

PLANNING AND DEVELOPMENT COMMITTEE

Date: Thursday, 23 May 2024
Time: 6.30pm,
Location: Council Chamber
Contact: Alex Marsh (01438) 242587
Alex.Marsh@stevenage.gov.uk

Members: Councillors: TBC

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2. MINUTES - 2 APRIL 2024

To approve as a correct record the Minutes of the previous meeting held on 2 April 2024.
5 – 26

3. BRIEFING ON LOCAL PLAN REVIEW

The Planning Policy Manager to provide an update on the Local Plan Review.

4. CONTAMINATED LAND STRATEGY - POST CONSULTATION

To consider the Contaminated Land Strategy - Post Consultation.
27 – 68

5. UPDATE ON LAND WEST OF LYTTON WAY, STEVENAGE

The Development Manager to give a verbal update on Land West of Lytton Way Appeal (Former Icon).

6. 24/00191/FP - 106-114 GRACE WAY, STEVENAGE

To consider replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters and downpipes.
69 – 78

7. 24/00193/FP - 1-12 FOVANT COURT, STEVENAGE

To consider replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters and downpipes.

79 – 88

8. 24/00224/FP - CRANBOURNE COURT, STEVENAGE

To consider replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters and downpipes.

89 – 98

9. 24/00252/FP - 23-39 CUTTYS LANE, STEVENAGE

To consider the retrofit of 1no. apartment block. Works include: 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.

99 – 108

10. 24/00047/FPM - WALPOLE COURT, STEVENAGE

To consider the demolition of existing Walpole Court sheltered living accommodation and associated bungalows and construction of 24no. dwellings with associated road and vehicle access, car parking, garden areas and ancillary works.

109 – 140

11. INFORMATION REPORT - DELEGATED DECISIONS

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

141 – 158

12. INFORMATION REPORT - APPEALS/CALLED IN APPLICATIONS

To note a report on planning appeal decisions and planning appeals lodged.

159 – 160

13. URGENT PART I BUSINESS

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

14. 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.

15. URGENT PART II BUSINESS

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

Agenda Published 15 May 2024

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Public Document Pack Agenda Item 2

STEVENAGE BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MINUTES

Date: Tuesday, 2 April 2024

Time: 6.30pm

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

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

Start / End Time: Start Time: 6.30pm
End Time: 8.32pm

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

Apologies for absence were received were submitted on behalf of Councillor Graham Snell.

There were no declarations of interest.

2 **MINUTES - 5 MARCH 2024**

It was **RESOLVED** that the minutes of the meeting of the Planning and Development Committee held on 4th April be approved as a correct record.

3 **24/00060/FPM - 1-17, 19-35, 37-53, 55-71, 85-101, 103-119 AND 121-137 PENN ROAD, STEVENAGE, HERTS, SG1 1HY**

The Committee considered a report on planning application 24/00060/FPM seeking planning permission for the installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.

The Officer explained each building is three storeys, L-Shaped with a dual pitched tiled roof and contain 9no. flats each. The buildings were constructed with white painted render, red-multi bricks with blue panels and horizontal cladding highlights. Windows and doors are modern white uPVC framing. The balconies had green panels and the buildings had a post-war appearance typical of properties constructed in this neighbourhood. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking was communal along Penn Road and shared with other residential dwellings.

- Photographs, Elevation drawings, CGIs were shown and there was no

change to the footprint.

- There was one public representative due to fire safety, but all materials comply with fire tests.

The Committees asked where the cost will fall. Officers explained the cost would be through Government Grant money and there would be no cost to the tenants.

It was **RESOLVED** that 24/00060/FPM be granted planning permission subject to the conditions set out in the report:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 7059-CTS-00-000-L-A-4403 P02; 7059-CTS-20-000-D-A-4404 P02.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 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.

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. 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 regarding 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 at building.control@hertfordshirebc.co.uk or phoning on 01438 879990.

To make a building regulations application please apply through the website portal at <https://www.hertfordshire.co.uk/contact-us/> payment can be made online or by phoning the number above 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>.

4 **24/00076/FPM - 2-16, 18-32, 34-48 AND 50-64 WALDEN END, STEVENAGE, HERTS, SG1 1TZ**

The Committee considered a report on planning application 24/00076/FPM seeking planning permission for the installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.

The Officer explained the application site comprises 4 buildings on the northern side of Walden End. Residential dwellings lie to the south, and the main highway of Six Hills Way is to the north. Each building is three storeys with a dual pitched tiled roof and contain 8no. flats each. The buildings are constructed with white painted render and red-multi bricks. Windows and doors are modern white uPVC framing. The balconies have lightly obscured panels. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. Each building has small areas of shrub planting to the front with large areas of public open space around. Car parking is a combination of on-street parking and laybys and shared with other residential dwellings.

It was **RESOLVED** that application 24/00076/FPM be granted planning permission subject to the conditions set out in the report:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 7059-CTS-00-000-L-A-4101; 7059-CTS-00-000-L-A-4103; 7059-CTS-00-000-L-A-4104; 7059-CTS-00-000-L-A-4102; 7059-CTS-00-000-L-A-4403-P01; 7059-CTS-20-000-D-A-4404-P01; 7059-CTS-20-000-D-A-4405-P01; 7059-CTS-20-000-D-A-4406-P01; 7059-CTS-20-000-D-A-4407-P01;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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.

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.

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

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5 **24/00137/FP - FAIRLANDS VALLEY SAILING CENTRE, SIX HILLS WAY, STEVENAGE, SG2 0BL**

The Committee considered a report on planning application 24/00137/FP seeking planning permission for the application placement of 7no. 20ft shipping containers

and 1no. 40ft shipping container.

The Officer explained the site is a parcel of land located within the existing sailing centre compound in Fairlands Valley Park. The area is laid to concrete and currently used for the storage of boats owned by a variety of organisations and people, including Stevenage Borough Council. To the south of the site is the Fairlands Valley Lakes café and outdoor seating area; to the west is the large sailing and fishing lake; to the north is the wooden high ropes recreational facility; to the east is access roads, car parking and footpaths.

It was stated:

- The site is owned by SBC.
- More than 5 objections.
- No further comments since addendum.
- 8 containers included.
- The Aqua Park is not of the part of this application as it does not require planning permission.
- Photographs and floor plans were shown to the Committee.
- All public reps were in respect of the inflatables, it was explained it is not relevant to this application.
- It included principle open space, play spaces, self-contained in an existing locked off area, hardstand area and high ropes.
- Trees will soften the view.
- A likely secondary income would arise through users of the development using the existing café.
- The visual impact would be next to existing buildings, smaller, screened, softened by foliage, , no detrimental impact. Trees/hedgerow will remain with a 2m buffer to allow space for work, and maintenance, possible use of astroturf around the buildings, wildlife sites and woodlands would not be impacted.
- Car parking provision, there is level access to the site, and it is easily accessible by pedestrians.
- Not on green belt
- Would not support anything that damages the site and surroundings.

Members queried if any parking would be removed and if it generates the need for extra parking. It was explained some extra parking need would be generated but there are plenty sites for parking which is seen as a non issue and due to it being a summer use, should any issues arise then they would be short-term and seasonal only.. Also, the view from the café was questioned as to whether there would be a block of the view of the lakes and if the council could soften the appearance. Officers advised that the siting of the development would not restrict any views of the sailing

lake. Officers explained it will enhance the use of Fairlands Valley Park as a whole.

It was **RESOLVED** application 24/00137/FP be granted planning permission subject to the conditions set out in the report:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout; Site Location Plan; Elevations; Side Elevations;
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority
4. Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 10:00am and 18:00pm Mondays to Fridays and 09:00am to 20:00pm on Saturdays, Sundays, and Public or Bank Holidays.
5. No development shall take place above slab level until details of measures to address adaptation to climate change have been submitted to and approved in writing by the Local Planning Authority. These measures shall then be implemented and permanently maintained in accordance with the approved details.
6. The containers hereby approved shall be sited a minimum of 2m from the hedgerow and trees to the rear and this area shall be kept clear at all times to facilitate maintenance access to the hedgerow and trees
7. There shall be no artificial grass, or other similar artificial/plastic surface laid on the ground around the building and no artificial foliage screening placed on or around the containers hereby approved.

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2. Community Infrastructure Levy:

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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-revised1explanatory-booklet>

6 **23/00502/FPM - 58-90 QUEENSWAY AND FORUM CHAMBERS, STEVENAGE, SG1 1EE**

The Committee considered a report on planning application 23/00502/FPM seeking planning permission for the change of use of ground floor retail unit (80 Queensway), first and second floor office units (58-80 Queensway) and Forum Chambers (all Use Class E) to residential use (Use Class C3) and all associated ancillary infrastructure, and the upward extension of two additional storeys and associated external alterations and works to create a total of 71 residential units.

The Officer explained the site comprises a three-storey row of shops and offices on the western side of Queensway, running from Queensway Chambers to the western turn onto The Forum. The ground floor is mostly made up of shops, whilst the upper floors comprise incidental storage space for the shop units and separate offices. Access is pedestrian only and can be taken from various points on Queensway and the Forum at ground floor level, as well as from the rear service yard at first floor level. The site is located within the town centre shopping area and the ground floor is a primary retail frontage. It is also located within Flood Zone 1 and The Town Centre Residential Parking Accessibility Zone. The Town Square Conservation Area lies immediately adjacent to the site to the south.

- It was stated there would be a two storey upward extension and change of use to residential, which would be car-free with 49 cycle parking spaces and a £50 public transport voucher for each flat. Proposed plans, elevations and CGIs of the development were shown.
- It was stated that noise issues had been resolved subject to conditions which will be agreed with the chair.

Members queried what would the size of the flats be, officers explained they would be comparable to the flats that are in Stevenage, and they would all meet or exceed Government standards. Disabled parking was queried if any provision would be needed. It was explained there was no policy requirement but this had been considered and due to the site's location within the Town Centre there would be a number of existing disabled parking bays in the area. The Committee questioned whether a light study had been carried out and whether there would be an impact on Queensway. Officers stated there would be a slight improvement due to the changes in the canopy.

It was **RESOLVED** application 23/00502/FPM be granted planning permission subject to the conditions set out in the report:

O1. A cash contribution of £126,646 towards the provision of a new primary school within the town centre.

O2. A cash contribution of £76,000 towards the provision of affordable housing within the Borough.

O3. The provision of £50 worth of public transport vouchers for every flat within the development.

O4. The provision of an employment and skills plan to secure work and apprenticeships for residents of the Borough.

O5. Monitoring fees as required to cover the cost of administering the above obligations. Conditions General Conditions

C1. The development to which this permission relates shall be carried out in accordance with the following plans: 1294.11.001 1294.11.002 1294.11.010 1294.11.011 1294.11.012 1294.11.013 1294.11.100 Rev B 1294.11.101 Rev B 1294.11.102 Rev A 1294.11.103 Rev A 1294.11.104 Rev A Page 80 - 27 - 1294.11.105 Rev A 1294.11.200 1294.11.201 Rev A 1294.11.202 1294.11.300 v A

C2. The development to which this permission relates shall be begun before the expiration of three years from the date of this permission. REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

C3. No demolition, construction or maintenance activities audible at the boundary and no deliveries of construction and demolition materials shall be undertaken outside the hours 07:30 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. For the avoidance of doubt, no such activity shall take place on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

C4. 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.

C5. 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.

C6. The development to which this permission relates shall be carried out in accordance with Flood Risk Assessment and Drainage Strategy revision 4, prepared by Delta Simons and dated 26 January 2023 unless otherwise agreed in writing by the local planning authority.

C7. The development to which this permission relates shall be carried out in accordance with Energy and Water Statement revision B, prepared by Create Consulting Engineers Ltd and dated February 2023 unless otherwise agreed in writing by the local planning authority.

C8. Prior to the commencement of the development to which this permission relates (including site clearance and demolition) until a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan. The construction management plan shall include details of the following: a) Construction vehicle numbers, type, routing; b) Access arrangements to site; c) Traffic and pedestrian management requirements; d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e) Siting and details of wheel washing facilities; f) Cleaning of site entrances, site tracks and the adjacent public highway; g) Timing of construction activities (including delivery times and removal of waste); h) Provision of sufficient on-site parking prior to commencement of construction activities; i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; k) A Site Waste Management Plan including mechanisms to deal with environmental impacts such as air quality and dust control measures, noise and vibration restriction measures, light and odour and predicted and latterly actual waste arisings and how this is to be managed and where it is sent to. l) Dust control measures during demolition and construction from plant and machinery, and vehicles.

