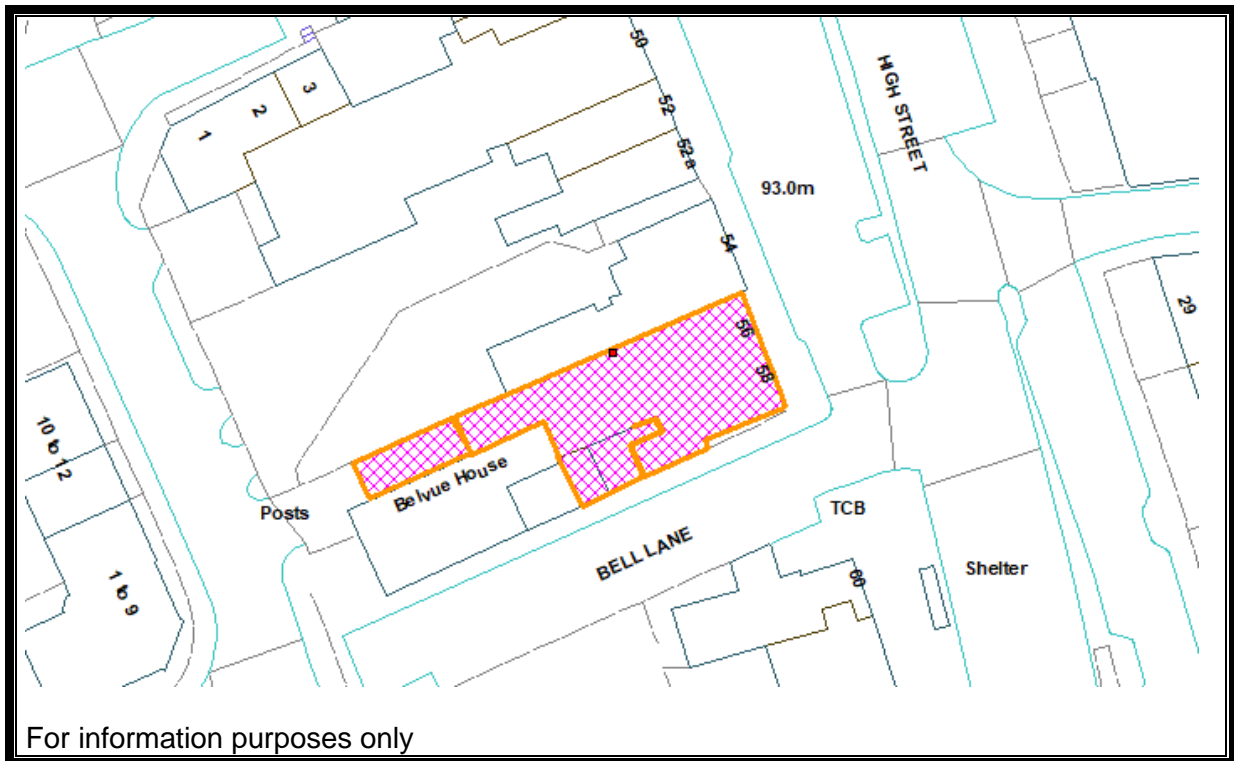
| PREDOMINANT LAND USE CLASSIFICATION | Perceived risk category | RISK SCORE |
|---|-------------------------|------------|
| 1 Asbestos manufacture, abrasives and related products. | VERY HIGH | 10 |
| 2 Chemical works (organic & inorganic) Manufacture of cosmetics, bleaches, manure, fertilisers & pesticides, detergents, oil, organic based pharmaceuticals, other chemical products incl. glues, gelatins, recording tapes, photographic film. Dyes, pigments. Paint, varnishes, printing inks, mastics, sealants and creosote. | | |
| 3 Radioactive materials processing and disposal. | | |
| 4 Gas works, coke works, coal carbonisation and similar sites. Production of gas from coal, lignite, oil or other carbonaceous material other than waste. | | |
| 5 Refuse and waste disposal sites, including landfills, hazardous wastes, incinerators, sanitary depots, drum and tank cleaning, solvent recovery. | | |
| 6 Oil refining and bulk storage of oil and petrol. Gasometers which are not gas works. | | |
| 7 Abattoirs and animal slaughtering; Animal products processing into animal by-products e.g. soap, candles & bone works. Tannery, leather goods and skinnery. | HIGH | 8 |
| 8 Engineering (heavy and general). Manufacturing of distribution, telecoms, medical, navigation, metering and lighting. Manufacture & repair incl. Ships, aerospace, rail engines and rolling stock. Heavy products manufacture - rolling and drawing of iron, steel & ferroalloys – includes tube works. Manufacturing of electrical and electronic domestic appliances. Manufacture of cars, lorries, buses, motorcycles, bicycles. Manufacturing of engines, buildings & general industrial machinery, including nuts & bolts, gas fittings, wire rope/cable and ordnance accessories. | | |
| 9 Metal smelting and refining. Includes furnaces and forges, electroplating, galvanising and anodising. Ferro and aluminium alloys-manganese works, slag works. | | |
| 10 Civilian manufacture & storage of weapons, ammunition, explosives & rockets including ordnance. All military establishments including firing ranges (if not specified as civilian). | | |
| 11 Recycling of metal waste incl. scrapyards and car breakers. | | |
| 12 Natural and synthetic rubber products including tyres and rubber products. Tar bitumen, linoleum, vinyl and asphalt works. | | |
| 13 Paper, card etc. products (packaging). Pulp, paper and cardboard manufacture. | | |
| • UNDERGROUND STORAGE TANKS ON SITE | | |
| • INFILLED LAND – STRONGLY SUSPECTED TO BE PRODUCING GAS, based on available information on age and content of fill. | | |
| • Manufacture of clay bricks & tiles, including associated activities e.g. brickfields, also solitary kilns (other than lime kilns). | | |
| • Extraction of alluvial sediments (sand, stone, clay, peat, marl and gravel) | | |
| • Quarrying of all stone (including limestone, gypsum, chalk and slate) and ores, includes all opencast mining and slant workings – also slate/slab works, flint works, flint works, stone yards. | | |

| Table 1.01 – PREDOMINANT LAND USE CLASSIFICATION | Perceived risk category | RISK SCORE | |
|--|--------------------------------|-------------------|------------|
| 14 Airports and similar (Air transport). | MODERATE | 6 | |
| 15 Concrete, ceramics, cement and plaster works. Concrete, cement, lime & plaster products, also including solitary lime kilns. Tableware & other ceramics. | | | |
| 16 Dry-cleaning & laundries (larger scale, not usually "High Street") | | | |
| 17 Flat glass products manufacture | | | |
| 18 Photographic processing | | | |
| 19 Coal storage/depot. Coal mining (and the manufacturing of coke and charcoal) – areas include associated surface activities in area, & coal mine shafts. Areas of mining and single or groups of shafts other than coal, or not specified – including levels, adits, etc also areas associated with mineral railways. | | | |
| 20 Electricity generation and distribution, including large transfer stations. Power stations (excluding nuclear power stations). Batteries, accumulators, primary cells, electrical motors, generators & transformers. | | | |
| 21 Printing of newspaper. Printing works other than news print and bookbinding (usually excludes "High Street" printers) | | | |
| 22 Railway land, including yards and tracks. (Railway tracks – up to 4 tracks wide or 30m) | | | |
| 23 Sale of automotive fuel. Road vehicle fuelling, transport depots, road haulage and commercial vehicle fuelling, local authority yards and depots. Repair and sale of cars & bikes, parts and motorway services. Transport depots – road haulage, corporation yards. | | | |
| 24 Sewage treatment works. Sewerage, septic tanks, effluent – including all filter beds. | | | |
| 25 Textiles manufacturing -Natural and man made textile manufacture and products including hemp rope and linoleum. | | | |
| 26 Timber treatment works and manufacturing. Sawmills, planing & impregnation (i.e. treatment of timber), wood products, telegraph works, timber yard e.g. veneer. | | | |
| 27 Computers, office machinery, business/industrial electrical goods. Insulated wire & cable for electrical/tel purposes. | | | |
| <ul style="list-style-type: none"> INFILLED LAND – GAS PRODUCTION IS POSSIBLE, based on historical map evidence of infilled quarry, water body or other void. | | | |
| 28 Plastic products manufacture, moulding and extrusion; building materials; fibre glass, fibre glass resins and products. Manufacturing of Tar, Bitumen & Asphalt. | | | |
| 29 Dockyards and wharves. Boat building, wharf and quays, cargo/transport handling facilities – marine or inland. | | | LOW |
| 30 Brewing and malting. Spirit distilling & compounding. Major food processing, including large dairies. Exceptionally large scale corn/flour milling. | | | |
| 31 Constructional steelwork, metal structures & products & building materials. | | | |
| 32 Cemetery, modern burial ground and grave yard. | | | |
| 33 All hospitals including sanatoriums but not lunatic asylums. | | | |
| <ul style="list-style-type: none"> Quarries and Pits with no evidence of infilling | | | |
| Where a land use is identified that doesn't fit into the above categories professional judgement will need to be applied. | | | |

This page is intentionally left blank

| | | |
|-------------------------|---|---------------------|
| Meeting: | Planning and Development Committee | Agenda Item: |
| Date: | 7 December 2023 | |
| Author: | Linda Sparrow | 07931 863551 |
| Lead Officer: | Zayd Al-Jawad | 01438 245257 |
| Contact Officer: | Linda Sparrow | 07931 863551 |

| | |
|------------------|--|
| Application No : | 23/00482/FP |
| Location : | Cinnabar, 56-58 High Street, Stevenage |
| Proposal : | Change of use of parking bays to facilitate construction of outdoor seating area associated with 56-58 High street |
| Drawing Nos.: | RL3883-02; 457-09-Rev B; |
| Applicant : | Russell Linard |
| Date Valid: | 14 July 2023 |
| Recommendation : | GRANT PLANNING PERMISSION |



1. SITE DESCRIPTION

- 1.1 The site comprises an unlisted building, in use as a bar/restaurant known as Cinnabar, on the western side of the Old Town High Street within the Old Town High Street Conservation Area. This area of the High Street is characterised by public houses, restaurants, bars and retail uses. There is likely some residential use above some of the High Street premises and there are some residential blocks of flats to the rear of the High Street along Primett Road. Adjacent to the southern flank elevation of the building is the small no-through road of Bell Lane.

- 1.2 To the eastern frontage of the site is a small parking area which serves the retail premises of Nos. 44-58. This area is separated from the High Street by a narrow footpath/kerb on the eastern side.
- 1.3 The High Street in general is served by parking bays along both sides of the highway. The bays allow for parking of vehicles perpendicular to the footpath and in places slope upwards from the carriageway to the footway. In the case of the application site, the parking bays in question run along the southern side elevation of the application property.
- 1.4 The Old Town High Street Conservation Area has a distinctive historic character and contains many Listed Buildings. Pavements and kerbs are typically finished with traditional materials, including small conservation kerb stones (tegular blocks). Bell Lane is a narrow road which allows for parking on both sides and traffic to pass through the centre and has the rear access yard for The Mulberry Tree public house on the southern side. This road also provides the access to the parking area to the front of the application site.

2. RELEVANT PLANNING HISTORY

- 2.1 99/00117/AD Externally Illuminated Shop Sign and Awning Sign. Withdrawn 24.06.2003.
- 2.2 05/00235/FP Change of use from A1 to A3. Approved 08.07.2005.
- 2.3 05/00501/FP Internal and external alterations including new shopfront to facilitate change of use from A1(Retail) to A3 (Restaurant). New 2.5m rear boundary fence. Approved 15.12.2005.
- 2.4 05/00615/FP Change of use of ground floor from A1 (Retail) to A4 (Drinking Establishment). Approved 08.02.2006.
- 2.5 09/00196/AD Display of 1no. non-illuminated canopy sign. Approved 14.08.2009.
- 2.6 14/00467/FP Change of use of Belvue House from B1 (Offices) to C1 (Hotel) and new extension to link with Cinnabar Café. Approved 24.10.2014.
- 2.7 19/00741/FP Proposed replacement external door sets. Approved 16.03.2020.
- 2.8 22/00552/FP Change of use of parking bays on Bell Lane frontage to use as ancillary seating area and construction of associated seating area structure, together with the installation of 3no. awnings. Withdrawn 18.07.2022.

3. APPLICATION DEFERRAL

- 3.1 The current application was heard at the Planning and Development Committee on 31st October 2023. Members elected on this committee voted to have the application deferred. The reasons for deferral stated in the minutes for this meeting are as follows:
 1. To seek clarity on the implications of the newly adopted Levelling-Up and Regeneration Act 2023 in terms of the issuance of licences for outdoor seating on pavements.
- 3.2 Following the application deferral, the proposals remain unchanged from that which was presented at committee on 31 October 2023, and are set out in the following paragraphs.
- 3.3 The proposed works would see the formalised, marked out parking bays immediately adjacent to the southern flank elevation of Cinnabar being closed, and the road level being raised up to meet the existing footway level. The extent of the closure would be 22m in length and 2.4m in width, which when taken with the existing footpath (2.1m wide) would provide a new widened footpath area of 4.5m wide. The area is to be used for informal seating comprising tables and

chairs. The boundary of the area adjacent to the vehicular highway would be bounded by removable bollards which would also hold low level fabric banner signs no more than 0.6m in height.