C9. Prior to the commencement of the development to which this permission relates (excluding site clearance and demolition), a report containing a survey of the existing surface water drainage network, any faults identified in said system, and a timeline of any necessary maintenance or replacement, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved report.

C10. No development shall take place above slab level until a schedule and samples of the materials to be used in the construction of the external surfaces and hard landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and permanently retained as such thereafter.

C11. No development shall take place above slab level until details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to beneficial occupation of the development and permanently retained as such

thereafter.

C12. No development shall take place above slab level until details of swift bricks to be provided within the development have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

C13. Prior to the installation of the green roofs, detailed design drawings and calculations of storage volumes and discharge rates shall be submitted to and approved in writing by the local planning authority. The green roofs shall then be installed in accordance with the approved details.

C14. Prior to the beneficial occupation of the development to which this permission relates, the refuse stores as shown on the approved plans shall be provided in full. The stores shall be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

C15. Prior to the beneficial occupation of the development to which this permission relates, a travel plan statement shall be submitted to and approved in writing by the local planning authority. The approved plan shall then be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. REASON: To ensure that sustainable travel options associated with the development are promoted and maximised.

C16. Prior to the beneficial occupation of the development to which this permission relates, noise mitigation measures shall be installed in accordance with a scheme submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained in full unless otherwise agreed in writing by the local planning authority.

7 **23/00477/OP - LAND BETWEEN 146 & 225 HOPTON ROAD, STEVENAGE**

The Committee considered a report on planning application 23/00477/OP seeking planning permission for the outline planning permission with all matters reserved for the erection of 1no. detached three-bedroom dwelling with associated car parking.

It was explained that the silver birch tree on the site would be retained with an additional tree also being planted. A section of hedgerow would be lost however. Members questioned whether a parking space would be lost in the process. Officers stated that is not the case.

It was **RESOLVED** application 23/00477/OP be granted planning permission subject to the conditions set out in the report:

With delegated powers be given to the Assistant Director of Planning and Regulation in consultation with the Chair of Planning Committee to negotiate and secure the obligation detailed above (including triggers where appropriate), 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:
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.
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.

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.

Informative:

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/business1and-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/business1and-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 and 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

8 **23/00824/CLEU - 40A VINTERS AVENUE, STEVENAGE**

The Committee considered a report on planning application 23/00824/CLEU seeking a certificate of Lawfulness for existing use as 4no. self-contained studio flats.

The Officer explained the site comprises the easternmost part of a short terrace of residential properties on the southern side of Vinters Avenue, which is currently in use as four flats. The frontage is given over to parking, with space for three cars, whilst the rear is a garden. The sole access to the site is from Vinters Avenue. The site is not subject to any notable Local Plan designations or other environmental constraints. Land use in the surrounding area is predominantly residential, consisting of two storey dwellings laid out in terraces of varying lengths. The Bedwell Crescent Local Centre lies a short distance to the north.

Officers explained they are not satisfied that the property was used as a 2-bed house before being converted to flats. The applicant's explanations regarding his living arrangements were vague, and other documentation appeared to contradict his account. It was also explained that the internal layout had been altered significantly from the approved plans. It was explained that if the certificate was refused, then enforcement action would be required, which was justified on the poor quality of the flats.

The Committee thanked the officers for being pro-active on enforcement issues and queried how the case had come before officers. It was explained that it had been referred to planning following an HMO investigation by the Council's Environmental Health department. Officers clarified that the property was not a HMO but it is instead 4 self-contained flats. The plans were originally approved by building control as a dwellinghouse but changed within 6 weeks of completion.

It was **RESOLVED** as follows:

- That the application for a certificate of lawfulness 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.

- That an enforcement notice be issued and served by the Assistant Director for Planning and Regulation, subject to a solicitor appointed by the Council being satisfied that the evidence requires the cease of the use of the building as four flats and the reinstatement of the building as a two bedroom dwellinghouse at the property known as 40A Vinters Avenue. The precise terms of the enforcement notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- That, subject to a solicitor appointed by the Council being satisfied as to the evidence, the Assistant Director for Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the enforcement notice.
- That in the event of any appeal against the enforcement notice, the Assistant Director for Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal to issue a certificate of lawfulness.

9 **24/00089/S106 - STEVENAGE TOWN CENTRE (SG1)**

The Committee considered a report on planning application 24/00089/S106 seeking planning permission for modification of the S106 agreement; paragraph 3.1 of Schedule 5 (Traffic Management and Parking) and paragraphs 1.1 and 1.2 of Schedule 9 (Highways Works) attached to planning permission reference number 19/00743/FPM.

The officer explained the application site (known as SG1) extends to approximately 6 hectares of land within Stevenage Town Centre and is located west and south of Queensway which is the main pedestrianised area of the town centre. The site itself is occupied by Swingate House the Council's Offices, Mecca Bingo, The Plaza, Danestrete Health Centre, Stevenage Central Library, Bus Station, former Police Station and Hertfordshire County Council offices, retail, commercial and residential properties. There are also several surface car parks which are currently operated by Stevenage Borough Council.

To the north and north-east of the application site lies Westgate Shopping Centre and Brickdale House and Skyline which comprises of residential apartments. To the west of the site lies the Gordon Craig Theatre, Stevenage Magistrates and Matalan store. To the east lies the Town Square which is also designated a Conservation Area and comprises the platform with grade II listed statute (The Joyride) and the grade II listed clock tower and surrounding pool. There is also Queensway itself and

Vista Towers positioned to the south-east along with the Towers which borders the southern boundary of the site. To the south, beyond the A602 (Six Hills Way) is Asda Superstore.

It was explained the proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed modification to paragraph 3.1 of Schedule 5 with regards to season tickets and paragraphs 1.1 and 1.2 of Schedule 9 in relation to Street Development Agreements is acceptable. It is therefore recommended that this deed of variation can be agreed.

- Members queried how many people will be living and working within SG1. Officers stated there will be around 1800 units equating to around 4,000 people living within the development along with employment provision which includes Public Services Hub, commercial spaces etc. which could equate to around 1000+ people in the town with regards to employment. Therefore, around 5,000+ people could be living and working within the development area. However, it was flagged that a number of employment-based jobs are existing such as those employed at the Borough Council and in other local services.
- Parking was raised as an issue due to the amount of retail and residential development which is taking place. It was explained that the Committee had granted permission for this development and as acknowledged by officers, whilst members raised concerns around parking at the time, they considered the benefits of the development outweighed the shortfall in parking provision being provided. However, when it comes to future reserved matters, parking will be considered at each phase in accordance with relevant policy at the time.
- The Committee stated if there is a timeline as there are modifications. It was explained Phase 1A is a joint venture with Mace with groundworks potentially starting in May 2024 and will be a 2-year build, other phases do not have a timeline as of yet but overall it will be around 10+ years to deliver the development as a whole. However, these later phases would be subject to Reserved Matters approval and these applications will likely come to committee in the future for its decision.

It was **RESOLVED** application 24/00089/S106 be granted planning permission subject to the conditions set out in the report:

That the committee agree to the modification of paragraph 3.1 of Schedule 5 and paragraphs 1.1 and 1.2 of Schedule 9 of the original S106 agreement dated 30 May 2023 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with the appointed solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

The Committee considered a report on planning application 22/00764/S106 seeking permission for a Deed of variation to S106 Agreement dated 11.08.2016 approved under planning permission reference 15/00253/OPM to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause.

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

It was explained the proposed change to the S106 agreement as described above is minor and is not considered to weaken the Council's position in any way. As such, the proposed change to delete clause 12.5 and insert new clause 19, which incorporates a mortgage exclusion clause is acceptable. In addition, the deed of variation as set out in the report has previously been agreed by the Planning and Development committee.

The Chair queried if there has not been a response why would the council wait 3 months. Officers explained they do not have delegated authority to refuse the deed of variation and need authority from the Committee to do so. In terms of the 3 month timeframe, this was deemed reasonable in that we can advise the applicant it was resolved by the Committee they have 3 months to complete the agreement otherwise it would be refused.

It was **RESOLVED** that application 22/00764/S106 be granted permission, subject to the conditions set out to in the report:

That the Committee agree the deletion of clause 12.5 from schedule 2 and the insertion of clause 19, which incorporates a mortgage exclusion clause of the S106 agreement dated 11 August 2016 and delegate authority to the Assistant Director of Planning and Regulation in conjunction with an appointed Solicitor on behalf of the Council to agree the precise wording of the variations to the original S106 agreement.

Should the agreement not be signed within 3 months of the date of this meeting, that the Committee delegate authority to the Assistant Director of Planning and Regulation to refuse the deed of variation on the grounds that 16 months have passed since the Committee originally approved the variation and the legal agreement has not been proceeded with.

The Committee considered a report on planning application 23/00774/ENF to consider a breach of servicing condition.

The Officer explained the enforcement site comprises ASDA superstore. The main customer car park and access to the store is from Monkswood Road. The service road for deliveries is located to the rear of the store along London Road. It comprises an outside yard where vehicles turn and reverse into a large storage and unloading area within the store. There are large, railed, manually operated gates giving access to a service road which leads onto London Road. There is a row of houses adjacent to the service road fronting onto London Road to the south, and the service road runs alongside the side elevation of the house at the end of the row. Northwest of the site across London Road is Six Hills House, formally an office building now converted to flats under permitted development. Directly opposite the service yard is Kings Court a vacant office building and to the south, the Royal Mail Delivery Office. The character of the surrounding area is therefore a mix of residential and commercial uses.

The store was subject to a planning condition restricting deliveries to 07.00 – 21.00 Mondays to Saturdays and 07.00 – 15.00 on Sundays and Public or Bank Holidays. However, deliveries are taking place 24 hours a day in breach of the terms of the condition, which is causing late night and early morning noise disturbance to residents living locally resulting in ongoing complaints to the Council.

- The Committee queried whether there had been informal discussions with Asda and officers stated there has been no response due to the breach of condition and they want to operate 24/7. No noise assessment has been conducted and officers provided suggested alternative delivery hours to align with their approved store opening hours yet received no response from Asda.
- Councillors questioned what the impact on local residents is and if there are any precedents. It was explained the impact would be reversing alarms at all hours plus loading/unloading of cages/forklift trucks and the legislation shows the planning law gives powers to enforce planning conditions.

It was **RESOLVED** that application 23/00774/ENF:

1. Issue an Enforcement Notice including all time periods.
 2. Enforcement Notice to be delegated to the Assistant Director of Planning and Regulation.
-
- That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring compliance with condition 1 (Servicing) attached to planning permission reference 06/00177/FP (Allowed under appeal: APP/K1935/A/06/2031844) in relation to ASDA Stores Ltd,

Monkswood Way, Stevenage. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.

- That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice. That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice and any appeal against the refusal of planning permission.

12 **INFORMATION REPORT - DELEGATED DECISIONS**

The Committee considered a report in respect of delegated Planning Decisions.

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

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

The Committee considered a report in respect of Appeals/Called-in applications.

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

14 **URGENT PART I BUSINESS**

There were no urgent part II business.

15 **EXCLUSION OF THE PRESS AND PUBLIC**

16 **PLANNING REVIEW ON THE LEGAL STATUS OF HOUSES IN MULTIPLE OCCUPATION (HMO) IN STEVENAGE.**

The Committee considered a report in respect of the planning review on the legal status of houses in multiple occupation (HMO) in Stevenage.

The Officer explained this item had to be part II due to list of addresses which is confidential information.

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

17 **URGENT PART II BUSINESS**

There was no urgent part II business.

CHAIR



Part I – Release to Press

Meeting Planning and Development Committee
Portfolio Area Environment and Performance
Date 23 May 2024

ADOPTION OF THE REVISED CONTAMINATED LAND INSPECTION STRATEGY

NON-KEY DECISION

Authors Christine Walker-Wells | 2247
Lead Officers Zayd Al-Jawad | 2257
Contact Officer Christine Walker-Wells | 2247

1 PURPOSE

1.1 To review and adopt the Council's revised Contaminated Land Inspection Strategy.

2 RECOMMENDATIONS

2.1 That the Planning and Development Committee approves the adoption of the Contaminated Land Inspection Strategy 2024-2029, having completed external statutory consultation.

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 (DEFRA) 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 2024-2029 attached at Appendix A 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 However, it is important to note that while Part 2A gives the Council powers to proactively deal with contaminated land, in almost all cases such land is assessed and dealt with through the development control system.

4 DISCUSSION

- 4.1 The refreshed draft strategy, was brought before this Committee on 7 December 2023 when, following due consideration, it was approved for release to statutory consultation. The consultation subsequently opened on 4 March and closed on 14 April 2024.
- 4.2 A total of four responses were received which are summarised in the paragraphs which follow below. Where agreed, the amendments and changes that have been suggested have been incorporated into the attached version of the draft strategy at Appendix A to this report.
- 4.3 SBC Development Management team provided updates on references in the document to the National Planning Policy Framework (NPPF) and the Local Plan.
- 4.4 The Environment Agency expressed support for elements of the Risk Prioritisation approach described in Section 6 of the strategy while providing some helpful operational information relating to local Source Protection Zones and Surface Water Safeguard Zones. Updates to legislative references were also suggested.
- 4.5 Hertfordshire County Council Planning (Minerals and Waste Policy) shared very detailed operational information about the location of historical landfill sites in the Borough but had no comment on the content of the draft strategy.
- 4.6 Hertfordshire County Council Public Health made a number of suggestions:
 - Updating the reference to the NPPF
 - A modification of the wording of SBC Local Plan Policy FP5 which is quoted in the draft strategy. As the Local Plan has been formally adopted the policy wording cannot be amended at this stage.

- The inclusion of additional risk criteria in the risk prioritisation methodology described in the strategy. Officers' view is that these concerns have been adequately addressed in Section 6.2. pages 12-13 of the strategy where table A accounts for industrial history, table B accounts for sensitive and less sensitive land uses and tables C and E account for geology and groundwater, table D accounts for other water resources and table G accounts for planning/development driven remediation.
- The identification of links between adverse health risks and specific industrial risks. Officers consider that this is impractical, given the range of potential activities (see pages 25-26 and 29-30 of the strategy) and the range of likely contaminants associated with each land use set against the range of potential health impacts associated with each contaminant. Describing specific examples of contamination in the suggested level of detail is beyond the scope and purpose of the strategy.
- Additional reference to the risks associated with the historic landfilling of waste. Waste disposal, including landfill is listed in Appendix 3 of the strategy and landfills are identified as being within the highest classification of probability of contamination in Table A on page 27 and page 12. In the opinion of officers this topic is already adequately addressed in the strategy.
- Inclusion of a reference to the economic and financial damage that land contamination can cause.

4.7 Having now completed external statutory consultation, members are asked to approve the adoption of the proposed Contaminated Land Inspection Strategy 2024-2029.

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 2024-2029

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CONTAMINATED LAND INSPECTION STRATEGY 2024-2029
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

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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 2023 (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 significant 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 2023 (NPPF 2023) at paragraph 189b) states "after remediation, as a minimum, land 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 possible the economic and financial damage that land contamination can cause is minimised.

- 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, emphasising that Stevenage is not completely urbanised. The Local Plan recognises 37 wildlife sites, 27 green corridors, 10 principal open spaces, 21 principal amenity green spaces and 20 principal woodlands 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, noting that the latter were most recently updated in September 2022. 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.
- Where there is the significant possibility of significant pollution of Controlled Waters.

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 and the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023 .
- 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 2023 (and earlier 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	<p align="center">2028</p> <p align="center">(unless earlier change to Statutory Guidance)</p>
<p align="center">Identification of potentially contaminated sites and prioritisation for further investigation</p>	<p align="center">2024 - 2028</p> <p align="center">ongoing</p> <p align="center">(to be kept under review and updated as and when new information becomes available)</p>
<p align="center">Detailed inspection and assessment of potentially contaminated sites</p>	<p align="center">On hold in the absence of funding.</p> <p align="center">(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	4
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 		
<p>Where a land use is identified that doesn't fit into the above categories professional judgement will need to be applied.</p>		

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Meeting: Planning and Development Committee

Date: 23 May 2024

Author: Lewis McGann

Lead Officer: Zayd Al-Jawad

Contact Officer: Lewis McGann

Application No :	24/00191/FP
Location :	106 - 114 Grace Way, Stevenage, Herts
Proposal:	Replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters and downpipes.
Drawing Nos.:	CD-ADC392-106-114GW-100 P1; CD-ADC392-106-114GW-101 P1; CD-ADC392-106-114GW-200 P1; CD-ADC392-106-114GW-201 P2;
Applicant :	Mulalley & Company Ltd (on behalf of Stevenage Borough Council)
Date Valid:	13 March 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises a two-storey, L-shaped block of five flats located at the end of one of the cul-de-sacs of Grace Way, a short distance to the west of the cul-de-sac of Lonsdale Road which connects to Archer Road to east.
- 1.2. The block of flats in question is divided into three main buildings, all of which are constructed of a buff brick course with the building housing No.114 clad in a combination of dark brown vertical timber cladding and concrete hung tile cladding. All three buildings have dual-pitched roofs clad in grey concrete roof tiles whilst a flat roofed element forming the entranceway into the block of flats sits between two of the main buildings. The fenestration to the block of flats is finished with white uPVC.
- 1.3. The surrounding area is characterised by dwellings of a similar age and style to the application property, typically laid out as straight or staggered rows of two storey Radburn style terraced properties. These dwellings are typically set within regimented building lines, in standard sized, regular shaped plots.

2. RELEVANT PLANNING HISTORY

- 2.1 No relevant planning history.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the following works:
 - Removal of existing vertical timber cladding and concrete hung tile cladding to parts of the first-floor external walls and replacement with new fibre-reinforced cement cladding.
 - Removal of existing uPVC communal entrance doors and windows and replacement with new aluminium entrance doors and glazed panels.
 - Removal of existing uPVC windows to residential flats and replacement with new uPVC double glazed windows.
 - New pitch roof covering, uPVC fascias, gutters and downpipes to replace existing.
 - New roof covering flat concrete tile, Redland Mini Stoneworld to match existing.
 - New flat roof covering, uPVC fascias, gutters and downpipes to replace existing.
- 3.2 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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 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.

6.2.3 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 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 131 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 135 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 139 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 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.
- 7.2.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the 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.
- 7.2.5 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.
- 7.2.6 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.
- 7.2.7 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.
- 7.2.8 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.

7.2.9 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.

7.2.10 All of the proposed refurbishment works would have a similar appearance to that which is existing with the most prominent changes being the removal of the vertical cladding and concrete hung tile cladding from parts of the first-floor external walls and their replacement with new fibre-reinforced cement cladding, followed by the replacing of the tiles on the dual-pitched roofs of the main buildings. The proposal also comprises the replacement of the existing roofing material to the flat roof area of the application building. In addition, all of the communal entrance doors, windows, fascia's, guttering and downpipes will also be replaced as part of this development.

7.2.11 All of the proposed refurbishment works would have a positive impact on the overall look of the block of flats and would improve its overall visual appearance without radically altering it or significantly impacting 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

Equality, Diversity and Human Rights

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

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

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

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

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

7.3.5 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. 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.

7.3.6 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. This is because the proposed development will not impact upon persons with protected characteristics.

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: CD-ADC392-106-114GW-100 P1; CD-ADC392-106-114GW-101 P1; CD-ADC392-106-114GW-200 P1; CD-ADC392-106-114GW-201 P2.

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 materials to be used in the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.

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

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 December 2023 and National Planning Practice Guidance.

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Meeting: Planning and Development Committee

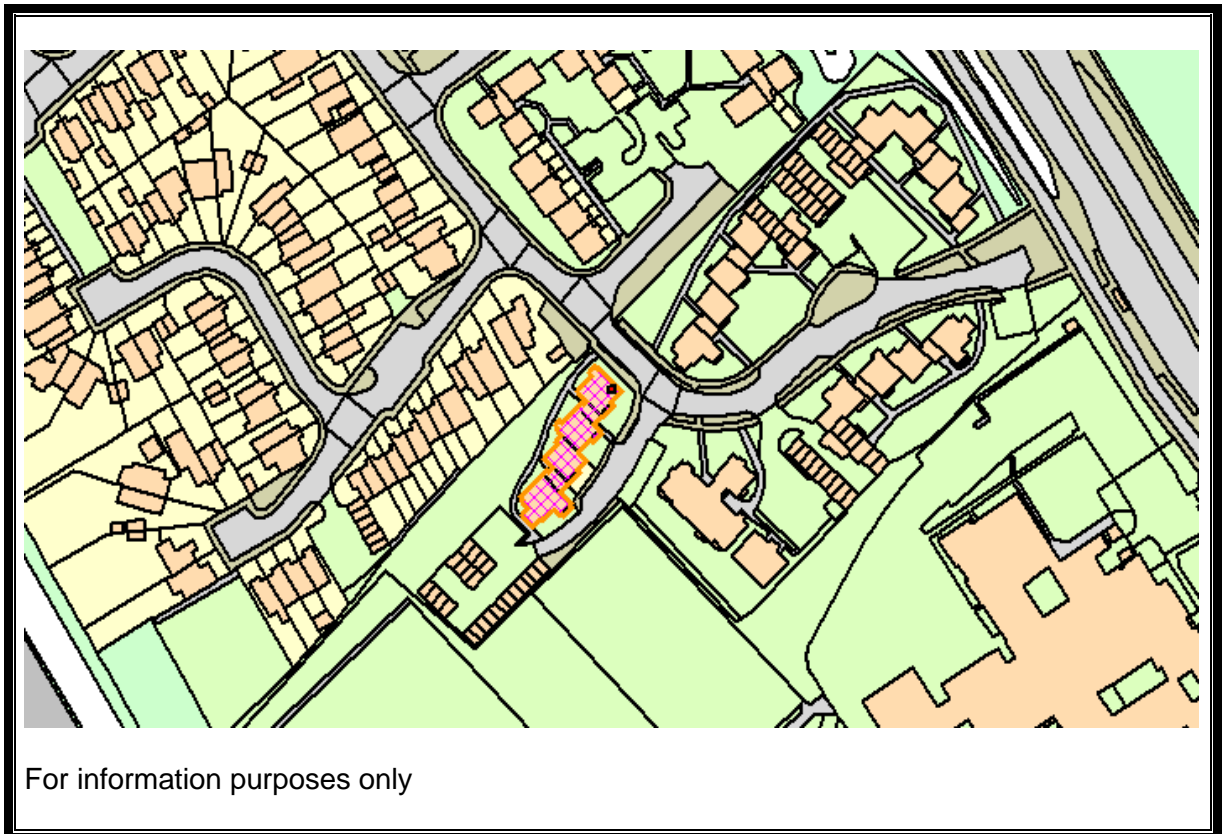
Date: 23 May 2024

Author: Lewis McGann

Lead Officer: Zayd Al-Jawad

Contact Officer: Lewis McGann

Application No :	24/00193/FP
Location :	1-12 Fovant Court, Ingleside Drive, Stevenage
Proposal :	Replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters and downpipes and replacement balustrading to balconies and ground floor patios.
Drawing Nos.:	CD-ADC392-1-12FC-101P1; CD-ADC392-1-12FC-100P1; CD-ADC392-1-12FC-200P1; CD-ADC392-1-12FC-201P1; CD-ADC392-1-12FC-202P2; CD-ADC392-1-12FC-203P2;
Applicant :	Mulalley & Company Ltd (on behalf of Stevenage Borough Council)
Date Valid:	14 March 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises a three storey, staggered terrace block of twelve flats located on the northern side of the southern-most branch road of Ingleside Drive, adjacent to the north-west of St John Henry Newman School. Directly on the opposite side of the road to the north-east lies Cranbourne Court.
- 1.2. The block of flats in question is divided into four distinct main buildings, all of which are constructed of a red brick course with elements of white and some brown horizontal cladding. Each main building is roofed with a flat roof and is fitted with white uPVC windows and steel external doors. All twelve properties feature a balcony or ground floor patio on their south-eastern elevation and these are finished with black metal balustrading.
- 1.3. The surrounding area is characterised by a mixture of flat blocks, terraced and semi-detached housing, typically laid out in staggered rows that are generally of a similar age and style to the application site.

2. RELEVANT PLANNING HISTORY

- 2.1 No relevant planning history.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the following works:

- New white uPVC double glazed windows to replace existing.
- New infill blanking panel to glazed windows to replace existing.
- New iron grey, matt finished, aluminium framed communal entrance doors with associated fittings to replace existing.
- New white uPVC glazed windows to communal areas to replace existing.
- New white cladding and associated fittings to flats to replace existing horizontal shiplap cladding.
- New white cladding and associated fittings to communal areas to replace existing horizontal shiplap cladding.
- New flat roof covering, uPVC fascia's, gutters and downpipes to replace existing.
- New steel external doors with digi lock access to support rooms.
- New black metal external balustrading to balconies and ground floor patios to replace existing.