- 3.4 Additionally, a small area of highway to the front of the premises would be filled in to widen the existing footpath by approximately 0.67m for a length of approximately 6m.
- 3.5 The area to the southern side of the premises would see the loss of 4no. marked out parking spaces. The works to the front of the premises would not result in the loss of any formalised marked out parking spaces, however, it is noted that cars do park in this area. As a non-marked out designated car parking space, the works to the front of the premises are not considered to result in the loss of any formalised parking spaces.
- 3.6 The applicant engaged in separate pre-application discussions with Herts County Council (HCC) as Highways Authority prior to the submission of the planning application. HCC advised at that stage that the built-up area of footpath along the south of the application site should be constructed in tarmac whilst the smaller built-up area to the eastern frontage of the site should be constructed in Tegula blocks to match existing.
- 3.7 It is emphasised that the application is only seeking permission for engineering works comprising the removal of 4 no. on-street parking bays, and the construction of a public footpath, associated kerbs and ancillary works. The provision of the outside seating area itself is assessed and controlled by the Local Authority (as defined under the Business and Planning Act 2020 (as amended)) under the relevant Pavement Licence. The following assessment does not therefore take account of the actual proposed seating arrangements but only the use of the land for this purpose more generally.
- 3.8 The application comes before the Planning and Development Committee as it has been called-in by Councillor Rossati. The Councillor called in the application due to the potential impact on neighbouring properties, car parking and highway safety.
- 3.9 This report must be read in conjunction with the report presented at committee on 31 October 2023 which is attached as an appendix to this report.

4. PUBLIC REPRESENTATIONS

- 4.1 Following publicity of the application via letters, a site notice and press notice, public representations were received as follows:
- 4.1.1 There were 53 letters received in support of the application. A summary of their key points follows below:
- This is necessary and needed;
 - Will provide a safe and enhanced experience for customers;
 - More effective use of the area;
 - Excellent idea and long overdue;
 - Great for socialising and community spirit to engage with others within and outside the seating area;
 - Will be very popular;
 - Look forward to using it;
 - Most people working or socialising in the High Street do not come via car so no impact on majority of users;
 - Will improve service provided by Cinnabar and increase their customer base therefore increasing people into the High Street generally;
 - The outside areas at the southern end of High Street have greatly improved that area so I think this application will improve the northern end's offerings;

- Great for entertaining clients for work;
- Will look good and improve the visual appearance of the area;
- Staff and food are excellent, this will encourage more people to visit;
- Will calm traffic in the area;
- Great for warmer evenings to enjoy a coffee and take in the ambience of the High Street;
- Will bring attractive café culture to the High Street.

4.1.2 There were 73 letters received objecting to the application. A summary of their points follows below:

- Will worsen parking issues;
- Not enough parking outside Tesco as it is;
- Longer free parking in Primett Road would help;
- Access to shops will be harder for disabled people as won't be able to park outside of the shops;
- How will this affect traffic flows?
- Will they pay additional business rates for enlarged area and will they pay rent on it?
- Yet more parking spaces being removed;
- People will be forced to park on double yellow lines as nowhere else to park;
- Pedestrians will struggle to navigate around tables;
- Takes valuable public space for what will be occasional and seasonal use;
- The parking spaces are public property and should not be taken over by a private business;
- You cannot favour hospitality uses over retail, office, services etc
- British weather is not conducive to outdoor eating and drinking;
- Have SBC asked any other business if they have been impacted by the temporary use?
- Businesses will collapse if there is no parking, just look at Hoddesden High Street;
- Will not preserve the conservation area;
- Only one disabled parking space in the vicinity;
- Primett Road is not an alternative for elderly, disabled or wheelchair user as its too far away;
- Canopies are not in keeping with the area;
- Less revenue for Traffic wardens;
- Permit parking in surrounding roads and removal of spaces on High Street makes it hard for staff of shops to be able to park without paying large daily car park fees;
- Will infringe on the Charter Fair unless it is fully dismantlable;
- Why favour one company to the detriment of all other businesses;
- HCC have a scheme proposed that will drastically harm the High Street and this application will not help the situation;
- Will set a precedence for more parking to be lost to outdoor seating areas;
- This area is used by the Charter Fair to house their generating equipment, and this must not be impeded;
- They've managed this long without outdoor seating so they can continue to go without;
- Nobody in Stevenage wants this;
- Eating outside next to parking spaces will be terrible for health from the pollution and exhaust fumes;
- How does a business just acquire land they don't own and put seating on it?
- Prioritising pedestrians and cyclists over cars will be disastrous to the High Street;
- Put in more electric vehicle charging points;

4.2 Full copies of the representations received can be viewed on the Council's website.

5. CONSULTATIONS

5.1 SBC Engineering Department

- 5.1.1 As local parking authority, we have supported the applicant for the last two summer seasons by providing temporary barriers on Bell Lane for an outside seating area. The loss of parking during these periods has not cause problems in the area and we remain supportive of permanently extending the footway width in this area. The change of use would not remove the highway status of the land and it would therefore remain highways land, maintainable at public expense and any tables and chairs would need a licence. New parking restrictions would be required along the seating area and the applicant will be required to cover the Council's costs in making the Traffic Regulation Order.
- 5.1.2 Following comments sent to Herts County Council by the Eastern Counties Section of the Charter Fair, the engineering department confirmed that the Showman's Guild does not have any rights to specifically occupy the parking bays in question, only a general right to hold a fair in the High Street. As there are to be no permanent structures on the land then there should be no issues caused to the Charter Fair.

5.2 Herts County Council as Highways Authority

- 5.2.1 Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.
- 5.2.2 A plan was first submitted in June 2023 which did not quite match up with the pre-app discussions the applicant had with us a few months earlier. The Highway Authority queried this with the applicant, and they have now submitted a revised plan which shows tapered edges either side of the proposed footway build-out. Removable bollards are proposed along the new footway edge (set 0.5m back from the kerb, with reflective bandings). Canvas sheets are shown to be attached between these bollards, with a maximum height of 600mm. This ensures that pedestrians crossing over Bell Lane will have a clear view of approaching vehicles and vice versa. The proposed tables at the two ends of the build out have been reduced down from double tables to single to ensure the new footway along here provides a continuous usable width of 2 metres.
- 5.2.3 Overall, the broad principle of removing the small number of roadside parking bays here is acceptable to the Highway Authority, recognising a shift away from private motorcar use and the need to embrace more sustainable modes of travel to tackle the urgent climate crisis. The County Council is also supportive of the High Street recovery.
- 5.2.4 The latest plan has been reviewed by our Safety team. The comments raised have been largely addressed in the revised plan, although vehicle tracking information was suggested. It has now been confirmed by Stevenage's refuse & recycling service that they do not route a refuse vehicle along Bell Lane. It is also noted that the Mulberry Tree pub, which has a vehicle access onto Bell lane, has another main vehicle access onto Primett Road, and that overall, the other properties which front onto Bell Lane seem to have full vehicle access from other parts of the network. With this in mind, and given the footway build-out largely replicates the location of the existing parking bays, it is not considered that existing routine vehicle movements along Bell Lane will be adversely affected by this proposal.
- 5.2.5 There is an existing vehicle crossover at the western end of the proposed build-out and this will be closed off (with the raised kerb reinstated) as shown on the plan. The applicant says

this crossover leads to now redundant storeroom used by Cinnabar - however the storeroom / building that the access leads to sits outside the applicant's red line. The LPA may want to double check that the removal of this crossover will not have consequences in the future for other occupiers.

5.2.6 Additionally, there will be a small footway build-out to the front of the site onto the High Street service road. Extension of the double yellow lines is proposed here, as well as along the Bell Lane footway build-out - as shown on the submitted plan.

5.3 B.E.A.M.S

5.3.1 If the seating area can be justified then BEAMS can, in principle support the change of use. The use of tarmac is not sufficiently sympathetic to the Conservation Area and enhancements should be sought through the use of tegula blocks to match the existing High Street footpaths. Are 13 bollards needed as this seems excessive? The proposal could result in visual clutter which will result in less in substantial harm to the significance of the conservation area.

5.4 SBC Environmental Health

5.4.1 No comments received.

6. REASONS FOR DEFERRAL

6.1 At the last meeting, members deferred consideration of the application: *To seek clarity on the implications of the newly adopted Levelling-Up and Regeneration Act 2023 in terms of the issuance of licences for outdoor seating on pavements.*

6.2 It has been possible to grant licences to place tables and chairs on the highway since 1982, when powers were added to the Highways Act 1980. Without a licence, placing tables and chairs on the highway would be likely to be unlawful as an obstruction of the highway.

6.3 The Business and Planning Act 2020 introduced a simpler procedure for obtaining consent for a "pavement licence" permitting removable furniture to be placed on the highway in connection with the service of food and drink. This was intended as a temporary measure to help the hospitality industry during Covid. The Levelling Up and Regeneration Act, 2023 made some changes to the 2020 Act. The key change is that the time-limited pavement licence provisions are made permanent. (NB: Licenses are not made permanent – it's the legislation.)

6.4 Key points regarding pavement licences are:

- They last for a maximum of two years.
- They can be renewed.
- They can be granted subject to conditions.
- They can be revoked.
- They will override conflicting uses of the highway, such as use as a footpath, and so licensed activities will not constitute an obstruction.
- They will also grant deemed planning consent for licensed activities, for as long as the licence is in force. But pavement licenses will not give planning permission for works amounting to development – deemed consent will only extend to the placing of temporary furniture and its use.

6.5 The Planning Committee should note that the grant of a pavement licence under the 2020 Act would overrule a refusal decision by the Planning Committee.

6.6 If this application is approved, the land is still highway, which has the following consequences:

- The applicant would still need a pavement licence in order to place tables and chairs on the highway.
- The land would remain subject to parking regulations made by the County Council, unless revoked in order to construct a public footpath.
- The applicant would need to obtain the consent of the County Council as highway authority to carry out works in the highway.
- The land will retain its highway status unless the County Council makes a stopping up order, which would need the approval of either the Secretary of State or the Magistrates.

6.7 Business and Planning Act 2020

6.7.1 Chapter 16 of the Business and Planning Act 2020 (B&P Act) deals with Pavement Licences and states in section 1(2) that the licence grants the licence-holder permission to put removable furniture on part of a relevant highway adjacent to the premises for either or both the purposes in section 1(3). Section 1(3) states:

- a) Use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises;
- b) Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.

6.7.2 Under section 3(5) the B&P Act states that a licence may be granted so long as nothing is done by the licence-holder that would have an effect as specified in 3(6). The effects listed in 3(6), such as to be relevant to this planning application, are as follows:

- (a) Preventing traffic, other than vehicular traffic, from –
 - i) Entering the relevant highway at a place where such traffic could otherwise enter
 - ii) Passing along the relevant highway; or
 - iii) Having normal access to premises adjoining the relevant highway.

6.7.3 The B&P Act, through Chapter 16 for the issuing of pavement licences, makes no allowances to refuse to issue a licence where it would utilise on-street parking spaces. It very clearly states in 3(6)(a) that vehicular traffic is excluded from consideration when determining impacts that could prevent the issuing of the licence.

6.7.4 The B&P Act was set to expire on 30 September 2024, however, the Levelling-Up and Regeneration Act 2023 amended this Act as set out in paragraph 6.2.1 below.

6.7.5 Licences issued under this Act are issued for a period of 2 years, however, there is provision to apply for renewals.

6.7.6 The land itself will maintain its status as a public highway unless an application is made to 'Stop Up' (remove) the highway status. This can be done through Herts County Council applying to the Magistrates Court, or anybody applying to the Secretary of State for Transport.

6.7.7 Section 7(2) of the B&P Act grants deemed planning permission for anything done by the licence-holder on the land which would constitute development (as set out in Part 3, Section 55 of the Town and Country Planning Act 1990 (as amended)). If authorised by the pavement licence authority, then further planning applications would not be required. However, the licence does only grant the holder permission to install removable furniture on the highway in connection with the consumption of food and drink. If planning permission was needed for the installation of said furniture, then the granting of the licence confers this permission such that the licence-holder does not need to seek separate planning permission.

6.8 Levelling-Up Act 2023

- 6.8.1 Under Schedule 22, Section 2(1), the Levelling-Up and Regeneration Act 2023 has removed Section 10 of Chapter 16 of the B&P Act which related to its expiry. Previously, this Act was set to expire on 30 September 2024; it is now a permanent piece of Legislation with no expiry date imposed.
- 6.8.2 As such, the issuing of pavement licences is now a permanent proposal within Government Legislation under the Business and Planning Act 2020 (as amended).