- 3.2 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
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- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
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6.2.3 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.

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6.4 Adopted Local Plan (2019)

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

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Policy GD1: High quality design;

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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 131 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 135 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.

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- 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
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- the context for places and buildings;
 - hard and soft landscape;
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 - social infrastructure – social, commercial, leisure uses and activities.
- 7.2.6 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;
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 - their appearance;
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 - their detailing.
- 7.2.7 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;
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 - Built form – a coherent pattern of built form;
 - Movement – accessible and easy to move around;
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- 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.

7.2.10 All of the proposed refurbishment works would have a similar appearance to that which is existing with the most prominent changes being the installation of the new white cladding to the various sections on each elevation of the terrace block and the new black metal external balustrading to the balconies and ground floor patios on the south-eastern elevation. The proposal also comprises the replacement of the existing roofing material to the flat roof area of the application building. In addition, all of the communal entrance doors, windows, fascia's, guttering and downpipes will also be replaced as part of this development.

7.2.11 All of the proposed refurbishment works would have a positive impact on the overall look of the block of flats and would improve its overall visual appearance without radically altering it or significantly impacting 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

Equality, Diversity and Human Rights

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

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

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

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

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

7.3.5 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. 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.

7.3.6 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. This is because the proposed development will not impact upon persons with protected characteristics.

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: CD-ADC392-1-12FC-101P1; CD-ADC392-1-12FC-100P1; CD-ADC392-1-12FC-200P1; CD-ADC392-1-12FC-201P1; CD-ADC392-1-12FC-202P2; CD-ADC392-1-12FC-203P2;

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 materials to be used in the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.

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

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 December 2023 and National Planning Practice Guidance.

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Meeting: Planning and Development Committee

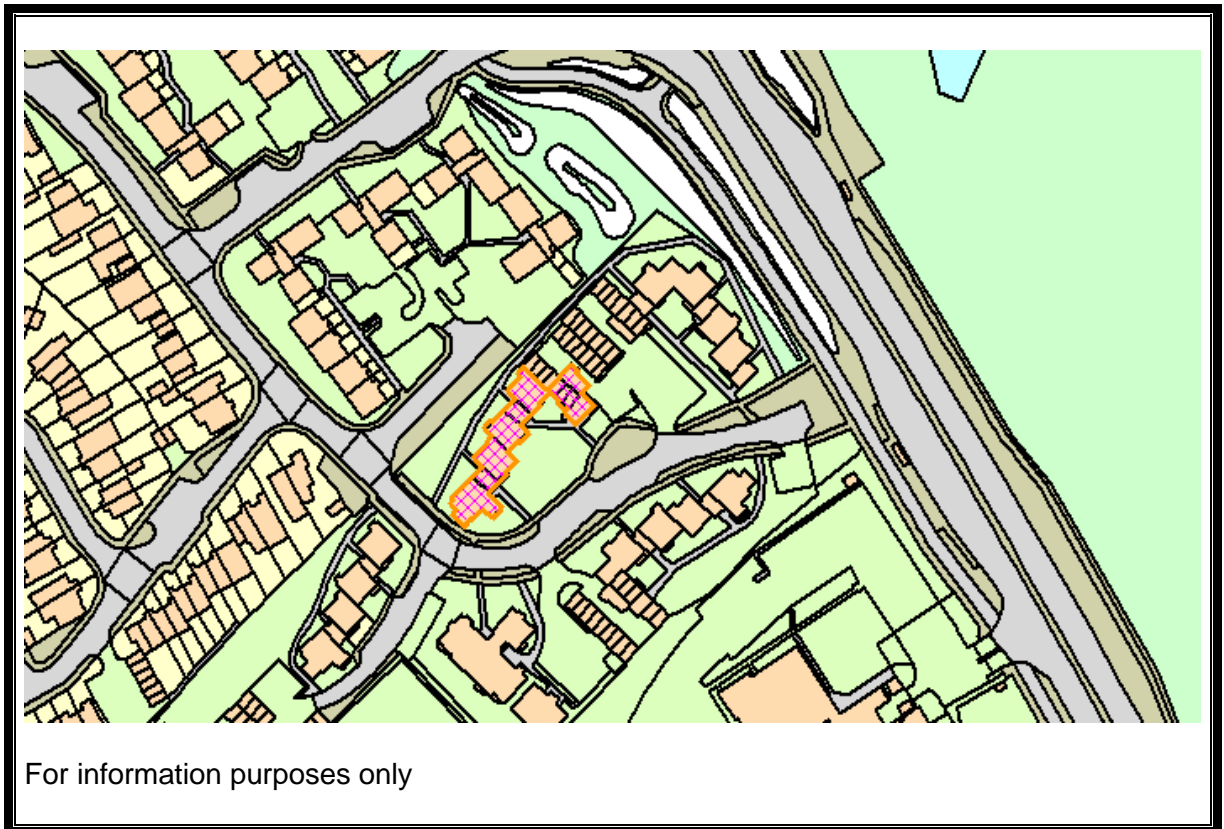
Date: 23 May 2024

Author: Lewis McGann

Lead Officer: Zayd Al-Jawad

Contact Officer: Lewis McGann

Application No :	24/00224/FP
Location :	Cranbourne Court, Ingleside Drive, Stevenage
Proposal :	Replacement cladding, communal entrance doors and windows to flats and communal areas, together with replacement flat roof covering, fascias, gutters and downpipes and replacement balustrading to balconies and ground floor patios.
Drawing Nos.:	CD-ADC392-1-14CC-100_P1; CD-ADC392-1-14CC-101_P1; CD-ADC392-1-14CC-200_P1; CD-ADC392-1-14CC-201_P1; CD-ADC392-1-14CC-202_P1; CD-ADC392-1-14CC-203_P1;
Applicant :	Mulalley & Company Ltd (on behalf of Stevenage Borough Council)
Date Valid:	26 March 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1. The application site comprises a three storey, staggered terrace block of fourteen flats located on the northern side of the road at the end of Ingleside Drive, adjacent to the north-west of St John Henry Newman School. Directly on the opposite side of the road to the south-west lies Fovant Court.
- 1.2. The block of flats in question is divided into five distinct main buildings, all of which are constructed of a red brick course with elements of white and some brown horizontal cladding. Each main building is roofed with a flat roof and is fitted with white uPVC windows with and steel external doors. Twelve of the properties feature a balcony or ground floor patio on their south-eastern elevation with the remaining two properties featuring a balcony on their south-western elevation and these are all finished with black metal balustrading. The north-eastern-most building of the block of flats contains a row of garages at ground floor level which form part of a larger area of concealed residential garages to the north-east.
- 1.3. The surrounding area is characterised by a mixture of flat blocks, terraced and semi-detached housing, typically laid out in staggered rows that are generally of a similar age and style to the application site.

2. RELEVANT PLANNING HISTORY

- 2.1 No relevant planning history.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the following works:
 - New white uPVC double glazed windows to replace existing.
 - New infill blanking panel to glazed windows to replace existing.
 - New iron grey, matt finished, aluminium framed communal entrance doors with associated fittings to replace existing.
 - New white uPVC glazed windows to communal areas to replace existing.
 - New white cladding and associated fittings to flats to replace existing horizontal shiplap cladding.
 - New white cladding and associated fittings to communal areas to replace existing horizontal shiplap cladding.
 - New flat roof covering, uPVC fascia's, gutters and downpipes to replace existing.
 - New steel external doors with digi lock access to support rooms.
 - New black metal external balustrading to balconies and ground floor patios to replace existing.
- 3.2 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 and the erection of a site notice, 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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 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.

6.2.3 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 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 131 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 135 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 139 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 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.
- 7.2.4 Policy SP8 of the adopted Local Plan (2019) requires new development to achieve the highest standards of design and sustainability which can deliver substantial improvements to the image and quality of the 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.
- 7.2.5 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.
- 7.2.6 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.
- 7.2.7 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.
- 7.2.8 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.

7.2.9 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.

7.2.10 All of the proposed refurbishment works would have a similar appearance to that which is existing with the most prominent changes being the installation of the new white cladding to the various sections on each elevation of the terrace block and the new black metal external balustrading to the balconies and ground floor patios on the south-eastern elevation. The proposal also comprises the replacement of the existing roofing material to the flat roof area of the application building. In addition, all of communal entrance doors, windows, fascia's, guttering and downpipes will also be replaced as part of this development.

7.2.11 All of the proposed refurbishment works would have a positive impact on the overall look of the block of flats and would improve its overall visual appearance without radically altering it or significantly impacting 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

Equality, Diversity and Human Rights

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

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

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

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

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

7.3.5 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. 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.

7.3.6 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. This is because the proposed development will not impact upon person who have protected characteristics.

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: CD-ADC392-1-14CC-100_P1; CD-ADC392-1-14CC-101_P1; CD-ADC392-1-14CC-200_P1; CD-ADC392-1-14CC-201_P1; CD-ADC392-1-14CC-202_P1; CD-ADC392-1-14CC-203_P1;

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 materials to be used in the development hereby permitted shall be as per the approved plans and associated documents to the satisfaction of the Local Planning Authority.

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

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

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- Insulation
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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 December 2023 and National Planning Practice Guidance.

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Meeting: Planning and Development Committee

Date: 23 May 2024

Author: Linda Sparrow

Lead Officer: Zayd Al-Jawad

Contact Officer: Linda Sparrow

Application No :	24/00252/FP
Location :	23-39 Cuttys Lane, Stevenage.
Proposal :	Installation of external wall insulation and associated external finish, installation of solar PV array system; replacement roof tiles; replacement of external windows and doors, alterations to external ventilation and balcony upgrades.
Drawing Nos.:	Existing Site Location Plan; 4102; 4103; 4104; 4402; 4403; 4405; 4404; 4408; 4409;
Applicant :	Stevenage Borough Council
Date Valid:	1 February 2024
Recommendation :	GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

1.1. The application site is located on the southern side of Cuttys Lane and is bounded by residential dwellings to the south, east and west with residential dwellings to the north beyond the vehicular highway. To the west is the church of St Andrew and St George which is Grade II listed and to

the south-west is the Holiday Inn hotel. The site also lies to the south-east of the Town Centre Gardens and due east of the main town centre.

- 1.2. The building is three storeys, L-Shaped with a dual pitched tiled roof and contains 9no. flats. The buildings are constructed with white painted render, red-multi bricks with blue panels and horizontal cladding highlights. Windows and doors are modern white uPVC framing. The balconies have green panels. The buildings have a post-war appearance typical of properties constructed in this neighbourhood. The building is surrounded by public open space with a large number of trees.

2. RELEVANT PLANNING HISORY

- 2.1 None relevant.

3. THE CURRENT APPLICATION

- 3.1 This application seeks planning permission for the redevelopment of the blocks of flats comprising:
 - Replacement external wall insulation with 'Winter White' render to upper floors;
 - Replacement external wall insulation with 'Sanded Slate Grey' brick effect render to ground floor;
 - Window and door replacements;
 - Solar PV panels on rear roof slope;
 - Replacement roof with grey concrete interlocking tiles;
 - Upgrading of loft insulation;
 - Upgrading ventilation systems.
- 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 have been received as of the writing of this report. Any letters received will be reported at the Committee meeting.

5. CONSULTATIONS

- 5.1 None.

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 December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

6.2.2 The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up-to-date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para.12).

6.3 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 National Design Guide

6.4.1 The National Design Guide 2019 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 Adopted Local Plan (2019)

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

Policy SP8: Good design;
Policy GD1: High quality design;
Policy SP13: The Historic Environment

6.6 Supplementary Planning Documents

Stevenage Design Guide Supplementary Planning Document January 2023.

6.7 Community Infrastructure Levy

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

7. APPRAISAL

7.1.1 The main issues in the assessment of the application are the impact on the character and appearance of the area and the impact on the neighbouring Listed Building. 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 131 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 135 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.

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- 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
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- 7.2.5 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.
- 7.2.6 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.
- 7.2.7 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.
- 7.2.8 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.

7.2.9 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.

7.2.10 The buildings are located on the western and southern sides of Penn Road and are highly prominent from a number of different public vantage points both to the front and the rear. There is a modest amount of soft landscaping in the form of shrubs and trees around the buildings.

7.2.11 The buildings are constructed with white painted render and re-multi brick with concrete roof tiles. Windows and doors are modern white uPVC framing. Blue panels and horizontal cladding are featured on the buildings whilst the balconies have green panelling.