7. CONCLUSIONS

- 7.1 In summary, this report sets out that the Business and Planning Act 2020 deals with the issuing of pavement licences on highway land and the Levelling-Up and Regeneration Act 2023 removed the 2024 expiry of the aforementioned Act. As such, Government has brought into Law such Legislation that will provide for the issuance of pavement licences on a permanent basis.
- 7.2 The issuing of pavement licences is a separate function of the Council and is not a Planning matter.
- 7.3 Members are advised that, given the issue of the change of use of the land would be covered by the pavement licence, this application is therefore only concerned with the proposed engineering works which comprise the removal of 4no. on-street parking bays, construction of a widened public footpath and associated kerbs and ancillary works.
- 7.4 The provision of the outdoor seating and the required change of use of the land to facilitate said seating are separate matters that will be dealt with by the Council under the pavement licence and could be granted under such licence even if this application is refused.
- 7.5 Taking all the aforementioned into account, it is clear that the provision of the outdoor seating is covered by the Business and Planning Act 2020 and that the Levelling-Up and Regeneration Act 2023 has sought to make pavement licences a permanent proposal. These matters are not a key material consideration in the determination of the planning application at hand, which is solely for the engineering works to create a raised highway footpath, to expand the existing footpath.

8. 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:
RL3883-02; 457-09-Rev B
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 Prior to the first use of the seating area hereby approved, the removable bollards and removable banners shall be installed, the existing crossover to the west of the site shall be closed and double yellow lines shall be implemented as shown on approved plan 457-09-Rev B. No other furniture other than that shown on the approved plan shall be installed or erected unless an application for planning permission is first sought from the Local Planning Authority.
REASON:- In the interests of highway safety and to ensure the development has an acceptable appearance and preserves the character and appearance of the Conservation Area.
- 4 The materials to be used in the construction of the built out seating area and the built out area to the eastern frontage of the application site shall be as per approved plan 457-09-Rev B to the satisfaction of the Local Planning Authority.
REASON:- To ensure the development has an acceptable appearance.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the outdoor seating area hereby approved shall not be in operation before 08:00 hours or after 23:00 hours on any day. Outside of these times, all tables and chairs shall be removed to leave a clear and unobstructed area to the front and side of the building.
REASON:- in the interests of pedestrian and highway safety and to protect the amenities of the occupiers of neighbouring properties.

For the Following Reason(s):-

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

INFORMATIVE

1 **Public Information on Planning Applications**

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 **Community Infrastructure Levy**

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

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

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

3 **Building Regulations**

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at 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).

4 **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>

5 **Hertfordshire County Council as Highways Authority**

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessanddeveloper-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

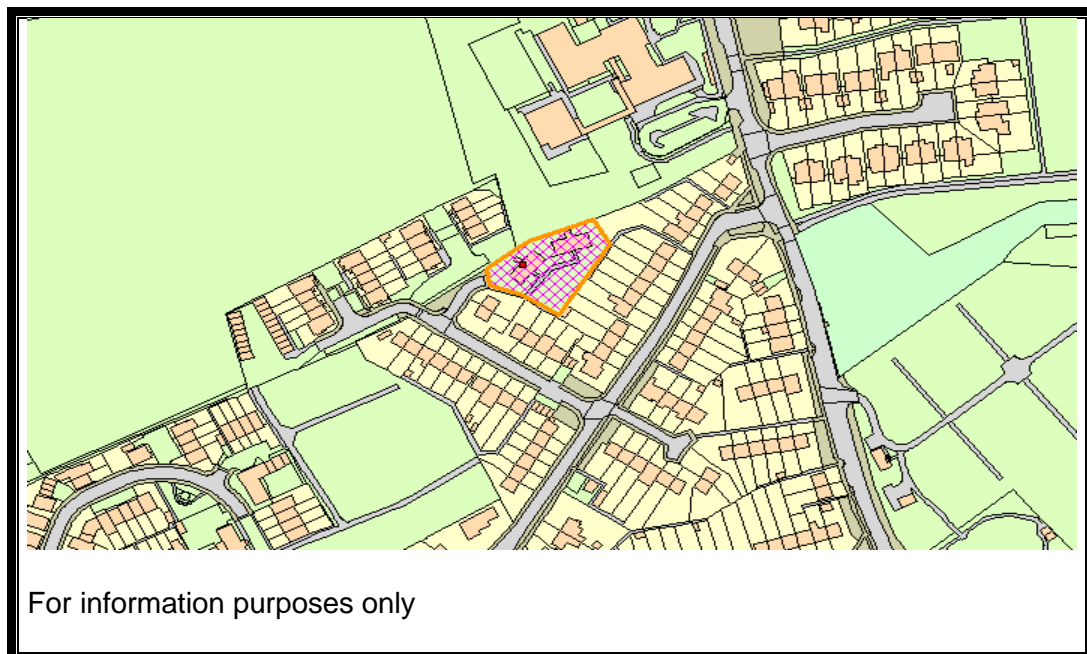
9. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted October 2020, Stevenage Design Guide adopted January 2023, The Impact of Development on Biodiversity adopted March 2021, Stevenage Borough Council Developer Contributions adopted March 2021.
3. Stevenage Borough Local Plan 2011 – 2031 adopted 2019.
4. Hertfordshire County Council’s Local Transport Plan 4 adopted May 2019.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework September 2023 and Planning Practice Guidance.

This page is intentionally left blank

| | | |
|-------------------------|---|---------------------|
| Meeting: | Planning and Development Committee | Agenda Item: |
| Date: | 7 December 2023 | |
| Author: | Linda Sparrow | 07931 863551 |
| Lead Officer: | Zayd Al-Jawad | 01438 245257 |
| Contact Officer: | Linda Sparrow | 07931 863551 |

| | |
|------------------|---|
| Application No : | 23/00734/FP |
| Location : | 1-4 and 5-8 Mount Pleasant Flats, Weston Road, Stevenage, Herts |
| Proposal : | Installation of External Wall Insulation in render finish and brick-effect render finish; re-roof with Solar PV array system; replacement of windows on stairwell facade, new windows and doors. Upgrade of ventilation and top up of loft insulation. |
| Drawing Nos.: | Site Location Plan; 7059-CTS-20-000-D-A-4103; 7059-CTS-20-000-D-A-4101; 7059-CTS-20-000-D-A-4104; 7059-CTS-20-000-D-A-4102; 7059-CTS-20-000-D-A-4404; 7059-CTS-20-000-D-A-4403-P02; 7059-CTS-20-000-D-A-4405-P02; 7059-CTS-20-000-D-A-4406-P02; 7059-CTS-20-000-D-A-4410; 7059-CTS-20-000-D-A-4411-P02; 7059-CTS-20-000-D-A-4412-P02; 7059-CTS-20-000-D-A-4403; 7059-CTS-20-000-D-A-4404-P02; 7059-CTS-20-000-D-A-4405; 7059-CTS-20-000-D-A-4406; 7059-CTS-20-000-D-A-4410-P02; 7059-CTS-20-000-D-A-4411; 7059-CTS-20-000-D-A-4412; |
| Applicant : | Stevenage Borough Council |
| Date Valid: | 4 October 2023 |
| Recommendation : | GRANT PLANNING PERMISSION |



1. SITE DESCRIPTION

- 1.1. The application site comprises two buildings on the western side of Weston Road, to the rear of Nos. 41 to 73 Weston Road. The development of Lines Road lies to the west of the site. They are accessed via a small no-through road at the far western end of a small cul-de-sac off the main Weston Road highway. The access road has substantial landscaping on all sides which is at least 2m high in places; there are a number of trees on the western side screening the road from the neighbouring development of Lines Road. Only one of the buildings is visible from this road, with this building screening sight of the second building.
- 1.2. Each building is two storey, with a dual pitched tiled roof and contain 4no. flats each. The buildings are constructed with rough concrete render, concrete roof tiles with some red brick features around the stairwell fenestrations. Windows and doors are modern white uPVC framing. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. There is an extensive area of communal open space to the front of the properties, which borders the rear of Nos. 63 to 73 Weston Road.

2. RELEVANT PLANNING HISORY

- 2.1 None relevant.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the redevelopment of the two blocks of flats comprising:
 - Replacement external wall insulation with 'Winter White' render to first floor;
 - Replacement external wall insulation with 'Sanded Slate Grey' brick effect render to ground floor and first floor surrounds to stairwells;
 - Window replacements in the stairwells;
 - Solar PV panels on front roof slope;
 - Replacement roof with grey concrete interlocking tiles;
 - Upgrading of loft insulation.
- 3.2 The retrofit of the properties is being undertaken by the Council to improve the energy efficiency of the buildings. The proposal will result in the properties having a minimum EPC rating of C and an energy consumption of 90KWh/M2 per annum. This will contribute to the achievement of the Council's carbon emissions targets. It will also improve the lives of occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.
- 3.3 This application comes before the Planning and Development Committee because the applicant is Stevenage Borough Council. Therefore, in line with the Council's constitution, this application is being referred to the aforementioned committee for its decision.

4. PUBLIC REPRESENTATIONS

- 4.1 Following notification of the application via letters to neighbouring properties, no comments were received.

5. CONSULTATIONS

5.1. No statutory consultations were necessary for this application.

6. RELEVANT PLANNING POLICIES

6.1. Background to the Development Plan

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

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

6.2 Central Government Advice

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

6.3 Planning Practice Guidance

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

6.4 Adopted Local Plan (2019)

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

Policy SP8: Good design;
Policy GD1: High quality design;

6.5 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2023.

6.6 Community Infrastructure Levy

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

7. APPRAISAL

7.1.1 The only issue in the assessment of the application is the impact on the character and appearance of the area. There are no changes to the number of units within the building and no enlargement of the buildings or number and locations of fenestrations so there will be no change to the car parking provision nor any changes to existing impacts on neighbouring properties.

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 Impact on the Character and Appearance of the Area

7.2.1 In terms of design, paragraph 126 of the NPPF (2023) states that achieving high quality, beautiful and sustainable buildings and places is fundamental to the planning and development process and that good design is a key aspect of sustainable development. Further, paragraph 130 of the NPPF (2023) stipulates that planning decisions should ensure developments function well and adds to the overall quality of the area, not just in the short term but over the lifetime of the development. It also sets out that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping is sympathetic to local character and history, including the surrounding built environment and landscape setting.

7.2.2 Paragraph 134 of the NPPF (2023) states that permission should be refused especially where it fails to reflect local design policies and government guidance on design (such as the National Design Guide), taking into account any local design guidance and supplementary planning documents. Conversely, significant weight be given to:

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

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

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

7.2.5 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the towns’ 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.

7.2.6 The National Design Guide (2019) which was published by National Government is a material consideration in the determination of planning applications. It sets out that Buildings are an important component of places and proposals for built development are a focus of the

development management system. However, good design involves careful attention to other important components of places. These include:

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

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

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

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

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

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

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

7.2.10 The Council recently adopted an updated Design Guide SPD (Jan 2023). An understanding and analysis of the original New Town design concepts led to some key issues becoming apparent. These have been used as key themes, which run throughout the entirety of this guidance. Considering these concepts at all stages of the development process will provide a good basis for the creation of a successful place; based on the recognised principles of urban design, but also building on the existing fabric of the town without taking away from Stevenage's history as Britain's first Mark One New Town. The themes have been identified as follows:

- Sustainability – incorporate principles of sustainable development from a town-wide perspective to measures incorporated into an individual property;
- Increasing densities – encourage high densities in accessible locations;
- Respecting existing characteristics – respect local characteristics and preserve and enhance existing features, where appropriate;
- Legibility – provide landmark developments at nodal points;
- Design innovation – showcase Stevenage as an example of high-quality design, creating safer places through urban design techniques.

- 7.2.11 The two buildings are located to the rear of properties on the western side of Weston Road. They are accessed via a small no-through road at the far western end of a small cul-de-sac off the main Weston Road highway. The access road has substantial landscaping on all side which is at least 2m high in places; there are a number of trees on the western side screening the road from the neighbouring development of Lines Road. Only one of the buildings is visible from this road, with this building screening sight of the second building.
- 7.2.12 The buildings are constructed with rough concrete render, concrete roof tiles with some red brick features around the stairwell fenestrations. Windows and doors are modern white uPVC framing. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. There is an extensive area of communal open space to the front of the properties, which borders the rear of Nos. 63 to 73 Weston Road.
- 7.2.13 Neighbouring properties are constructed with a variety of materials, including concrete render, white render, red brickwork, grey roof tiles and red/brown concrete roof tiles.
- 7.2.14 The proposed replacement materials, whilst not like-for-like, would have a very similar finish to surrounding properties. The development would therefore refurbish the building without having any significant impact on the character and appearance of the wider area. Having regard to the above, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan 2019, which together require development to be of a high quality and sympathetic to its surroundings.