7.2.12 Neighbouring properties in Cuttys Lane and Silam Road are relatively uniform; they are two storey dwellings constructed with either buff or red brick with concrete interlocking roof tiles. There are 3no. 18-floor tower blocks located in Silam Road constructed of buff brick and the nearby Holiday Inn hotel is constructed with white and grey render.

7.2.13 The proposed replacement materials, whilst not like-for-like, would have an acceptable modern finish and would be of similar appearance to the Holiday Inn hotel to the south-west of the site. The development would therefore refurbish the buildings 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 Impact on the Setting of the Neighbouring Listed Building

7.3.1 The application site is to the east of the Church of St Andrews and St George which is a Grade II Listed Building. The boundary of the application site and that of the church are heavily landscaped with mature trees and shrubbery.

7.3.2 At their closest, the two buildings are approximately 46m apart and with the large amount of landscaping and another building (The Rectory) in-between, it is unlikely that either property has good views of the other. In this regard, the visual improvement of the application site with modern materials will improve the visual amenities of the area and in turn, improve the setting of the Listed Building. Therefore, the proposal is considered to preserve the setting of the Listed Building and is therefore acceptable in this regard.

7.4 Other Matters

Climate Change

- 7.4.1 Paragraph 164 of the NPPF (2023) states that in determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 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

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

between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

7.4.9 Measures will be put in place during the construction phase of the development to minimise harm to neighbouring properties arising from noise and dust. 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.

7.4.10 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. This is because the proposed works due to their nature would not have any direct impact on persons who have protected characteristics.

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:

Existing Site Location Plan; 4102; 4103; 4104; 4402; 4403; 4405; 4404; 4408; 4409;

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 the development has an acceptable appearance.

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, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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**

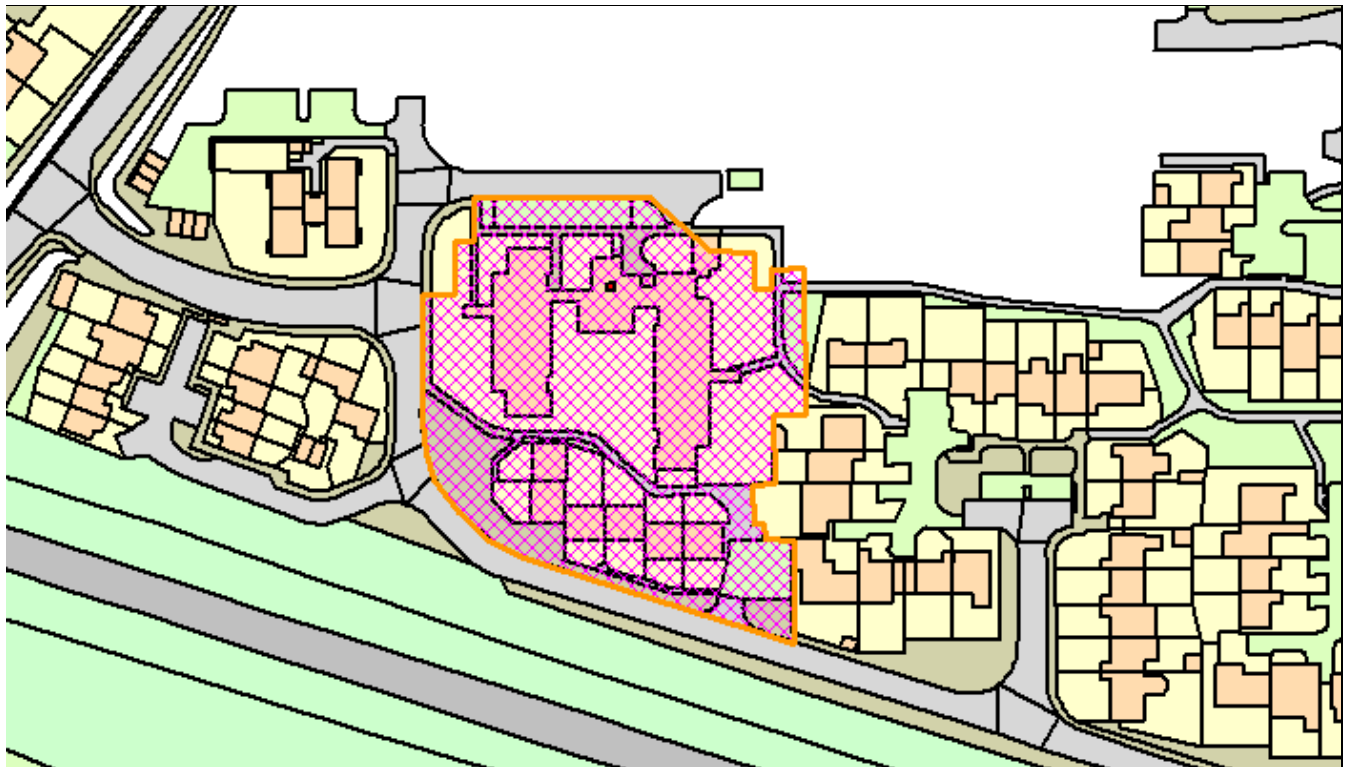
Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Stevenage Borough Council's nor Hertfordshire 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 December 2023 and National Planning Practice Guidance.

Meeting: Planning and Development Committee
Date: 23 May 2024
Author: Ailsa Davis
Lead Officer: Zayd Al-Jawad
Contact Officer: Ailsa Davis

Application No:	24/00047/FPM
Location:	Walpole Court, Blenheim Way, Stevenage
Proposal:	Demolition of existing Walpole Court sheltered living accommodation and associated bungalows and construction of 24no. dwellings with associated road and vehicle access, car parking, garden areas and ancillary works
Drawing Nos.:	23042SU1.01; 23042SU1.02; 23042.02.SU1.03; 23042WD2.01A; 23042WD2.02A; 23042WD2.03; 23042WD2.04; 23042WD2.05; 23042WD2.06; 23042WD2.102; 23042WD2.103; 23042WD2.104; 23042WD2.105; 23042WD2.106; 23042WD2.107; 23042WD2.108; 23042WD2.109; 23042WD2.110; 23042WD2.111; 23042WD2.112; 23042WD2.113; 23042WD2.114; 23042WD2.201; 23042WD2.202; 23042WD2.203; 23042WD2.204; 23042WD2.205; 23042WD2.206; 23042WD2.207; 23042WD2.208; 23042WD2.209; 23042WD2.210; 23042WD2.211; 23042WD2.212; 23042WD2.213; 11897 TCP 01;
Applicant:	Stevenage Borough Council
Date Valid:	26 January 2024
Recommendation:	GRANT PLANNING PERMISSION



The above plan is for illustrative purposes only.

1 SITE DESCRIPTION

- 1.1 The application site is located on the western end of Blenheim Way at the junction with Kenilworth Close. The site, which has an area of 0.5 hectares (ha), currently comprises Walpole Court which is a sheltered housing development. The main building itself has a horse-shoe shaped footprint and is two-storeys in height with a combination roof consisting of cat slides and gable-ends. The site also comprises six bungalows which form a staggered terrace with hipped roofs.
- 1.2 Turning to the surrounding area, to the south of the application site beyond Blenheim Way is a belt of woodland which runs parallel with the East Coast railway line. To the north of the application site lies the recently redeveloped Kenilworth Close neighbourhood centre comprising a mixed-use development with 169 no. dwellings (including independent living) and 4no. retail units.
- 1.3 To the west of the application site beyond Blenheim Way is the residential development of Cragside. This development comprises two residential terraces which front onto a centralised parking courtyard. To the north of Cragside off Blenheim Way (to the north-west of the site) lies a three-storey residential block of flats. To the east of Walpole Court is the residential development in Blenheim Way. The development generally comprises uniform, two-storey terraced properties set within regimented building lines and regular shaped plots.

2 RELEVANT PLANNING HISTORY

- 2.1 Planning application reference 2/0436/87 sought permission for the installation of two lifts and motor rooms. This application was granted permission in November 1987.
- 2.2 Planning application reference 2/0224/93 sought permission for a two-storey external lift shaft and single-storey pump room. This application was granted planning permission in September 1993.
- 2.3 Planning application reference 18/00399/FPM sought planning permission for the demolition of the existing Walpole Court sheltered scheme and associated parking and the construction of 51no. apartments and 9no. houses along Blenheim Way. This application was granted planning permission in October 2019.

3 THE CURRENT APPLICATION

- 3.1 Planning permission was granted in October 2019 for the redevelopment of the site for predominately flats in connection with the redevelopment of the Kenilworth Close neighbourhood centre to the north. The application site comprising Walpole Court sheltered living accommodation was phase 2 of the overall scheme. Phase 1, the northern part has now been built. The applicant (SBC Housing Development) undertook additional community consultation on the phase 2 proposals, whereby the local community advised they were more in favour of family housing on the Walpole Court site instead of flats.
- 3.2 The scheme was amended and the proposal for the redevelopment of Walpole Court under consideration here comprises 24no. open market houses. Six three storey town houses would face onto the existing turning head road, overlooking the phase 1 development. A new access road would serve the development from the existing road with proposed mews style 2.5 storey houses with turning head for bin lorry and emergency vehicles. The proposed houses facing onto Blenheim Way would follow the road round creating a natural screening to the site, with garden areas at the rear. As part of this development, residents from Walpole Court would be located to the independent living units within Phase 1. This is scheduled to happen within the next couple of months.

3.3 The application comes before the Planning and Development Committee because the Council is the applicant, and this is a Major application.

4 PUBLIC REPRESENTATIONS

4.1 The application was publicised by neighbour letters, two site notices and a press advert.

4.2 Two general comments were received. One from an address in Sawbridgeworth and one from the NE Herts Swift Group regarding the provision of swift bricks in each of the proposed dwellings. Full copies of all representations are available on the Council's website.

5 CONSULTATIONS

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

5.2 Thames Water

5.2.1 No objection.

5.3 SBC Arboriculture and Conservation Manager

5.3.1 No objection, subject to confirmation that replacement trees would be re-provided at a ratio of 3:1.

5.4 HCC Highway Authority

5.4.1 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 subject to conditions. These conditions would cover the following:

- Additional footways.
- Tactile paving crossings.
- Bus stop upgrades (Real Time Information Screens)
- Vehicle cross-overs and footways.
- Parking and turning / servicing areas.

5.4.2 The County Council, whilst acknowledging that SBC adopted CIL in 2020, is also seeking a financial contribution in accordance with HCC Developer Contribution Toolkit (2021) for Strand 2 contributions. The applicant is to provide a sustainable transport contribution of 24 x £6,862 = £164,688.00 (Index linked by SPONS) towards LCWIP Route 4. However, on balance, the Highway Authority is content with strand 1 contributions (offsite highway works to be delivered via S278) for:

- Additional footways.
- Tactile paving crossings.
- Bus stop upgrades (Real Time Information Screens).
- Vehicle cross-overs and footways.

5.5 HCC Growth and Infrastructure Unit

5.5.1 No objection, subject to a Secondary Education Contribution towards new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£316,193) index linked to BCIS 1Q2022).

5.6 HCC Lead Local Flood Authority

5.6.1 We object this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:

- The flood risk elsewhere may be increased from the proposed drainage scheme.
- The development does not comply with NPPF 173 and Stevenage Policy FP2.

Reason

5.6.2 To prevent flooding in accordance with National Planning Policy Framework paragraphs 173, 175 and 180 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operate as designed for the lifetime of the development.

5.6.3 We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

The main points of this are:

- There are soakaways proposed throughout the site but due to the density of the development, they are located across multiple private gardens - this shared maintenance is not recommended due to the significant difficulties individuals have in access.
- There is not enough justification as to why other SuDS cannot be implemented to address all four pillars of SuDS, e.g. rainwater reuse, use of tree pits, bio-retention areas or green roofs.
- Half drains times for infiltration are over 24 hours based on the current information.
- Whilst infiltration has proved viable, it is not possible to test all the site where infiltration is proposed, as the current buildings need to be demolished. During this process, if compaction of the ground or contaminated soils/land require removal of material this reduces the ability to infiltrate - there is no 'Plan B' provided in case infiltration is not viable across all of the site.
- Supporting drainage calculations for the conveyance and storage elements of the scheme have not been provided. These should be provided for both 'Plan A' and 'Plan B'.
- The latest FEH 2013 or 2022 rainfall data will need to be used.

5.6.4 Updated information was submitted to the LLFA seeking to address the above comments. A further response was received on 9 May 2024 with the following comments:

Updated Response dated 9 May 2024

5.6.5 The applicant has provided additional information (as listed in the Annex) to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, we have no objection subject to conditions being attached to any consent if this application is approved.

5.7 North East Herts Swift Group

5.7.1 If Stevenage Borough Council is minded to approve permission, we recommend the inclusion of twenty-four integrated swift bricks to give a rate of one per new dwelling to be secured by condition. This would help towards delivering biodiversity net gain. Swifts are red listed birds that have declined by more than half in the last twenty years. Swift bricks are a valuable conservation tool that should be used in new housing to help reverse their decline. Swift bricks last the lifetime of the building and are inconspicuous, simple and inexpensive to install and do not require ongoing maintenance. Swifts are relatively clean birds that take their mess away from the nest and their presence is likely to go largely unnoticed by residents.

5.8 SBC Parks and Amenities

- 5.8.1 There are no concerns with regards to landscaping. It is considered the finer details of the landscaping strategy can be conditioned with maintenance and suitability in mind.

6 RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For Stevenage, the statutory development plan comprises the following documents:

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

6.2 National Planning Policy Framework

- 6.2.1 A revised National Planning Policy Framework (NPPF) was published in December 2023. This made significant changes to the September 2023 version and revised policy with respect to the following:

- maintaining supply and delivery of housing.
- making effective use of land with the allowance of mansard roof extensions to suitable properties.
- significant uplift in the average density of residential development can be seen as being inappropriate if the built form is out of character.
- strengthening policies around achieving well-designed and beautiful places.
- requirement for councils to prepare Local Design Codes.
- no longer a requirement to review or change Green Belt boundaries when plans are being prepared or updated.
- local planning authorities should now give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
- change to policies on Biodiversity.

- 6.2.2 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.

- 6.2.3 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 95%, the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years. 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 79 of the NPPF. This will be in addition to the preparation of an Action Plan. 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 under paragraph 11(d) of the NPPF. The latest HDT results published by the Department for Levelling Up, Housing and Communities (DLUHC) in December 2023 identifies that Stevenage delivered 57% of its housing requirement.

- 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 confirmed the Council at the time of the decision could demonstrate a housing supply of 6.68 years (including 20% buffer).
- 6.2.5 The Council, based on its HDT score is currently subject to the most severe penalty under paragraph 11(d) of the NPPF (2023). For reference, as this policy is now engaged, it means Local Plan policies would be classed as out-of-date. Consequently, Stevenage Borough Council must apply the presumption in favour of sustainable development in its decision making and give great weight towards the need to deliver housing. The Council must also apply a 20% buffer in its 5-year housing supply calculations and it also has to produce an Action Plan in order to boost housing delivery.
- 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. In addition, it will now prepare an updated Action Plan to assess the causes of under-delivery and identify actions to increase delivery in future years. Moreover, the Council is also preparing updated statements with respect to 5 year housing land supply given the last monitoring report was published in 2022.

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:

- Policy SP1: Presumption in favour of sustainable development;
- Policy SP2: Sustainable Development in Stevenage;
- Policy SP5: Infrastructure;
- Policy SP6: Sustainable Transport;
- Policy SP7: High quality homes;
- Policy SP8: Good Design;
- Policy SP11: Climate Change, Flooding and Pollution;
- Policy SP12: Green infrastructure and the natural environment;
- Policy IT3: Infrastructure;

Policy IT4: Transport Assessments and Travel Plans;
Policy IT5: Parking and Access;
Policy IT6: Sustainable Transport;
Policy IT7: New and improved links for pedestrians and cyclists;
Policy HO1: Housing Allocations;
Policy HO5: Windfall Sites;
Policy HO7: Affordable housing targets;
Policy HO8: Affordable housing tenure, mix and design;
Policy HO9: Housing types and sizes;
Policy HO11: Accessible and adaptable housing;
Policy GD1: High Quality Design;
Policy FP1: Climate Change;
Policy FP2: Flood Risk in Flood Zone 1;
Policy FP7: Pollution;
Policy NH5: Trees and woodland;
Policy NH6: General protection for open space;
Policy NH7: Open space standards.

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 at a rate of £100/m².

7 APPRAISAL

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

- Land Use Policy Considerations
- 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
- Developer obligations and CIL

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

7.2 Land Use Policy Considerations

7.2.1 Provision of Housing

7.2.2 The application proposes the demolition of the existing sheltered housing and the provision of 24 new dwellings. The application site is a windfall site since it is not allocated for any specific purpose in the Local Plan.

7.2.3 Policy SP7 of the Local Plan sets out the strategic objective of providing at least 7,600 new homes within Stevenage Borough between 2011 and 2031. Some of these homes are expected to be delivered on windfall sites.

7.2.4 Policy HO5 sets out the criteria for housing development on windfall sites. It states that planning permission will be granted where:

- a) The site is on previously developed land or is a small, underused urban site;
- b) There is good access to local facilities;
- c) There will be no detrimental impact on the environment and the surrounding properties;
- d) Proposals will not prejudice our ability to deliver residential development on allocated sites; and,
- e) The proposed development would not overburden existing infrastructure.

7.2.5 The proposals would see the demolition of the existing sheltered housing accommodation and therefore the application site can be considered as meeting the definition of previously developed land for the purposes of criterion (a) of HO5. The site is conveniently located to access local facilities. It is located 18m from the small neighbourhood centre/shopping parade which has been constructed at Kenilworth Close under phase 1. The site is also located approximately 986m from Shephalbury Park Primary School and 1.58km from The Barnwell School respectively. There are also bus stops on Hertford Road (SB8 bus) and Watton Road (SB8 bus) and there is a designated cycle route to the north of the application site along Hertford Road. As such, the application site is considered to have good access to local facilities and alternative forms of travel to the private car and is therefore in a highly sustainable location.

7.2.6 Criterion (c) of Policy HO5 states that there should be no detrimental effect on the environment and the surrounding or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity. Finally, criterion (d) of Policy HO5 of the Local Plan requires proposals not to prejudice the Council's ability to deliver residential development on allocated sites. Given the development site is not located near any allocated sites as set out in the Local Plan, the proposal would also accord with criterion (d) of the aforementioned policy. The proposal would also not overburden existing infrastructure, given that it would be CIL liable and the purpose of the CIL payment is to mitigate infrastructure impacts. The development would also provide a separate financial contribution towards secondary education. In these respects, the proposal accords with criteria (a), (b), (d) and (e) of Policy HO5.

7.2.7 Policy HO9 of the Local Plan requires new residential developments to provide an appropriate range of market and affordable housing types and sizes. In doing so, regard should be had to two of the Borough's objectively assessed needs, the location and accessibility of the site, and existing imbalances in the Borough's housing stock.

7.2.8 The Borough's existing stock is weighted heavily towards dwellings with three bedrooms and therefore, the greatest need is for dwellings with fewer bedrooms or larger "aspirational" homes. The development would address this imbalance in part since it would provide 10 x 4 bedroom and 14 x 3 bedroom dwellings. However, despite the imbalance, there also remains a need for further three-bedroom properties in the Borough. The development would help to meet this need. The 10 x 4 bedroom dwellings would assist in meeting the need for larger properties. For these reasons, the proposal is considered to accord with Policy HO9.

- 7.2.9 Due to the under-delivery of housing as identified in recent HDT scores published by DLUHC in December 2023, paragraph 11(d) of the NPPF is engaged and there is now a presumption in favour of delivering sustainable development. In addition, the Council's specific policies on housing are deemed to be out of date, so significant weight must be given to increase the delivery of new homes as required under the NPPF. Therefore, in providing 24 additional dwellings, the development would make a very small but nonetheless positive contribution towards meeting the Borough's housing needs. No additional benefits would result from the size or tenure of the dwellings, but this is a neutral matter. The construction activity would provide a very small boost to the local economy.
- 7.2.10 As part of this development, residents from Walpole Court would be located to the independent living units within Phase 1. Therefore, the existing sheltered living accommodation has been re-provided on the adjacent site. The proposal is therefore considered acceptable in terms of the loss and re-provision of this specialist accommodation.
- 7.2.11 Having regard to all the policy considerations laid out above, the proposed development is considered to be acceptable in principle given the benefits of providing additional dwellings due to paragraph 11(d) of the NPPF being engaged. It follows that the development is acceptable in principle.

7.3 Affordable housing and planning obligations

- 7.3.1 Policy HO7 of the adopted Local Plan (2019) stipulates that planning permission will be granted for residential development which would maximise affordable housing provision. Taking this into consideration, there is a requirement to provide 25% of new homes to be affordable on previously developed sites. In this regard, there would be a requirement to provide 6 affordable units.
- 7.3.2 Turning to affordable housing tenure, mix and design, Policy HO7 states that planning permission will be granted where those dwellings:
- a. Are provided by the developer on site with at least 70% of the units being for rent and the remainder consisting of other tenures which is to be agreed with the Council's Housing team;
 - b. Meets the requirements of Policy HO9 (House types and sizes);
 - c. Are physically indistinguishable from other types of homes and are distributed across the site to avoid over-concentration in particular; and
 - d. Will remain at an affordable price for future eligible households.
- 7.3.3 On the 24 May 2021, the Government announced its First Home policy through a Written Ministerial Statement (WMS) and accompanying changes to the Planning Practice Guidance (PPG). As a result, these changes came into effect on the 28 June 2021. First Homes are designed to support local first-time buyers onto the property ladder, by offering homes at a discount to the market price. The discount will apply to the homes in perpetuity, meaning that generations of new buyers and the local community would continue to benefit every time the property is sold.
- 7.3.4 First Homes are a specific kind of discounted market sale units which:
- a) must be discounted by a minimum of 30% against the market value
 - b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
 - c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
 - d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

- 7.3.5 First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.
- 7.3.6 With regards to affordable housing delivery, the Council's evidence base has demonstrated that since the start of the Local Plan period, delivery of affordable housing has been limited to 295 units, an average of 31 units per annum. Consequently, this evidence demonstrates that there has been a significant under provision of affordable housing delivery within the Borough. This is also reflected in the appeal decision letter for Land West of Lytton Way appeal whereby the inspector states (para. 87) and quote:
- 7.3.7 *"I have been referred to other schemes which have been granted planning permission or it has been resolved that planning permission should be granted. In these schemes, for one reason or another, affordable housing provision has been lower than the expected policy figure of 20%. Indeed 52 homes would equate to over 17% of the affordable housing that has been delivered thus far in the Local Plan period. In these circumstances of poor delivery of affordable homes and with sizeable unmet need for such housing, I give the provision of affordable housing significant weight".*
- 7.3.8 The proposed development would not consist of or include the provision of any affordable housing. However, it is important to note that the planning permission for the adjoining site at Kenilworth Close phase 1 for 169 dwellings (including 88 independent living units) (planning reference: - 18/00398/FPM) delivered the affordable housing requirement for the Walpole Court development (6 units). Kenilworth Close phase 1 development comprises 70% affordable units (118 units). It has always been the Council's intention that this site would fund the affordable housing units delivered under phase 1. Therefore, the financial capital generated for this development would cover the costs of building out the affordable housing units under phase 1. It is considered that the affordable housing provision for this application has therefore already been provided on the adjacent site and the scheme is considered acceptable as a 100% open market development.
- 7.3.9 Turning to the adopted Developer Contributions SPD (2021), this SPD includes a requirement that developers of major development when signing an agreement with the Council, will need to:
- Attempt to fill 5% to 10% of construction jobs on-site associated with the development with Stevenage Residents;
 - Attempt to fill 1 apprenticeship position per 10 construction jobs on-site with a Stevenage Resident or Student (cap requirement of 10 apprenticeships);
 - Report whether or not these requirements are met; and
 - Provide a financial contribution in lieu of not achieving either or both targets.
- 7.3.10 In terms of monitoring, the Council Developer Contributions SPD set out that the Council will seek a monitoring fee of 2.5% of the value of the contributions being monitored. The fee would be capped at £25,000.00. The monitoring fee itself would be secured as part of any S106 legal agreement.
- 7.3.11 Turning to the areas of open space on the site, including areas of highway which are not to be formally adopted by the Council or Hertfordshire County Council, it is recommended that the Legal Agreement secures the provision of a Management Company. This is to ensure that the areas of un-adopted open space and highways which form part of the development are properly managed and maintained during the lifetime of the development.
- 7.3.12 A separate s278 Agreement (covering the junction alterations and any off site improvements) would also be required and would need to be referenced and secured within the S106 agreement.