7.3 Other Matters

Climate Change

- 7.3.1 Policy FP1 of the Local Plan (2019) states that planning permission will be granted for development that can incorporate measures to address adaptation to climate change. The adopted Design Guide SPD (2023) states that all developments are required to make efforts to minimise energy usage and to incorporate methods of using renewable energy, including:-
- reducing energy demand;
 - using passive environmental systems, e.g. natural ventilation;
 - daylighting and passive solar gains;
 - using high levels of insulation and air tightness in the fabric of the building;
 - specifying energy efficient services, controls and appliances;
 - implementing water recycling and the provision of water butts;
 - using renewable energy;
 - using low/zero carbon technologies to provide as much of the energy load as is technically and economically feasible, minimising use of fossil fuels; and
 - using efficient fossil fuel technologies, such as Combined Heat and Power and condensing boilers.
- 7.3.2 The proposal will significantly improve the energy efficiency of the flats. The proposal will be PAS2035 compliant which specifies the requirements needing to be met when retrofitting buildings for improved energy efficiency and will ensure that the energy demand within the two buildings is significantly reduced.
- 7.3.3 The proposal will exceed Department for Energy Security and Net Zero Social Housing Decarbonisation Fund standards with a minimum EPC rating of C and an energy consumption of 90KWh/M2 per annum. This will contribute to the achievement of the Council's carbon emissions targets. It will also improve the lives of occupiers by reducing their energy bills and improve affordable warmth, thereby tackling fuel poverty.

Equality, Diversity and Human Rights

- 7.3.4 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.
- 7.3.5 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.
- 7.3.6 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.
- 7.3.7 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.
- 7.3.8 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. Residential dwellings are not considered to be a noise-based use. Accordingly, it is not considered that the development would contravene the Human Rights Act by way of preventing or hindering the right to peaceful enjoyment of a home.
- 7.3.9 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 The proposal is considered to be in accordance with the development plan and in the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9. RECOMMENDATIONS

- 9.1 That planning permission be GRANTED subject to the following conditions and informatives:
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; 7059-CTS-20-000-D-A-4103; 7059-CTS-20-000-D-A-4101; 7059-CTS-20-000-D-A-4104; 7059-CTS-20-000-D-A-4102; 7059-CTS-20-000-D-A-4404; 7059-CTS-20-000-D-A-4403-P02; 7059-CTS-20-000-D-A-4405-P02; 7059-CTS-20-000-D-A-4406-P02; 7059-CTS-20-000-D-A-4410; 7059-CTS-20-000-D-A-4411-P02; 7059-CTS-20-000-D-A-4412-P02; 7059-CTS-20-000-D-A-4403; 7059-CTS-20-000-D-A-4404-P02; 7059-CTS-20-000-D-A-4405; 7059-CTS-20-000-D-A-4406; 7059-CTS-20-000-D-A-4410-P02; 7059-CTS-20-000-D-A-4411; 7059-CTS-20-000-D-A-4412;
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 external materials used in the development to which this permission relates shall be those detailed on the approved plans and in the accompanying planning submission documents unless otherwise agreed in writing by the local planning authority.
REASON:- To ensure a satisfactory appearance upon completion of the development.

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

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

INFORMATIVE

1 Public Information on Planning Applications

Warning: all information provided on your planning application is now publicly available. Individuals and organisations offering their services may contact you. The Council does not endorse or approve any builders, surveyors, trades persons or other supplier, and advises householders to obtain quotes/references, and check the legitimacy of any contractor who contacts them before making payment.

2 Community Infrastructure Levy

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

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

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

3 Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at 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).

4 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>.

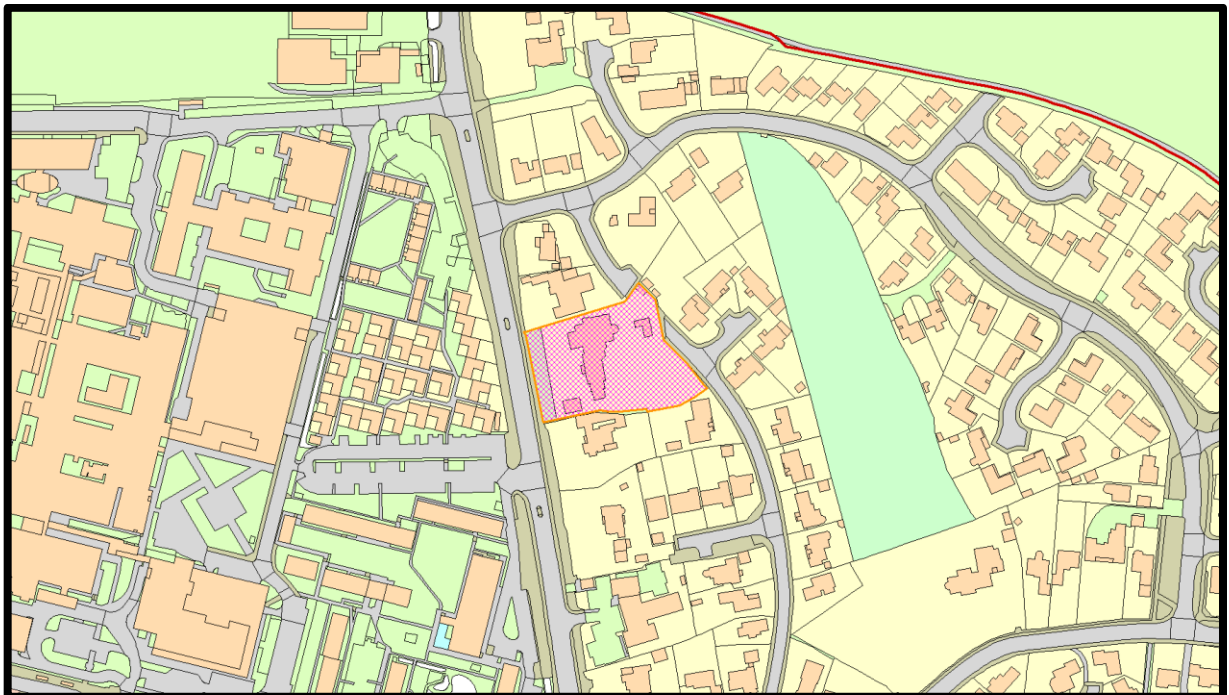
10. BACKGROUND DOCUMENTS

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 January 2023.
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 September 2023 and Planning Practice Guidance.

This page is intentionally left blank

Meeting: Planning and Development Agenda Item:
Committee
Date: 7 December 2023
Author: Thomas Frankland-Wells
Lead Officer: Zayd Al-Jawad
Contact Officer: Thomas Frankland-Wells

| | |
|-----------------|--|
| Application No: | 23/00107/OPM |
| Location: | 18 North Road, Stevenage, Herts, SG1 4AL |
| Proposal: | Outline planning permission for the demolition of existing dwellinghouse and erection of an up to 76 bedroom care home (Use Class C2). Detailed design of access with appearance, landscaping, layout and scale as reserved matters. |
| Drawing Nos.: | (21) 01; (00) 2; (00) 3; (00) 4; (00) 5; (9-) 1; (9-) 3 Rev E; (9-) 4 Rev D; |
| Applicant: | Muller Property Group |
| Date Valid: | 31 January 2023 |
| Recommendation: | REFUSE PLANNING PERMISSION |



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The site is an irregularly-shaped plot of land extending to approximately 3,700m² and located to the east of North Road, near the northern boundary of the Borough. It is developed with a detached, two storey dwellinghouse and incidental outbuildings, with a large garden to the rear and a private driveway to the front. The principal access to the site is via said driveway, which leads off North Road, whilst a secondary access is located to the rear off Daltry Road. The land on the site is largely flat.
- 1.2 The site contains several protected trees but is otherwise not subject to any local plan designations or notable environmental constraints. It is located wholly within Flood Zone 1.
- 1.3 The surrounding area has a mixed character. Lister Hospital is the dominant feature to the west and further to the north on that side of North Road are a mix of commercial and leisure uses, including Stevenage Rugby Club and the recently constructed G-Park. The land to the east of the road is characterised by suburban housing, including the strategic housing site at Land to the North of Stevenage.

2 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history recorded at the application site.

3 THE CURRENT APPLICATION

- 3.1 The application seeks outline planning permission for the erection of a care home with 76 bedrooms. Access is the only matter put forward for approval, whilst appearance, landscaping, layout and scale are reserved for approval at a later date.
- 3.2 The application comes before the Planning and Development Committee because it is for major development.

4 PUBLIC REPRESENTATIONS

- 4.1 The application was publicised by neighbour letters, a site notice, and a press advert.
- 4.2 32 letters of objection were received. The material issues raised are summarised as follows:
- Loss of an aspirational home
 - Overdevelopment / inadequate soft landscaping
 - Loss of period property / diminished historic character
 - Excessive width, height and overall scale
 - Inappropriate massing
 - Loss of light
 - Light pollution
 - Noise pollution, including traffic noise
 - Vermin and odour resulting from bin stores
 - Demolition and construction impacts
 - Inadequate off-street parking / inconsiderate overspill parking
 - Traffic generation
 - Impact on ecology, biodiversity and trees
- 4.3 2 letters of support were received. The material issues raised are summarised as follows:
- Provision of supported housing

- Provision of employment
- Adequate public transport

4.4 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.

HCC Highways (Local Highway Authority)

5.2.1 No objection.

HCC SuDS (Lead Local Flood Authority)

5.3.1 Awaiting updated comments.

HCC Growth and Infrastructure

5.4.1 No objection.

HCC Waste and Minerals

5.5.1 No objection, subject to a condition to secure a site waste management plan.

Herts and Middlesex Wildlife Trust

5.6.1 Awaiting updated comments.

Hertfordshire Fire and Rescue Service

5.7.1 No objection, subject to a condition to secure the provision of a fire hydrant.

SBC Environmental Health

5.8.1 No objection, subject to conditions to control working hours, secure a construction environmental management plan, and secure further ground investigations.

SBC Arboriculture and Conservation Manager

5.9.1 No objection, subject to further consideration at the reserved matters stage.

6 RELEVANT PLANNING POLICIES

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 September 2023. This largely made minor corrections to the earlier July 2021 version and revised policy with respect to onshore windfarms. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12). This indicates the weight which should be given to an up-to-date development plan, reflecting the requirements of section 38(6) of the 2004 Act.
- 6.2.2 Since November 2018, housing delivery has been measured against the Housing Delivery Test (HDT) as set out by the Government planning policy and guidance. The results of the HDT dictate whether a local planning authority should be subject to consequences to help increase their housing delivery. Where an authority's HDT score is less than 85% of its housing requirement, the Council must incorporate a 20% buffer into its housing supply calculations in line with paragraph 73 of the NPPF. Where an authority's score is below 75%, the Council will be subject to the HDT's most severe penalty and must apply the presumption in favour of sustainable development. The latest HDT results, published by the Ministry of Housing Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities (DLUHC)) in January 2022 (DLUHC have not yet published the latest HDT results), identifies that Stevenage delivered 79% of its housing requirement. This exceeds the 75% target and renders the adopted Local Plan housing policies as being in-date. However, this is still well below the 95% target which is set out in the NPPF (2021). Consequently, the Council has to apply a 20% buffer in its 5-year housing supply calculations. In addition, the Council also has to produce an Action Plan in order to boost housing delivery.
- 6.2.3 The Council prepared an Action Plan in July 2022 to show how it is responding to the challenge of ensuring more homes are delivered in the Borough. This has been prepared in accordance with Planning Practice Guidance and analyses the reasons for under-delivery of new homes against the Government's requirements. It also sets out clear actions on how to improve housing delivery. A copy of the Stevenage Borough Council published Action Plan is set out in the link below:
- <https://www.stevenage.gov.uk/documents/planning-policy/monitoring/housing-delivery-test-action-plan-2022.pdf>
- 6.2.4 Turning to 5-year housing land supply, the Council published an Addendum Report in May 2022. The report set out that the Borough Council could demonstrate a housing supply of 5.91 years (including 20% buffer) for the period 1 April 2022 to 31 March 2027. However, since the Land West of Lytton Way appeal was allowed by the Planning Inspectorate for a development of 576 residential units (Appeal Reference: APP/K1935/W/20/3255692), the Council's Policy Department has confirmed the Council can currently demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council, based on its HDT score and 5-year housing land supply calculations, the Council is not currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, if this policy was to be engaged, it would mean the Local Plan policies would be classed as out-of-date.
- 6.2.6 The Council is now commencing preliminary work into a review of its Local Plan, last adopted in May 2019. This is to ensure the policies within the Local Plan are up to date in accordance

with the NPPF as well as ensuring the Council is delivering a sufficient supply of housing and employment.

6.3 Planning Practice Guidance

6.3.1 The 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
- SP7 High Quality Homes
- SP8 Good Design
- 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
- HO5 Windfall Sites
- HO10 Sheltered and Supported Housing
- GD1 High Quality Design
- FP1 Climate Change
- FP2 Flood Risk in Flood Zone 1
- FP7 Pollution
- FP8 Pollution Sensitive Uses
- NH5 Trees and Woodland

6.6 Supplementary Planning Documents

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

- Parking Provision and Sustainable Transport SPD 2020
- The impact of Development on Biodiversity SPD 2020
- Developer Contributions SPD 2021
- Design Guide SPD 2023

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.