- 7.3.13 Hertfordshire County Council Growth and Infrastructure unit advise the proposed development would have an impact on secondary school places within the town and have requested a financial contribution towards new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development of £316,193 index linked to BCIS 1Q2022. HCC will also seek a monitoring fee to cover this.
- 7.3.14 The applicant has also agreed to pay a Biodiversity Financial Contribution of £23,486 to ensure the development would deliver a 10% biodiversity net gain.
- 7.3.15 The applicant has agreed to pay the aforementioned financial contributions and obligations which would be secured by a S106 Agreement. In this regard, the proposed development would accord with the NPPF and the Council's adopted policies in relation to affordable housing and financial contributions.

7.4 Standard of Accommodation

- 7.4.1 Policy GD1 of the Local Plan requires new residential developments to meet the nationally described space standard and to provide for the amenities of future occupants. Policy FP8 of the Local Plan states that planning permission for pollution sensitive uses, such as dwellings, will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing or proposed pollution generating uses.
- 7.4.2 The Design and Access Statement advises all houses are designed to fully comply with the Nationally Described Space Standards. The submitted floor plans show the four-bedroom 6-person dwellings would have a gross internal area ("GIA") of approximately 127m². The NDSS give a minimum total floor area requirement of 112m², therefore the total GIA would exceed the standards. The submitted floor plans show the four-bedroom 7-person dwellings would have a gross internal area ("GIA") of approximately 130m². The NDSS give a minimum total floor area requirement of 121m², therefore the total GIA would exceed the standards. The submitted floor plans show the three-bedroom 5-person dwellings would have a gross internal area ("GIA") of approximately 110m² and 112m² depending on house type. The NDSS give a minimum total floor area requirement of 99m², therefore the total GIA would exceed the standards.
- 7.4.3 All double bedrooms should be over 11.5m² in area and single bedrooms over 7.5m². The floorplans show the bedrooms as meeting or exceeding these requirements. Given both the GIA and bedrooms exceed the size requirements, it is considered the dwellings would meet the NDSS and provide an acceptable living environment for future occupiers.
- 7.4.4 In terms of natural light, outlook and ventilation, the dwellings would be dual aspect and therefore benefit from ample daylight and sunlight and opportunities for passive ventilation. This would make a positive contribution to future occupants' quality of life.
- 7.4.5 As for privacy, future occupants would be able to look out over the rear gardens of the adjoining proposed dwellings. However, it is not unusual for neighbours to have a degree of aspect over one another in a medium density residential setting where houses are arranged side-by-side. The separation distances between the proposed dwellings, in particular where there is a back-to-back or back to side relationship falls short compared to that recommended by the Local Plan. However, the design of the dwellings and the disposition of windows would mitigate against any overlooking in this development.
- 7.4.6 With regards to gardens, according to the proposed site plan ref 23042wd2.02A, whilst some of the gardens would be less than 10m in length all the gardens would meet or exceed the 50m² area as recommended by the Design Guide SPD. It is considered the proposed gardens would provide quality private amenity space for the future occupiers and are acceptable.
- 7.4.8 With regards to noise, the application is supported by a noise and vibration assessment which assesses the current sources of background noise and whether the site is suitable for residential

development. It advises noise levels at the site are dictated by road traffic noise emissions from Watton Road and Hertford Road, and railway noise from the Hertford Loop Line. A 3D noise model was used to calculate road traffic noise levels at all facades of the development. The report concludes the design of the development is acceptable, subject to the adoption of acoustically upgraded glazing, ventilation and acoustic screening around gardens. This can be secured via planning conditions. Ground-borne vibration levels at the site have been measured and are considered to be acceptable. The report advises the site is suitable for residential development in terms of noise and vibration levels.

7.4.9 Overall, it is considered that the proposed development would be capable of providing a very good standard of accommodation for future occupants. In this respect, the proposal accords with Policy GD1. Since there are no significant sources of pollution nearby, the proposal also accords with Policy FP8.

7.5 Character and Appearance

7.5.1 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.

7.5.2 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.

7.5.3 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.

7.5.4 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.

7.5.5 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.

7.5.6 This part of the application has been assessed against the key policy criteria on good design, as well as how the scheme meets the four key objectives in the National Design Guide on what is considered as a well-designed place. The proposed development would comprise the demolition of existing Walpole Court sheltered living accommodation and associated bungalows and the construction of 24no. dwellings with associated road and vehicle access, car parking, garden areas and ancillary works.

Layout

7.5.7 The proposed layout has been designed around the curve of Blenheim Way reflecting this corner location and the proposed new access road serving the site off Kenilworth Close. There would be 6 no. three storey town houses facing onto the existing turning head road, overlooking the phase 1 development to the north. The new access road taken from Kenilworth Close would accommodate 7 no. mews style 2.5 storey houses fronting onto it with a turning head for bin lorry and emergency vehicles.

7.5.8 The proposed dwellings facing onto Blenheim Way would follow the road round, creating a natural screening to the site with garden areas at the back of the houses. All houses would be provided with car parking spaces with Electric Vehicle charging points. Five visitor car parking spaces would be situated around the site, three of which would be located off Blenheim Way. Refuse and cycle storage would be provided within the rear gardens, with bikes stored in lockable sheds. A new pedestrian rear access would be provided to the existing houses on Blenheim Way to the east at the rear of plots 10 and 11.

Scale and Massing

7.5.9 The proposed 6 no. town houses facing onto the existing turning head road, overlooking the phase 1 development to the north would be 3 storeys in height. This would relate well to the building height changes from the adjoining phase 1 development which comprises 5, 4 and 3 storey buildings with the proposed town houses at 3 storeys and then the development moves down to 2.5 storey in height with the proposed mews dwellings. It is considered this scale and massing arrangement, with the building heights lower on the Walpole Court site and gradually increasing in height as you move towards the phase 1 development, would have a positive visual impact on the surrounding townscape and is an effective solution to the transition between the higher density, mainly flatted development to the north and the family housing proposed on this site.

Design and Appearance

7.5.10 The proposed dwellings would comprise a limited palette of low maintenance materials throughout the site to ensure the development has a cohesive appearance and is suitable for the area. The materials used would be predominantly buff and red colour bricks, black coloured cladding panels, railings and frames in grey colour with dark grey tiles for the pitched roofs. Feature bay windows are also proposed in grey colour cladding to match the windows and roof colour.

7.5.11 Some of the boundary walls would be buff or red colour brick to match the proposed houses. The houses would employ a variety of materials which both characterise each type and represent elements of the common palettes across the development. The townhouses would

include a different palette range without omitting the common material across the site. They would also adopt different proportions in their articulation and openings as they would be sited closer to the Phase 1 development. Further variations would exist to distinguish the houses situated in specific spots on the development (e.g. corner locations).

- 7.5.12 Overall, it is considered the proposed development would have a high-quality finish and has been designed to assimilate itself with the wider area with the careful use of materials and finishes to give the buildings architectural interest. The scale of the proposed dwellings would appear in keeping with the surrounding established residential area. The layout of the proposed development has been well considered and takes into account the need for satisfactory access and separation with existing dwellings. The proposed development is therefore, considered acceptable in accordance with the policies on design in the adopted Local Plan (2019), the Design Guide SPD (2023), the NPPF (2023) and PPG.

7.6 Impact on the Environment and Neighbouring Occupiers

- 7.6.1 Policy FP5 of the Local Plan requires development proposals to consider contamination and be supported by an appropriate preliminary risk assessment (PRA), demonstrating that any necessary remediation and subsequent development poses no risk to the population, environment or groundwater bodies.
- 7.6.2 Policy FP7 requires all development proposals to minimise, and where possible, reduce air, water, light, and noise pollution. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on general amenity and the tranquillity of the wider area.
- 7.6.3 Policy GD1 also requires that developments do not have an adverse impact on neighbouring uses or the surrounding area.

Contamination

- 7.6.4 The site is not known to be or suspected to be contaminated, nor is its historic use one which is likely to have caused contamination. Notwithstanding this, a preliminary risk assessment has been submitted with the application. The presence of Made Ground relating to historic construction activities has been identified as a potential onsite hazard. The railway line to the south of the site has been identified as an offsite source of potential contamination. A Moderate-Low Risk rating has been applied for both sources. An offsite electrical substation has also been identified as a Low-Risk source of potential contamination. The report recommends that a preliminary intrusive ground investigation is undertaken to determine the extent of any potential contamination within the soil strata. A condition is recommended to secure this and to ensure that any unexpected contamination is dealt with properly if discovered during the construction phase.

Noise Pollution

- 7.6.5 The introduction of additional residents to the road would undoubtedly lead to some increase in noise. However, there is nothing to suggest that the character or intensity of noise would amount to anything over and above what would ordinarily be expected from single family dwellinghouses. Within an area predominantly made up of single family dwellings and flatted accommodation, this is considered to be appropriate.

Light Pollution

- 7.6.6 No external lighting is proposed over and above street lighting and any spillage from internal lighting would be within the bounds of what would ordinarily be expected from a single family dwelling. This is considered to be acceptable. A condition is recommended to control any external lighting which might be installed at the site in future.

Privacy

- 7.6.7 The proposed dwellings would occupy a previously developed site predominately bounded by Blenheim Way and Kenilworth Close. Therefore, the layout of the proposed dwellings has been designed to minimise impact on existing adjoining dwellings. For the most part, the development would be separated from adjoining dwellings to the west and north by the highway of Blenheim Way and Kenilworth Close and would not therefore have an impact on the amenity of these dwellings. Nos. 124 to 132 Blenheim Way to the east would directly back onto or be side onto plots 7 – 10 and 11, 14 and 15 of the application site. In this instance, all relevant minimum back-to-back and back to side separation distances as recommended by the Local Plan have been complied with. Consequently, it is considered that the overlooking would not in any way result in intolerable living conditions for neighbouring occupiers.

Natural Light

- 7.6.8 As shown on the submitted plans, the development would comfortably pass the 45 degree test in respect of the nearest habitable room windows at each neighbouring property and is considered to be acceptable in this regard.

Overbearing Appearance

- 7.6.9 As with privacy, all relevant minimum back-to-back and back to side separation distances as recommended by the Local Plan have been complied with in relation to the existing dwellings on Blenheim Way which directly adjoin the site to the east. Given this, the development would be highly unlikely to appear overbearing when viewed from these neighbouring properties. The existing dwellings on Cragside and Blenheim Way to the west, along with the new flatted development on phase 1 to the north are all separated from the application site by a highway and therefore there would be no overbearing impact to these dwellings.

Demolition and Construction Impacts

- 7.6.10 The disruptive effect of demolition and construction work is a material consideration. 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.
- 7.6.11 To this end, it is recommended that a construction management plan be secured by condition. Subject to this condition, it is considered that the impacts of demolition and construction could be mitigated to an acceptable degree.

Conclusions on Environment and Neighbouring Occupiers

- 7.6.12 Having regard to the above, it is concluded that the proposed development would not result in any fundamentally unacceptable impacts on the environment and could be designed in such a way as to ensure acceptable living conditions for neighbouring occupiers. In these respects, the proposal is considered to accord with Policies HO5, FP5, FP7 and GD1 of the Local Plan.

7.7 Parking Provision

- 7.7.1 Policy IT5 of the adopted Local Plan (2019) states that planning permission will be granted where proposals comply with the parking standards set out in the plan. The parking strategy has been designed to comply with the Parking Provision SPD (2020). The application site does not fall within a residential accessibility zone, so the Planning Authority would seek the maximum number of car parking spaces to serve the development. The table below is taken from the Transport Assessment that has been submitted in support of the application and shows the total parking requirements for the site:

Bedrooms	Car Parking Requirement	Proposed	Required
1 Bedroom	1 space per house	0	0
2 Bedrooms	1.5 spaces per house	0	0
3 Bedrooms	2 spaces per house	14	28
4+ Bedrooms	2.5 spaces per house	10	25
Total		10	53

7.7.2 The proposed parking arrangements have allowed for 2 spaces per 3-bedroom and 4-bedroom 7 person dwellings, 3 spaces per 4-bedroom 6 person townhouses and 5 visitor spaces dispersed around the site. This would equate to 54 spaces to serve the dwellings, plus 5 visitor spaces giving a total site provision of 59 spaces. Whilst the scheme is policy compliant in terms of total number of spaces, the 4-bedroom 7 person dwellings should be served by 3 spaces each to comply with the Parking Provision SPD (2020). However, overall, it is considered the development is served by a policy compliant level of parking plus visitor spaces and on this basis, it is considered the proposed parking arrangements would be sufficient. The visitor spaces would be unallocated and available for use as and when required by residents and / or their visitors.