7 APPRAISAL

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

- The principle of the development
- Standard of accommodation
- Character and appearance
- Impact on neighbouring amenities
- Parking
- Highway safety
- Ecology, arboriculture and biodiversity
- Flood risk and drainage
- Climate change and sustainability
- Land contamination
- Developer obligations and CIL
- Other material considerations

7.2 Principle of Development

7.2.1 The application proposes the erection of a care home, which is a form of supported housing. The application site is currently in use as a (vacant) single family dwelling and is not allocated for any specific purpose in the Local Plan.

7.2.2 Policy SP7 of the Local Plan sets out the strategic objective of providing at least 7,600 new homes within the Borough between 2011 and 2031, supplemented by the provision of 200 bed spaces in supported accommodation. The majority of these bed spaces are planned to be provided as part of strategic housing developments but the Local Plan does not preclude them from being provided on other appropriate sites.

7.2.3 The only significant supported housing proposal that has come forward in the Borough since 2011 is the provision of up to 72 beds within the strategic Land to the West of Stevenage development. This application was made in outline and has a resolution to grant permission but is currently pending determination whilst the associated section 106 agreement is negotiated. It is technically possible that the final number of beds provided could reduce slightly as part of the reserved matters process but at this stage, there is nothing to suggest that this would happen.

7.2.4 A care home located a short distance from the site at 12 North Road was demolished in 2018 and redeveloped for flats. This had once provided 18 beds but was in very poor condition and had lain vacant prior to being demolished.

7.2.5 It was envisioned that the strategic Land to the North of Stevenage development would provide additional supported bed spaces but ultimately these were not included within the scheme. This development is now at the reserved matters stage.

7.2.6 The only remaining opportunity to provide supported accommodation on a strategic site allocated in the current Local Plan would therefore be at the Land to the South-East of Stevenage site. This is the smallest of the three strategic site and proposals for its development have yet to come forward.

7.2.7 The current application, which comes forward on an unallocated site would, if approved, provide 76 supported bed spaces. This in itself is a significant level of provision and carries commensurate weight in favour of the proposal. However, it is also important to highlight that together with the proposals for Land to the West of Stevenage, the total number of supported bed spaces coming forward within the Local Plan period would be up to 148 or roughly 75% of

a planned total of 200 if the current proposal is approved. With the only strategic site yet to come forward for development also being the smallest, this application represents perhaps the best opportunity to ensure that the overall target for supported housing is met within the plan period.

- 7.2.8 The target set by Policy SP7 was based on the Strategic Housing Market Assessment that was prepared in support of the Local Plan. The applicant has however also submitted a more up-to-date assessment of care needs within the Borough and this shows that there are currently 40 more registered beds in total than are required. However, a distinction is made between older institutions and those which meet modern standards (in particular providing ensuite facilities) and when this is taken into account, there is currently a shortfall of 80 beds. This figure is expected to increase to a shortfall of 99 beds by 2025.
- 7.2.9 Again, the proposed development would make a significant contribution towards meeting this need, providing 76 beds which meet modern standards, including being provided with ensuite facilities. This would make up the majority of the projected 2025 shortfall of this type of accommodation and in doing so, would be of considerable public benefit.
- 7.2.10 The loss of the existing single family dwelling must be recognised, as this would have a negative impact on general housing supply. It is also important to note that the existing dwelling qualifies as an “aspirational” home, for which there is an identified shortage within the Borough. However, it is considered that the adverse impacts of this loss would be considerably outweighed by the provision of 76 modern care home beds and as such, the proposal is compliant with Policy SP7 overall. The associated detailed policy relating to loss of housing, Policy HO6, is not engaged because this only applies where redevelopment is for non-residential uses.
- 7.2.11 Policy HO10 of the Local Plan sets out additional criteria for the development of supported housing. It states that planning permission will be granted where:
- a) the site is well served by passenger transport;
 - b) there is good access to local services and facilities such as neighbourhood centres;
 - c) appropriate levels of amenity space and car parking for residents, visitors and staff are provided; and,
 - d) the proposal is appropriate to its locality.
- 7.2.12 The site is not located within a residential parking accessibility zone but is nonetheless reasonably well served by passenger transport, with bus stops almost immediately in front of the site boundary. These are served by the number 55 bus, which is a regular half-hourly service between Letchworth and Stevenage via the Old Town. Connections to other bus and train services are then possible from the town centre.
- 7.2.13 The site is not ideally located for local services because it lacks a neighbourhood centre within close proximity, meaning the closest location for day-to-day shopping and other amenities is the Old Town, which is approximately 1km or a 15 minute walk to the south. However, it is expected that the care home would provide support to residents who wish to make use of these amenities and the aforementioned 55 bus service also stops on the Old Town High Street.
- 7.2.14 It is also important to note that in terms of access to medical facilities, the site is very well located due to its proximity to Lister Hospital. This would not only be of benefit to residents as and when the need arises for hospital treatment but would also aid the transfer process when new patients are discharged from the hospital, whether that be for long-term care or reablement.
- 7.2.15 Amenity space and car parking are matters of detail and will be considered later on in this report.

- 7.2.16 The question of whether the proposal is appropriate to its locality is a broad one and also covers matters of detail (e.g. appearance) as well as matters of principle (i.e. land use). Strictly from a land use perspective, the proposal is considered to be appropriate for its locality because it is, fundamentally, a proposal for a residential use within an established residential area which is not significantly constrained by Local Plan designations or environmental factors. Of course, the proposal would amount to a more intensive residential use of the site than the existing use as a single family dwelling but not to the extent that it would be inherently incompatible with its location.
- 7.2.17 Having regard to all of the above, the proposal is considered to be consistent with Policies SP7 and HO10 in land use terms. Accordingly, the development is considered to be acceptable in principle.
- 7.3 Standard of Accommodation
- 7.3.1 There are no adopted planning standards relating to the quality of care home beds. The scheme is nonetheless for residential development and Policy GD1 of the Local Plan therefore requires the scheme to provide for the amenities of future occupants. Policy FP8 states that planning permission for pollution sensitive uses, such as residential uses, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing or proposed pollution generating uses.
- 7.3.2 Layout, appearance and scale are reserved matters but the applicant has submitted floor plans and elevations which are not marked as illustrative. Therefore, they must be treated as forming part of the application and put forward for approval.
- 7.3.3 These plans shows that the proposed bedrooms would measure between 18m² and 20m², which is generous considering that a typical double bedroom would be expected to be a minimum of 11.5m². In addition, each bedroom would benefit from an ensuite bathroom, measuring approximately 4m² and providing a toilet, washbasin and shower. Overall, the rooms would therefore be approximately halfway between the size of a typical bedroom and a typical one person flat. Given the specialist nature of the accommodation, this is considered to be appropriate.
- 7.3.4 Each of the proposed rooms would be served by a large window and those to the rear of the building at ground floor level would also have an external door. As such, the rooms would all benefit from a good outlook and while those facing directly north would not receive direct sunlight, they would still benefit from an acceptable amount of daylight.
- 7.3.5 Landscaping is a reserved matter but the submitted site plan suggests that approximately 1400m² of garden space would be retained. This is considered to be ample outdoor space for the proposed 76 residents.
- 7.3.6 In addition to the garden space, future residents would benefit from a number of other amenities, including lounges, dining facilities, a cinema, a café, and a hair and nail salon. These would all make a positive contribution to residents' quality of life.
- 7.3.7 The only significant nearby source of pollution, excluding ground contamination, is road traffic noise. It is considered that this would not result in any material harm, given the volume of traffic on nearby roads and the extent to which the proposed building would be set back from the busiest of these roads, North Road. The Council's Environmental Health team was consulted on the application and raised no concerns in respect of noise or any other sources of pollution which might have an immediate impact on residents living conditions.
- 7.3.8 Having regard to the above, it is considered that the proposed development would provide a good standard of accommodation for future residents. In this respect, the proposal accords

with Policies GD1 and FP8 of the Local Plan. The provision of adequate amenity space would also be consistent with Policy HO10.

7.4 Character and Appearance

7.4.1 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.

7.4.2 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.

7.4.3 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.

7.4.4 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.

7.4.5 The Council's Design Guide SPD (2023) 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.

7.4.6 The proposed care home would be laid out in a T-shape with its forward building line approximately in line with its neighbours, set back by about 20m from the carriageway on North

Road. It would measure 43m wide and 50m deep, utilising almost the full width and depth of the plot, with an overall footprint of 1,230m² or roughly 1/3 of the plot. This layout and proportion of developed area would be appropriate, and the 2m gap remaining to either side of the building would prevent it appearing cramped.

- 7.4.7 The frontage would be mostly given over to hardstanding for the main car park, which is less than ideal but ultimately similar to the existing layout. A sufficient strip of land would remain to provide some soft landscaping to provide a degree of screening from North Road and prevent the hardstanding from dominating the frontage. Such planting is currently shown on the plans for illustrative purposes, with the final landscaping proposals being a reserved matter.
- 7.4.8 The front façade of the building would feature three gable ends, one slightly taller in the centre and two either side. The form to the rear would be similar, although the central gable would be smaller and slightly off-centre. Despite this, the design would afford the building a pleasing degree of symmetry and visual interest when viewed from either the front or rear.
- 7.4.9 The main roof of the building would be hipped and this mixture of hips and gables is consistent with surrounding properties, which feature a variety of both of these roof forms. At 14m in height, with the accommodation laid out across three principal storeys and the roof space, it would be considerably taller than nearby single family dwellings but roughly consistent with the flats which have been constructed at 12 North Road, which measure 13.5m in height.
- 7.4.10 External finishes are a reserved matter but for the purposes of illustration, the building is shown as finished with a mixture of red brick, buff brick and grey timber cladding to the walls, and plain grey tiles to the roof. These or similar materials, would give the building a high-quality appearance which would be suitably sympathetic to its surroundings.
- 7.4.11 Having regard to the above, it is considered that the proposed development, subject to final details being provided at the reserved matters stage, would have an acceptable impact on the character and appearance of the area. In this respect, the proposal accords with Policies SP8 and GD1 of the Local Plan.

7.5 Impact on Neighbouring Occupiers

- 7.5.1 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.
- 7.5.2 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.
- 7.5.3 The principal properties to be considered in this assessment are those directly adjoining the site, namely: 3, 4 and 20 Daltry Road; 4 Granby Road; and 16 North Road.
- 7.5.4 *4 Granby Road*
 - 7.5.4.1 4 Granby Road is located directly north of the application site, on the corner of Granby Road and Daltry Road. Its rear garden extends towards the far northern tip of the site where it crosses Daltry Road, which is proposed as the location for the smaller staff-only car park.
 - 7.5.4.2 It is possible that the occupants of this property would notice some traffic noise associated with the development, particularly at the changeover of shifts, which would happen three times per day. However, the number of vehicle movements would be relatively low, such that the level of noise would be within the confines of what might ordinarily be expected from a residential access road. As such, it would not be materially detrimental to the living conditions of the occupiers.

- 7.5.4.3 It is also possible that some overshadowing of the rear garden of this property would occur but this would generally be limited to the winter months when the sun is lower in the sky. In any event, the area that would be overshadowed is already shaded to a significant extent by trees and other vegetation.
- 7.5.4.4 With the proposed care home being located approximately 25m from the shared boundary at the closest point, the views afforded from the windows serving the north-facing rooms would be at a distance so as not to result in material loss of privacy. For the same reason, any loss of outlook would be well within acceptable limits.
- 7.5.5 *3 Daltry Road*
- 7.5.5.1 3 Daltry Road is located to the east of the site, sharing a short common boundary again adjacent to the proposed staff car parking area. This property has a much closer relationship to the site than 4 Granby Road, including the dwelling itself which is in much closer proximity. However, it is considered that the impacts from traffic noise would be similarly acceptable, for the same reasons as given above.
- 7.5.5.2 Overshadowing would again be limited, in this case generally to afternoons, and again much of the area that would be overshadowed is already shaded by vegetation. The north-facing windows of the care home would this time be in closer proximity but any views over the property would be limited to the end of the rear garden or at an oblique angle, which is considered to be acceptable. Any loss of outlook would be negligible.
- 7.5.6 *20 Daltry Road*
- 7.5.6.1 20 Daltry Road is located to the south-east of the application site, sharing a long common boundary adjacent to the larger of the proposed two garden spaces for the new home. Given this location, it would not be subject to any noticeable traffic noise associated with the development and would not be overshadowed by it either.
- 7.5.6.2 The south and east facing windows in the proposed home and the proposed first floor balcony would afford views over the rear garden of this property and in contrast with 4 Granby Road and 3 Daltry Road, these views would not be obscured to a significant degree by vegetation. However, at a minimum distance of approximately 17m from the shared boundary and 25m from the dwelling itself, it is considered that the views afforded would not result in unacceptable loss of privacy. This degree of separation would also mean any loss of outlook would be limited to an acceptable degree.
- 7.5.7 *16 North Road*
- 7.5.7.1 16 North Road is located directly to the south of the site, such that the dwelling would be roughly in line with the main part of the proposed care home. This relationship means that no overshadowing would occur and any loss of outlook would be extremely limited. Overlooking would result from the south-facing windows in the rear wing of the home and the first-floor balcony. As with 20 Daltry Road, at a distance of at least 20m away, these views would not result in material loss of privacy.
- 7.5.7.2 Some traffic noise would be experienced by occupants due to the proximity to the main shared car park. Whilst this would be noticeable to a greater extent than would be the case with 4 Granby Road or 3 Daltry Road, it is still considered that it would fall short of material harm.
- 7.5.8 *4 Daltry Road*

- 7.5.8.1 4 Daltry Road is located directly to the north of the site and again would also fall roughly in line with the proposed care home. However, since it fronts Daltry Road rather than North Road, it is orientated the opposite way to 16 North Road.
- 7.5.8.2 Being located directly to the north of the site means that this property would experience the most significant impacts by way of loss of natural light. The applicant has submitted a daylight and sunlight assessment which considers these impacts.
- 7.5.8.3 This shows that across almost all relevant measurements, including overshadowing of the rear garden, the impact of the proposed development would be acceptable. However, there are two areas where the development would fail the standard tests, which indicates a potentially significant adverse impact.
- 7.5.8.4 The first of these is a bedroom located towards the front of the property, adjacent to the driveway, which fails both the vertical sky component (“VSC”) and daylight distribution tests. In terms of VSC, the failure is predominantly the result of an existing canopy which extends over the sole window serving the room and without this canopy in place, the development would pass the test by a significant margin. As for daylight distribution, it is noted that much of the room is already obscured and the additional area that would be obscured by the development is circulation space. Consequently, the impact to this room is considered to be acceptable, despite failing the standard tests.
- 7.5.8.5 The other area of concern is the room which abuts the shared boundary. The main part of this room is served by two south-facing windows which would look directly out onto the flank wall of the main wing of the proposed care home. It is also joined, in an open plan layout, to a secondary space which is served by a further window, facing south-west, and a glazed door, facing north-west.
- 7.5.8.6 The south-west facing window and north-west facing door both pass all relevant tests. The room as a whole also passes the daylight distribution test. However, the two south-facing windows fail the VSC tests.
- 7.5.8.7 The applicant’s report argues that this failure is acceptable because the windows are secondary to the main south-west facing window and north-west facing door, which both pass the test with no measurable impact. It is also argued that the room is a bedroom and therefore daylighting is of less importance than it would be for a main living room.
- 7.5.8.8 Officers disagree with this assessment because the room is not merely a bedroom but is instead a multi-functional bed, living and treatment room which has been adapted to meet the care needs of a young adult with severe and complex disabilities. As such, the use of the room is more akin to a room within a care facility, insofar as it is effectively the sole living space for the occupant and it is accordingly where they spend the vast majority of their time.
- 7.5.8.9 It follows that the room is particularly more sensitive to any impacts than would be the case for an ordinary bedroom. Whilst it is acknowledged that the other window and the glazed door would be largely unaffected by the development, the VSC for the two south-facing windows would be less than half of their current value, resulting in a significant reduction in daylight to the main part of the room. In view of the way in which the room is used, these dark conditions would result in intolerable living conditions for the occupant, contrary to Policy GD1 of the Local Plan.
- 7.5.8.10 In terms outlook, it is recognised that the same windows would look directly out onto the flank wall of the proposal but the views from these windows are already limited to a significant degree and on this basis, the impact is considered to be acceptable. From other areas of the property, views would either be entirely unobscured or at a sufficient distance so as not to be materially harmful.

7.5.8.11 Turning to privacy, the north-facing windows in the rear wing of the development would afford views over the frontage of the property. As this area is used primarily for car parking, it is considered that any loss of privacy would not be materially harmful. The same conclusion is reached in respect of the views towards the windows serving the front bedrooms at the property since these would be at a distance of over 25m.

7.5.8.12 There is a discrepancy on the submitted drawings such that north-facing windows at ground, first, and second floor level within the main wing of the building are shown on the plans but not on the elevations. Setting this discrepancy aside, if the windows were to be inserted, they would serve hallways, meaning they could be fitted with obscure glazing to ensure that no material loss of privacy would result. This obscure glazing should be secured by condition in the event that planning permission is granted.

7.5.9 *Demolition and Construction Impacts*

7.5.9.1 The impacts of demolition and construction would be felt by all adjoining neighbours and this is a material consideration in the assessment of the application. Whilst the proposed building would be larger than its neighbours, the scale of the project is still within the bounds of what could ordinarily be expected from a residential area and it would not involve any especially disruptive work such as significant excavations.

7.5.9.2 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.

7.5.9.3 To this end, it is recommended that a construction management plan be secured by condition in the event that planning permission is granted. It is also recommended that hours of work be limited by condition to the standard times. Subject to these conditions, it is considered that the impacts of demolition and construction would be mitigated to an acceptable degree.

7.6 Parking

7.6.1 Policy IT5 of the Local Plan requires development proposals to comply with the parking standards set out in the Stevenage Borough Council Parking Provision and Sustainable Transport SPD 2020. According to the standard, one car parking space should be provided for every four resident beds and with 76 beds, the proposed development should provide 19 spaces. No standard is given for non-resident staff and this must therefore be assessed on a case-by-case basis. Census data shows that approximately 60% of work journeys in the area are made, which suggests that the 25 staff who would be on-site at any one time would require 15 spaces. This is broadly consistent with the published standard for other types of residential institutions, whereby one space is required for every two non-resident staff. Overall, the total requirement is therefore considered to be provision of 34 car parking spaces.

7.6.2 However, a reduction can then be applied due to the site's level of accessibility. It should be noted that although the proposal is for a residential use, it is treated as a non-residential use for the purposes of parking standards. Consequently, the site falls within the "all other areas" zone, whereby a reduction of up to 25% may be considered appropriate. Therefore, the final requirement is for between 26 and 34 spaces.

7.6.3 The proposed development would provide a total of 30 car parking spaces, which falls precisely in the middle of the recommended range. These would be split between seven dedicated spaces for staff located off Daltry Road and 23 spaces for both staff and visitors located off North Road. This overall level of provision and distribution is considered to be appropriate but a parking management plan should also be secured by way of condition if permission is granted to ensure that sufficient provision is made for busy periods when shifts are changing over.

- 7.6.4 Parking for disabled motorists should be provided at a rate of 5% of the total number of car parking spaces. With a total of 30 spaces, the requirement in this case is for two disabled spaces. Two such spaces are shown on the submitted site plan, in accordance with this standard.
- 7.6.5 Electric vehicle charging should also be provided, with 20% of spaces having active charging points and the remainder being provided with the underlying infrastructure to be provided with an active charger at a later date. The application proposes seven active charging points, which is slightly above the required number of six. These chargers, along with the infrastructure required for the remaining spaces, should be secured by condition.
- 7.6.6 The standard for cycle parking spaces is for one long-term space for every five staff and one short-term space for every 20 bedrooms. The proposed development should therefore provide five long-term spaces and four short-term spaces. Accessibility reductions are not applied to cycle parking.
- 7.6.7 A cycle store of a sufficient size to accommodate the number of spaces required is shown to the rear of the building adjacent to the Daltry Road parking spaces. Subject to full details of the design of the store being provided either as part of a reserved matters submission or pursuant to another condition, the proposed provision is considered to be acceptable.
- 7.6.8 Having regard to the above, the proposed parking arrangements are considered to be acceptable. In this respect, the proposal accords with Policies IT5 and HO10 of the Local Plan.
- 7.7 Highway Safety
- 7.7.1 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.
- 7.7.2 The proposal would involve the retention of the existing accesses to the front and rear of the site. The principal front access, which leads off North Road, would lead to the 23 mixed car parking spaces and would also be used for services such as refuse collection. The rear access would be utilised solely by staff cars.
- 7.7.3 HCC Highways, as local highway authority, have confirmed that they have no in principle objections to the proposal, noting that the proposed level of parking and the presence of parking restrictions on surrounding roads is such that overspill parking would be unlikely. In addition, the overall impact on the highway network as a result of traffic generation is considered to be very low.
- 7.7.4 A draft travel plan has been provided, which would require finalising before the development is occupied. This should be secured by condition.
- 7.7.5 Having regard to the above, it is considered that the proposed development would have an acceptable impact on highway safety. In this respect, the proposal accords with Policy IT4 of the local plan.
- 7.8 Ecology, Arboriculture and Biodiversity
- 7.8.1 Policy SP12 of the Local Plan requires the protection of assets of ecological and biodiversity value. Policy NH5 states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate.
- 7.8.2 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 adopted Biodiversity SPD (2021) requires all major and minor applications other than the exemptions currently suggested by the Government to demonstrate a net gain in biodiversity. For reference, these exemptions are as follows:

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

- 7.8.3 The application is accompanied by a preliminary ecological appraisal ("PEA"), which acts as an initial assessment of whether the site may host protected species. This shows that the site has suitable habitat for bats, nesting birds, polecats, hedgehogs, and common amphibians. Badgers are also suspected to be present within the surrounding area.
- 7.8.4 Consequently, the PEA recommends a typical array of precautionary working methods, along with a sensitive lighting strategy for bats and ecologist oversight of the demolition and construction process. A series of nocturnal bat surveys are also recommended.
- 7.8.5 Herts and Middlesex Wildlife Trust ("HMWT"), as the Council's ecological consultant, objected to the application on the basis that the required bat surveys had not been carried out when the application was originally submitted. These surveys have now been carried out and at the time of writing, officers are awaiting updated advice from HMWT as to whether the conclusions are sound and the recommendations appropriate. Should a consultation response be received after the date of the committee, it is recommended that delegated authority be given to the Assistant Director to amend the conditions or reasons for refusal in light of the advice, as appropriate depending on the resolution of the Committee. In the event that the advice is at odds with the resolution, the application will be referred back to the Committee for further consideration.
- 7.8.6 The application is also accompanied by a DEFRA biodiversity metric, which shows that the scheme could deliver an on-site biodiversity net gain of 12.51%, achieved principally through the planting of trees. Landscaping is a reserved matter, so the final net gain figure may be subject to change but it is sufficient for the purposes of this outline application to demonstrate that a 10% net gain is achievable without the need for off-site contributions. The final biodiversity net gain proposals should be secured as part of a future reserved matters submission.
- 7.8.7 The wider impact on arboriculture is set out in the arboricultural impact assessment and technical note submitted in support of the application. This shows that one category B tree, five category C trees, and seven category C groups of trees would be felled to facilitate the development. Six category U trees would also be felled on arboricultural grounds regardless of whether necessary to facilitate the development. These removals include four trees which are subject to a TPO.
- 7.8.8 All other trees would be retained, including the six category A trees and four category B trees. Compensatory planting on a three-for-one basis would also be provided, which would be confirmed at the reserved matters stage. For the purposes of this outline application, it is sufficient that the submitted illustrative plan shows sufficient space to accommodate this compensatory planting.

7.8.9 Having regard to the above, it is considered that the proposed development would have an acceptable impact on ecology, biodiversity, and trees. In this respect, the proposal accords with Policies SP12 and NH5 of the Local Plan.

7.9 Flood Risk and Drainage

7.9.1 The application site is located wholly within Flood Zone 1 outside of any critical drainage area and the proposal would not involve the introduction of a use which is more vulnerable to flooding than the existing. As such, there is no policy requirement for a site-specific flood risk assessment to be carried out. Nevertheless, one has been provided.

7.9.2 The application is also for major development involving the provision of SuDS. As such, the lead local flood authority was consulted as a statutory consultee. They initially objected to the application on the basis of various deficiencies within the submitted drainage strategy. A revised strategy has now been submitted and at the time of writing, officers are awaiting updated advice from the LLFA. Should a consultation response be received after the date of the committee, it is recommended that delegated authority be given to the Assistant Director to amend the conditions or reasons for refusal in light of the advice, as appropriate depending on the resolution of the Committee. In the event that the advice is at odds with the resolution, the application will be referred back to the Committee for further consideration.

7.10 Climate Change and Sustainability

7.10.1 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.

7.10.2 Section R (Resources) of the Design Guide SPD (2023) requires new developments to mitigate against and adapt to climate change. New developments 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;
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.10.2 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. This would ensure that the development achieves a reduction in CO2 emissions vs the requirements of the Building Regulations (through a fabric-first approach which prioritises an efficient building envelope), as well as water consumption of no more than 110L per person per day.

7.10.3 Subject to the above condition, the proposal would accord with Policy FP1 of the Local Plan 2019 & DG SPD 23.

7.11 Land Contamination

7.11.1 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. Accordingly, the application is accompanied a PRA, which recommends that further intrusive investigations be carried out.

7.11.2 The Council’s Environmental Health Team have reviewed the PRA and raise no objections, subject to the required investigations being carried out, along with any necessary remediation, prior to the commencement of the development. It is also recommended that details of measures to deal with any asbestos on the site are secured by condition.

7.11.3 Subject to the above conditions, the proposed development would not pose any unacceptable risks to human health as a result of land contamination.

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 ² | £100/m ² |
| Sheltered housing | £100/m ² | |
| Extra care housing | £40/m ² | |
| Retail development | £60/m ² | |
| All other development | £0/m ² | |

7.12.1.2 The proposed development would be liable for CIL but would be zero-rated because care homes are defined as falling within the “all other development” category by the charging schedule.

7.12.2 *Transport Obligations*

7.12.2.1 The final travel plan for the scheme, once agreed, would require monitoring for a minimum period of five years. Accordingly, a monitoring fee of £1,200 per annum should be paid to HCC and it is recommended that this be secured by s106 agreement.

7.12.2.2 HCC Highways have also requested that the applicant provide shelters for the nearby bus stops on North Road. However, no substantial justification has been provided for this, nor has a sum been suggested for the works. It is considered that the application adequately provides for the promotion of sustainable transport through the provision of policy-compliant cycle parking facilities and a travel plan. Therefore, a planning obligation is not necessary in

accordance with CIL Reg 122 to make the development acceptable in planning terms and a contribution should not be sought.

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. The Council is not required to apply the tilted balance by reason of its housing land supply or housing delivery positions. 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 result in the delivery of a 76 bed care home with high-quality, modern facilities. This would make a significant contribution towards meeting the Local Plan objective of providing 200 additional bed spaces in supported accommodation by 2031 and, with the only strategic housing site yet to come forward also being the smallest, is perhaps the best opportunity to ensure that this target is met.
- 8.3 In addition to the overall target set by the Local Plan, there is also evidence of an upcoming shortfall in the number of care beds with ensuite facilities, which is considered to be an essential part of meeting modern standards of care, that would be almost entirely remedied by the proposal. Together, these benefits carry great weight in favour of the proposal.
- 8.4 Balanced against this is the loss of the single family dwelling which is currently on the site. Although this loss does not conflict with any particular policy, boosting the supply of market dwellings is nonetheless a clear objective of the development plan. This carries weight against the proposal, although given that only one dwelling would be lost and in view of the Council's housing land supply and housing delivery positions, that weight is limited.
- 8.5 Much more significant is the harm to the occupants of 4 Daltry Road, particularly the disabled resident who occupies the room closest to the proposed care home. This room has been specially adapted to meet the needs of the resident, such that it is itself much more akin to a room within a care facility than a typical bedroom. The evidence available to officers shows that the main part of this room, which is served by two south-facing windows, would suffer a considerable loss of daylight as a result of the proposal, causing it to appear dark and gloomy. Irrespective of the fact that the secondary part of the room, which is adjoined in an open-plan layout, would be largely unaffected, it is considered that these conditions would make living conditions intolerable and this carries great weight against the proposal.
- 8.6 Aside from the above and also setting aside the outstanding issues relating to drainage and biodiversity, the proposal is considered to be compliant with development plan policies. This is subject to a number of conditions and future approval of the reserved matters. These matters do not carry weight either for or against the proposal.
- 8.7 On balance, it is considered that the harm to the amenities of 4 Daltry Road, by reason of loss of daylight, would outweigh the potential benefits of providing 76 high-quality care home beds in this location. Accordingly, the proposal is considered to be contrary to the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be granted, it is recommended that planning permission be refused.

9 HUMAN RIGHTS AND EQUALITIES

- 9.1.1 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.

- 9.1.2 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 (this has been established as a key requirement in planning decision making by case law through the relevant courts). 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 ("PSED"). As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment ("EqIA") produced by officers.
- 9.1.3 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.
- 9.1.4 In this case, the application gives rise to a number of equalities considerations. It has already been mentioned that a resident at 4 Daltry Road, indeed the resident who would be most significantly impacted by the proposal, is disabled, which is a protected characteristic. In addition, any future residents of the proposed care home would be elderly and therefore age is a relevant protected characteristic. It is also likely that a significant number of these residents would be disabled, although this is not a given.
- 9.1.5 The Council is under a duty not to discriminate, whether directly or indirectly, in the determination of this application. Direct discrimination will occur if the application is determined in a way such that the people affected by the proposal are treated unfavourably because of something arising directly from their age or disability. Indirect discrimination will occur if an otherwise non-discriminatory decision puts any of the same people at a particular disadvantage compared to those who do not share the same protected characteristic.
- 9.1.6 Officers are satisfied that the decision to refuse planning permission would not amount to direct discrimination. The disability of the resident at 4 Daltry Road is held to be material but only insofar as it relates to the character of the use of this neighbouring land and, far from being held against the resident, this use has been treated as justification for protection against the potentially adverse impacts of the proposal. Likewise, the age and potential disabilities of residents of the care home has been treated positively, carrying great weight in favour of approving the application, in recognition of the need to provide supported housing for the Borough's population.
- 9.1.7 In contrast, it is considered that the decision to refuse the application would result in indirect discrimination. The need for supported housing has already been outlined in this report and it has been emphasised that the proposal is likely to be the best opportunity to meet that need within the Local Plan period, in particular for accommodation which meets modern standards by virtue of the provision of ensuite facilities. It follows that in refusing the application, those of advanced age and/or those whose disabilities necessitate supported accommodation will find it more challenging to find appropriate accommodation than would otherwise be the case, and this difficulty would not be experienced by others who do not share the same protected characteristics (noting that the general supply of housing within the Borough is good).
- 9.1.8 However, indirect discrimination may be justified where it is a proportionate means of achieving a legitimate aim. In this case, that aim is the protection of the residents at 4 Daltry Road from intolerable living conditions, in particular the occupant of the room closest to the proposed development, who also happens to be disabled. It is self-evident that this aim is a legitimate one but whether refusal of the application is a proportionate means of achieving it is less readily apparent. In this regard, officers would point out that amendments to the scheme were sought

in the interests of resolving the adverse impacts on 4 Daltry Road but the applicant turned down this approach. In the absence of any such amendments, refusal of the application is proportionate because it is the *only* means of achieving the aim.

- 9.1.9 The second PSED duty of the Council is to advance equality of opportunity between people who share a protected characteristic and those who do not. This means: removing or minimising the disadvantages suffered by people due to their characteristics; taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. Here there is a degree of overlap with the issues already discussed, since the key way in which the Council, through the exercise of its planning functions, can minimise the disadvantages faced by the Borough's elderly and/or disabled residents and meet their specific needs, is by determining applications in a way that ensures a sufficient supply of supported accommodation.
- 9.1.10 As already stated, the positive contribution that granting permission would make in meeting this objective has been afforded great weight in favour of the application, it is just that these benefits would be outweighed by other adverse impacts. Accordingly, it is considered that advancing equality of opportunity has been given the "due regard" that is required by the legislation.
- 9.1.11 The final PSED duty of the Council is to foster good relations between people who share a protected characteristic and those who do not, which means tackling prejudice and promoting understanding between people of different groups. Officers do not consider that the application would have any particular impacts in this regard.
- 9.1.12 Having regard to the above, officers conclude that the decision to refuse the application would not be in breach of any equalities legislation. Furthermore, in reaching that decision, the requirements of the PSED would have been satisfied.
- 9.1.13 It is then necessary to consider any potential implications should officers' recommendation be overturned and planning permission be granted for the proposal. In this event, the conclusions reached in respect of direct discrimination and fostering good relations would remain unaltered, whilst the indirect discrimination would fall away. In terms of advancing equality of opportunity, it is noted that the development is designed to cater to the needs of those with disabilities by providing disabled parking, level access and internal lifts, thereby satisfying the need to take reasonable steps to minimise the disadvantages faced by people with this protected characteristic. Accordingly, it is considered that a decision to grant planning permission would also be consistent with equalities legislation.

10 RECOMMENDATION

- 10.1 That planning permission be REFUSED for the reason below, with delegated powers given to the Assistant Director of Planning and Regulation, in consultation with the Chair of Planning Committee, to add to the reasons for refusal prior to the decision notice being issued, where such additions would be legally sound and reflect advice received by statutory consultees and/or the Council's appointed consultants.

Reason

1. The proposed development, by reason of its scale and siting, would unduly deprive the occupants of 4 Daltry Road of natural light, resulting in dark, gloomy, and ultimately intolerable living conditions. The proposal is therefore contrary to Policy GD1 of the Stevenage Borough Local Plan 2019, the Council's Design Guide SPD (2023) and the aims and objectives of chapter 12 of the NPPF 2023.

Pro-active Statement

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

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 (2023).
5. Hertfordshire County Council Local Transport Plan LTP4 2018-2031
6. Central Government advice contained in the National Planning Policy Framework 2023 and the National Planning Practice Guidance.
7. Responses to consultations with statutory undertakers and other interested parties referred to in this report.

This page is intentionally left blank

Meeting: Planning and Development
Committee

Agenda Item:

Date:

IMPORTANT INFORMATION - DELEGATED DECISIONS

Author – Technical Support 01438 242838

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – James Chettleburgh 01438 242266

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

1. Application No : 20/00587/COND
Date Received : 12.10.20
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of Condition 33 (visibility splays) attached to planning permission reference number 20/00682/FPM.
Date of Decision : 09.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

2. Application No : 20/00589/COND
Date Received : 12.10.20
Location : Land To West Of A1(M) And South Of Stevenage Road Todds Green Stevenage Herts
Proposal : Discharge of Condition 36 (access roads) attached to planning permission reference number 20/00682/FPM.
Date of Decision : 09.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

3. Application No : 22/00358/COND
Date Received : 14.04.22
Location : Land West Of North Road North Road Stevenage Herts
Proposal : Discharge of conditions 4 (drainage) attached to planning permission reference number 22/00838/FPM
Date of Decision : 16.11.23
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**
- Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.
- The case officer's letter is attached providing further information.
4. Application No : 22/00840/COND
Date Received : 16.09.22
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of condition 36 (Flood Risk) attached to planning permission reference number 17/00862/OPM
Date of Decision : 06.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
5. Application No : 23/00299/COND
Date Received : 18.04.23
Location : Sanders Building & Gunnels Wood Building Gunnels Wood Road Stevenage Herts
Proposal : Discharge of conditions 8 (Construction Environmental Management Plan), 9 (Tree Protection Plan), 10 (Ground Investigations) ,18 (Petrol/Oil Interceptors), 26 (Drainage Strategy) and 27 (SuDS Maintenance) attached to planning permission reference number 21/01362/FPM.
Date of Decision : 03.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

6. Application No : 23/00652/COND
Date Received : 23.08.23
Location : Swingate Car Park Swingate Stevenage Herts
Proposal : Discharge of condition 10 (Detailed Design Drawings) attached to planning permission 20/00060/FP
Date of Decision : 09.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
7. Application No : 23/00659/COND
Date Received : 29.08.23
Location : Land West Of North Road North Road Stevenage Herts
Proposal : Partial discharge of condition 10 (delivery and servicing plan) attached to planning permission reference number 22/00838/FPM to allow occupation of Unit B
Date of Decision : 16.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
8. Application No : 23/00665/HPA
Date Received : 30.08.23
Location : 39 Chertsey Rise Stevenage Herts SG2 9JL
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.00 metres, for which the maximum height will be 3.00 metres and the height of the eaves will be 3.00 metres
Date of Decision : 08.11.23
Decision : **Prior Approval is NOT REQUIRED**

9. Application No : 23/00667/COND
Date Received : 30.08.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of condition 7 (Bat and Swift Boxes) attached to reserved matters permission reference number 23/00810/RMM (Phase 1A-C) Bellway Homes plots only.
Date of Decision : 18.10.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
10. Application No : 23/00669/COND
Date Received : 30.08.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Discharge of Condition 14 (External Materials) attached to reserved matters permission reference number 22/00810/RMM (Phase 1A-C) Bellway Homes plots only.
Date of Decision : 03.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
11. Application No : 23/00671/FPH
Date Received : 31.08.23
Location : 390 York Road Stevenage Herts SG1 4EN
Proposal : Partial demolition of existing outbuilding and erection of single-storey rear extension.
Date of Decision : 30.10.23
Decision : **Planning Permission is GRANTED**

12. Application No : 23/00681/FPH
Date Received : 06.09.23
Location : 216 York Road Stevenage Herts SG1 4HJ
Proposal : Single-storey rear extension.
Date of Decision : 01.11.23
Decision : **Planning Permission is GRANTED**
13. Application No : 23/00690/FPH
Date Received : 11.09.23
Location : 21 Cromwell Road Stevenage Herts SG2 9HT
Proposal : Single storey front and rear extension and part two storey side extension
Date of Decision : 18.10.23
Decision : **Planning Permission is GRANTED**
14. Application No : 23/00693/FPH
Date Received : 13.09.23
Location : 17 Lymington Road Stevenage Herts SG1 2PE
Proposal : Demolish rear extension and erection of a new side and rear single-storey extension.
Date of Decision : 18.10.23
Decision : **Planning Permission is GRANTED**
15. Application No : 23/00695/FPH
Date Received : 13.09.23
Location : 44 Webb Rise Stevenage Herts SG1 5PA
Proposal : Single storey rear glazed extension with glass roof
Date of Decision : 18.10.23
Decision : **Planning Permission is GRANTED**

16. Application No : 23/00698/COND
Date Received : 15.09.23
Location : Matalan Unit B-C Danestrete Stevenage
Proposal : Partial discharge of Condition 4 (Surfacing Materials) attached to planning permission reference number 20/00643/RMM to allow construction of Phase 1
Date of Decision : 07.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
17. Application No : 23/00701/TPCA
Date Received : 18.09.23
Location : Osprey House Primett Road Stevenage Herts
Proposal : Reduce crown by 30% on 5 mixed trees at front of property
Date of Decision : 25.10.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
18. Application No : 23/00702/COND
Date Received : 18.09.23
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Discharge of condition 8 (construction management plan) and condition 9 (Drainage 1) attached to planning permission reference number 22/00468/FPM
Date of Decision : 25.10.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
19. Application No : 23/00704/COND
Date Received : 19.09.23
Location : Matalan Unit B-C Danestrete Stevenage
Proposal : Partial discharge of Condition 3 (External Materials) attached to planning permission reference number 20/00643/RMM to allow construction of Phase 1.
Date of Decision : 07.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

20. Application No : 23/00709/COND
Date Received : 21.09.23
Location : Vista Tower Southgate Stevenage Herts
Proposal : Discharge of condition 3 (Materials) attached to planning permission reference number 20/00751/FP
Date of Decision : 20.10.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
21. Application No : 23/00711/FP
Date Received : 22.09.23
Location : 103 Queensway Town Centre Stevenage Herts
Proposal : Change of use from retail to bank with associated alterations to the elevations and installation of rooftop plant.
Date of Decision : 16.11.23
Decision : **Planning Permission is GRANTED**
22. Application No : 23/00713/TPCA
Date Received : 25.09.23
Location : 37B Julians Road Stevenage Herts SG1 3ES
Proposal : 25% crown reduction and thinning of branches of 1x Ash Tree
Date of Decision : 03.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
23. Application No : 23/00717/FPH
Date Received : 25.09.23
Location : 44 Collenswood Road Stevenage Herts SG2 9ES
Proposal : Two storey rear extension
Date of Decision : 14.11.23
Decision : **Planning Permission is GRANTED**

24. Application No : 23/00718/AD
Date Received : 26.09.23
Location : 103 Queensway Town Centre Stevenage Herts
Proposal : Erection of 2no illuminated projecting signs and 3no illuminated fascia signs
Date of Decision : 01.11.23
Decision : **Advertisement Consent is GRANTED**
25. Application No : 23/00719/FP
Date Received : 26.09.23
Location : 80 Whitesmead Road Stevenage Herts SG1 3JZ
Proposal : Erection of 1no. proposed three bedroom dwelling on land to the side of 80 Whitesmead Road and single storey rear extension to 80 Whitesmead Road
Date of Decision : 23.11.23
Decision : **Planning Permission is GRANTED**
26. Application No : 23/00720/FPH
Date Received : 26.09.23
Location : 90 Whitney Drive Stevenage Herts SG1 4BJ
Proposal : Variation of condition 1 (Approved Plans) attached to planning permission 22/00698/FPH to amend materials, fenestration details and enlargement of existing rear projection
Date of Decision : 16.11.23
Decision : **Planning Permission is GRANTED**
27. Application No : 23/00722/HPA
Date Received : 26.09.23
Location : 117 Fairview Road Stevenage Herts SG1 2NP
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.48 metres, for which the maximum height will be 3.55 metres and the height of the eaves will be 2.57 metres
Date of Decision : 25.10.23
Decision : **Prior Approval is NOT REQUIRED**

28. Application No : 23/00721/COND
Date Received : 27.09.23
Location : 23 Essex Road Stevenage Herts SG1 3EX
Proposal : Discharge of conditions 7(construction management plan), 8 (Tree protection plan), 9 (materials), 10 (refuse store), 11 (cycle parking and EVPC), 12 (landscape details) attached to planning permission reference number 23/00186/FP
Date of Decision : 21.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
29. Application No : 23/00728/TPCA
Date Received : 28.09.23
Location : 40 Shephall Green Stevenage Herts SG2 9XS
Proposal : Fell 1no Pussy Willow tree
Date of Decision : 03.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
30. Application No : 23/00739/NMA
Date Received : 06.10.23
Location : The Bragbury Centre 5 Kenilworth Close Stevenage Herts
Proposal : Non material amendment to planning permission reference number 18/00398/FPM to allow for minor changes to the turning head, hard and soft landscaping.
Date of Decision : 20.11.23
Decision : **Non Material Amendment AGREED**

31. Application No : 23/00740/TPCA
Date Received : 06.10.23
Location : 131 High Street Stevenage Herts SG1 3HS
Proposal : Removal of limb touching the wall (T1) Laurel, reduce overhanging branches back from the building by 2m (T2) Malus and fell dead tree (T3) Lawson Cypress
Date of Decision : 13.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**
32. Application No : 23/00750/FPH
Date Received : 10.10.23
Location : 2 Eastbourne Avenue Stevenage Herts SG1 2EX
Proposal : Two storey side extension with extensions to existing front and rear facing dormers
Date of Decision : 09.11.23
Decision : **Planning Permission is GRANTED**
33. Application No : 23/00751/HPA
Date Received : 10.10.23
Location : 31 Brimstone Drive Stevenage Herts SG1 4FX
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.50 metres, for which the maximum height will be 3.40 metres and the height of the eaves will be 2.40 metres
Date of Decision : 15.11.23
Decision : **Prior Approval is NOT REQUIRED**

34. Application No : 23/00752/HPA
Date Received : 10.10.23
Location : 105 Austen Paths Stevenage Herts SG2 0NN
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 3.30 metres, for which the maximum height will be 3.50 metres and the height of the eaves will be 2.35 metres
Date of Decision : 02.11.23
Decision : **Prior Approval is NOT REQUIRED**
35. Application No : 23/00754/FPH
Date Received : 10.10.23
Location : 2 Ranworth Avenue Stevenage Herts SG2 8SL
Proposal : Single storey rear extension and extension of existing timber shed
Date of Decision : 02.11.23
Decision : **Planning Permission is GRANTED**
36. Application No : 23/00755/FPH
Date Received : 11.10.23
Location : 1 Bedwell Rise Stevenage Herts SG1 1NL
Proposal : Two storey side extension and change of roof covering
Date of Decision : 03.11.23
Decision : **Planning Permission is GRANTED**
37. Application No : 23/00756/AD
Date Received : 11.10.23
Location : 17 - 21 Queensway Town Centre Stevenage Herts
Proposal : Installation of 2 no. internally illuminated projecting signs, 1 no. internally illuminated fascia sign, 2 no. ATM advertisement surrounds, 1 no. statutory signage.
Date of Decision : 20.11.23
Decision : **Advertisement Consent is GRANTED**

38. Application No : 23/00757/NMA
Date Received : 12.10.23
Location : Glaxo SmithKline Research And Development Ltd Gunnels
Wood Road Stevenage Herts
Proposal : Non-material amendment to reserved matters approval
23/00249/FP for amendments to the areas of land secured to
deliver a net gain in biodiversity, outlining alternative land to plant
10 trees to provide the same BNG uplift as provided under the
originally approved planning application
Date of Decision : 25.10.23
Decision : **Non Material Amendment AGREED**
39. Application No : 23/00761/CLPD
Date Received : 13.10.23
Location : 34 Berkeley Close Stevenage Herts SG2 8SG
Proposal : Certificate of Lawfulness (proposed) for single storey rear
extension.
Date of Decision : 25.10.23
Decision : **Certificate of Lawfulness is APPROVED**
40. Application No : 23/00763/LB
Date Received : 14.10.23
Location : 53 High Street Stevenage Herts SG1 3AQ
Proposal : Installation of 2no. additional water main pipes to service the flats.
This will involve the removal of slabs and excavation in the rear
yard. There will also be some opening up and making good
internally to connect the water pipes to existing installations.
Date of Decision : 17.11.23
Decision : **Listed Building Consent is GRANTED**

41. Application No : 23/00764/CLPD
Date Received : 14.10.23
Location : 23 Greydells Road Stevenage Herts SG1 3NL
Proposal : Certificate of Lawfulness (Proposed) for dormer loft conversion
Date of Decision : 25.10.23
Decision : **Certificate of Lawfulness is APPROVED**
42. Application No : 23/00775/FPH
Date Received : 20.10.23
Location : 8 Twinwoods Stevenage Herts SG1 1RJ
Proposal : Proposed single storey front, side and rear extensions
Date of Decision : 21.11.23
Decision : **Planning Permission is GRANTED**
43. Application No : 23/00776/TPCA
Date Received : 20.10.23
Location : 2 Wilton Cottages Church Lane Stevenage Herts
Proposal : Reduce crown by 30% back to suitable growth points to 2 No:
Pear Trees
Date of Decision : 16.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A
CONSERVATION AREA**
44. Application No : 23/00780/COND
Date Received : 23.10.23
Location : Roebuck Retail Park London Road Stevenage Hertfordshire
Proposal : Partial Discharge of Condition 19 (Fire Hydrants) attached to
planning permission 21/00754/FPM
Date of Decision : 13.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

45. Application No : 23/00783/NMA
Date Received : 24.10.23
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 amend proposed layout
Date of Decision : 14.11.23
Decision : **Non Material Amendment AGREED**
46. Application No : 23/00784/TPCA
Date Received : 24.10.23
Location : 23 Shephall Green Stevenage Herts SG2 9XS
Proposal : Crown reduce by around 2m and carry out a crown clean (any
deadwood or crossing limbs to be removed) to 1No. Apple Tree
(T1) Apple tree, Carry out a sympathetic crown reduction to
rebalance tree around 1-1.5m to 2 No: White Beam tree (T2) and
(T3), Crown reduce by around 1.5-2m to rebalance tree and clear
telephone cable to 1No. Walnut tree (T4)
Date of Decision : 20.11.23
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A
CONSERVATION AREA**
47. Application No : 23/00791/COND
Date Received : 26.10.23
Location : 23 Park View Stevenage Herts SG2 8PU
Proposal : Discharge of Condition 3 (External Materials) attached to
planning permission 23/00323/FPH (Allowed under appeal
reference: APP/K1935/D/23/3325427)
Date of Decision : 06.11.23
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

48. Application No : 23/00799/NMA
Date Received : 31.10.23
Location : Matalan Unit B-C Danestrete Stevenage
Proposal : Non material amendment to approved plans attached to reserved matters approval 20/00643/RMM,
Date of Decision : 07.11.23
Decision : **Non Material Amendment AGREED**
49. Application No : 23/00825/NMA
Date Received : 13.11.23
Location : Whomerley Wood Substation Vinters Avenue Stevenage Herts
Proposal : Non-material amendment to planning permission 21/00494/FP to amend condition 1 (approved plans) to incorporate minor changes to the Soft Power Bridge Housing unit.
Date of Decision : 21.11.23
Decision : **Non Material Amendment AGREED**
50. Application No : 23/00879/NMA
Date Received : 16.11.23
Location : Land To The West Of Lytton Way Stevenage Herts
Proposal : Non material amendment to planning permission 19/00474/FPM to amend the description of development to 'Demolition of existing office building (B1 use) and structures, and the construction of seven apartment buildings comprising residential dwellings (Use Class C3) together with internal roads, parking, public open space, landscaping, drainage and associated infrastructure works'.
Date of Decision : 21.11.23
Decision : **Non Material Amendment AGREED**

51. Application No : 23/00882/CLPD
Date Received : 17.11.23
Location : 62 Ferrier Road Stevenage Herts SG2 0NU
Proposal : Certificate of lawfulness (Proposed) for single-storey rear extension.
Date of Decision : 22.11.23
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 September 2023 and Planning Policy Guidance.

Meeting: Planning and Development
Committee

Agenda Item:

Date: Thursday 7 December 2023

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow 01438 242242

Lead Officer – Zayd Al-Jawad 01438 242257

Contact Officer – Zayd Al-Jawad 01438 242257

1. APPEALS RECEIVED

- 1.1 23/00553/FPH. 171 Verity Way. Appeal against the refusal of planning permission for a part single-storey, part two-storey rear extension, raised patio with associated balustrade, and single-storey front extension.
- 1.2 23/00231/FP. 129C High Street. Appeal against the refusal of planning permission for the demolition of single storey element fronting onto Church Lane and its redevelopment with 4no. 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling

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 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

3. DECISIONS RECEIVED

- 3.1 None.

This page is intentionally left blank