7.7.3 Turning to disabled parking, as the parking would not be communal there is no policy requirement to provide disabled spaces. With regards to cycle parking, every dwelling would be provided with a garden shed to act as secure cycle storage capable of accommodating the required number of bikes per dwelling in accordance with the Parking Provision SPD (2020) standards. This would ensure that there is sufficient cycle parking to serve the development.

7.7.4 Turning to electric vehicle parking, the Parking Provision SPD (2020) introduces a minimum requirement for electric vehicle parking. The requirements for new developments would need to abide by the following:-

- All new car parking should be designed to fulfil a Passive Electrical Vehicle Charging Point standard (providing the necessary underlying infrastructure);
- The blend of access to charging points provided within new developments;
- A minimum of 20% of new parking on a site to have access to an active EV charging point;
- A flexible approach to the requirement of charging facilities as technology changes.

7.7.5 At least one space per house would be provided with an active EV point. All remaining spaces would be passive EV points ready for future installation. This provision fully complies with the Parking Provision SPD (2020) requirement of 20% of the spaces to be active EV points and 80% passive. EV charging points would also be sought under the Building Regulations.

7.7.6 Given the above assessment, it is considered there would be sufficient parking (including cycle parking and EV parking) in accordance with the Council's adopted Parking Standards. Therefore, the proposal would be in accordance with policies set out in the adopted Local Plan (2019), the Council's Parking Standards SPD (2020), the NPPF (2023) and PPG.

7.8 Access and Highway Safety

7.8.1 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. The application is supported by a Transport Statement. Vehicle access would be provided from Kenilworth Close with a new turning head for bin lorry and emergency vehicles. Swept path analysis has been carried out to demonstrate that the proposed access road meets the national requirements. The mews

houses would have a 6500mm wide shared surface. As well as forming a new vehicular entrance from Kenilworth Close, most of the houses would be accessed from Kenilworth Close and Blenheim Way, maintaining a pedestrian link.

- 7.8.2 In order to help integrate the site with existing residential areas and services/facilities within the surrounding area, existing pedestrian footways would be retained. The internal site layout would ensure permeable links to the surrounding network are provided. The site would provide links to the existing cycle and pedestrian networks. Access for non-motorised users (NMU) can be obtained via a footpath which runs north to south from Hertford Road to Kenilworth Close and the existing footway running alongside Blenheim Way. Existing bus stops and nearby facilities are located within acceptable walking and cycling distance of the site.
- 7.8.3 In order to assess the impact of the development proposals on the local highway network, analysis of the potential traffic generation has been undertaken within the Transport Assessment. For this purpose, the selected peak periods of assessment are the typical commuter peak periods of 08:00-09:00 and 17:00-18:00. Analysis suggests the development could generate 14 two-way movements in the AM peak period and 12 in the PM peak period. It should be noted that the development would replace the existing dwellings on the site and as such, the Transport Statement considers the development generated impact would be minimal. Based upon the various points of access to each of the sites and the likely distribution and assignment across the surrounding road network, the Transport Statement considers that the traffic impact of the development would be dispersed throughout various junctions.
- 7.8.4 Paragraph 32 of the NPPF states development proposals should only be refused where the cumulative residual impacts of the proposals are deemed to be severe. Based upon the proposed trip generation and subsequent traffic impact assessments undertaken, the traffic impact of the proposals cannot be classed as severe. On this basis, it is therefore considered that there are no transport or highway reasons why this development proposal should be refused.
- 7.8.5 HCC as Highway Authority have raised no objection to the development subject to various conditions. Three of these conditions relate to requirements to upgrade existing highway infrastructure outside of the application site boundary, namely additional footways, tactile paving crossings and bus stop upgrades (Real Time Information Screens). Paragraph 56 of the NPPF (2023) states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.8.6 It is not considered conditioning these requests as part of any planning permission to undertake upgrade works to existing highway infrastructure outside of the application site boundary would meet these tests, given the Transport Statement has demonstrated the proposed development would not have a severe impact on the local highway network.
- 7.8.7 Should the Highway Authority wish to secure the off-site highway works; this could be negotiated with the applicant through the agreement under Section 278 of the Highways Act 1980 outside of the planning application process. The remaining conditions relating to securing the proposed vehicle crossovers, parking and turning areas on site and the submission of a construction traffic management plan are considered appropriate to condition as part of this application and would meet the relevant tests of paragraph 56 of the NPPF.
- 7.8.8 Subject to the above conditions, it is considered that the proposed development would not have any unacceptable impacts on highway safety or any severe residual cumulative impacts on the highway network and can be considered acceptable in this regard.

7.9 Ecology, Trees and Biodiversity

- 7.9.1 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.
- 7.9.2 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 some exemptions to demonstrate a net gain in biodiversity. This application was made valid before new Biodiversity Net Gain regulations came into force on 12 Feb 2024. The transition arrangement is not required to consider the regulations, but consideration should be given to the Council's adopted Biodiversity SPD (2021).
- 7.9.3 The application is supported by a Preliminary Ecological Appraisal, which assesses the site as comprising modified grassland, introduced shrub, other developed land, buildings, and non-native and ornamental hedgerow. The findings of the survey confirm that the habitats onsite have the potential to support roosting bats, nesting birds and hedgehogs. The report advises the constraints to development would be the removal of habitats considered suitable for protected species, including buildings suitable for roosting bats and nesting birds and recommends a detailed preliminary bat roost assessment and bat roost emergence survey on building 2 are undertaken.
- 7.9.4 A typical range of precautionary measures are recommended, for example carrying out site clearance outside of the bird nesting season, along with enhancements such as the provision of bat and bird boxes and hedgehog friendly fencing. Subject to these recommendations being implemented, it is considered that the development would have an acceptable impact on ecology.
- 7.9.5 With regards to trees, an Arboricultural Impact Assessment has been submitted to support the application. The site contains a typical mixture of ornamental species; the dominant trees comprising Silver Birch, Swedish Whitebeam, Corsican Pine and Cherry. The majority of the site's trees represent semi to early mature examples of their species, where value is largely acknowledged by virtue of their collective presence and contribution towards the site's amenity, of these, only three Silver Birch (T22, T29 and T32) warrant Category B within BS5837 guidance.
- 7.9.6 The most significant tree cover within influence of the site relates to a linear collection of early mature Norway Maple and Lime (G2) set within soft landscaping to the south of Blenheim Way. Forming a dense screen to the adjacent railway line, the collection provides a significant contribution to the amenity and backdrop to the site. Although the components therein are not particularly noteworthy, the report advises the collection holistically warrants category B on this basis.
- 7.9.7 In terms of removals, trees are recommended for removal where: a) it is necessary and unavoidable to site development features within proximity to existing trees, such that they cannot be confidently retained in the long-term as living features, and/or b), where the amenity value of the tree would be significantly reduced as a result of the proposals, particularly if already of a low retention priority. The scheme has been designed with the benefit of arboricultural information from the earliest stage of layout design and has remained cognisant of the permitted removals detailed within the site's previous planning permission (ref: 18/00398/FPM).
- 7.9.8 The tree and hedge removal required to redevelop the site is detailed within the table below. To confirm, no veteran, or high-quality trees are proposed to be removed.

Category B	Category C
T22, T29 & T32 Silver Birch	T23 & T24 Yew
	T25 Rowan
	T26-T28 Corsican Pine
	T30, T39 Cherry
	T33 Winter Cherry
	T34-T38 Swedish Whitebeam
	T102 Holly
	H2+
	H3+
	H7 Berbaris

- 7.9.9 The Council's Arboriculture and Conservation Manager has confirmed that the felling is acceptable subject to replacement planting on a three-for-one basis, which would be secured when final landscaping details are submitted for consideration as part of a planning condition.
- 7.9.10 A biodiversity net gain assessment and metric have also been submitted alongside the application, which shows that the development would not achieve biodiversity net gain. The onsite total net unit change would be -1.67 area habitat units (-79.20% change) and -0.13 hedgerow habitat units (-100.00% change). Trading rule issues include a deficit in medium distinctiveness urban trees.
- 7.9.11 The report recommends that to achieve the targeted 10% biodiversity net gain, an additional 0.60 biodiversity units attributable to individual trees (or any other habitat of high or very high distinctiveness) and an additional 1.28 biodiversity units attributable to any habitat of low or higher distinctiveness, is required for area habitats (1.88 biodiversity units in total). For the linear habitats, to achieve a biodiversity net gain, an additional 0.15 biodiversity units attributable to any hedgerow habitat of low or higher distinctiveness is required.
- 7.9.12 Options are provided within the biodiversity net gain assessment that would achieve the targeted biodiversity for the proposed development. It is recommended that a Landscape and Ecological Management Plan (LEMP) is produced to ensure the habitats onsite are created and managed to the appropriate condition specified within the BNG assessment, to achieve the condition assumed. It is recommended that the BNG calculations are updated at the same time as the LEMP. This can be secured by way of a planning condition.
- 7.9.13 It is understood that the applicant is committed to achieving the targeted biodiversity net gain for this site. They have advised the preferred method to address the deficit would be through a financial payment option known as a Biodiversity Financial Contribution. This is where developers pay a contribution, under full cost recovery, for the ecological advisors of the LPA to organise the required biodiversity accounting schemes, monitor their progress towards meeting the required units of biodiversity gain, act where necessary to ensure the gains are achieved, and to formally report on their progress. The required financial contribution towards achieving 10% net gain would be £23,486 and this would be secured via the s106 legal agreement.
- 7.9.14 Having regard to the above, it is considered that the proposed development would have an acceptable impact on ecology, biodiversity, and trees subject to compliance with relevant tree protection, landscaping and biodiversity net gain planning conditions and the relevant Biodiversity Financial Contribution. In this respect, the proposal accords with Policies SP12 and NH5 of the Local Plan.

7.10 Flood Risk and Drainage

- 7.10.1 A Drainage and SuDS Strategy rev 4 prepared by Structa dated 19 March 2024 accompanies the application. The report reviews the drainage and flood risk issues associated with the proposed development and sets out how surface water run off would be accommodated. The report states that the application site is located within Flood Zone 1 and that flood risk from fluvial and groundwater flooding is low. The development of the site for housing is therefore appropriate as set out by the 'flood risk vulnerability classification' contained within the Planning Practice Guidance. The Drainage Strategy sets out details in respect of surface water and foul water drainage.
- 7.10.2 Drainage strategies should adhere to the Sustainable Drainage Strategy (SuDS) hierarchy provided in the Local Flood Risk Management Strategy 2 (2019). The hierarchy identifies that living roofs and walls are the most-sustainable SuDS features, followed by ponds and basins, infiltration devices and permeable surfaces. Tanked and piped systems are identified as the least sustainable, providing no pollution reduction nor biodiversity benefit.
- 7.10.3 The following general principles have been applied to the drainage design for the proposed development: (i) the run-off generated by the proposed development should be minimised by the use of Sustainable Drainage Systems (SuDS) techniques, (ii) the surface water drainage system should be designed to convey the design storm event of a 1 in 100 year storm plus 40% climate change allowance and (iii) discharge rates will be limited to the pre-development brownfield run-off rates for the site and as close to the equivalent greenfield run-off rates for the site as reasonably practical.
- 7.10.4 The surface water drainage strategy for the proposed development would ensure that the surface water drainage network would be sufficiently robust to withstand the impacts of climate change over the lifetime of the development, the risk of flooding to surrounding areas would not be increased as a result of the development and surface water run-off would be controlled on-site, and the development would not increase flood risk.
- 7.10.5 In accordance with the surface water disposal hierarchy, discharging via infiltration would be the first preference. The infiltration rates measured support this. The development would utilise a combination of cellular soakaways and permeable paving to provide the necessary infiltration to accommodate the design 1 in 100 year + 40% climate change storm events without flooding of the site. The proposed surface water drainage strategy would utilise 5No. cellular soakaways with permeable paving used for parking bays and driveways as well as an under-drained swale to intercept run-off from the adjacent road. To meet the four pillars of SuDS, the use of green roofs, water butts, and under-drained swales have been selected. These would provide the necessary amenity and biodiversity benefits as well as treating the surface water run-off.
- 7.10.6 If following demolition of the site measured infiltration rates, at the location of the soakaways, are not viable, then a suitable alternative strategy has been considered. Due to the lack of a suitable watercourse, the next best option would be to discharge to a surface water sewer. The existing site is connected to the Thames Water surface water sewer that runs through Blenheim Way. Due to the existing buildings being demolished, the report anticipates that these pipes would have sufficient capacity for the proposed 24 dwellings. Therefore, a new connection is proposed into the existing sewer should infiltration not be suitable. The development would utilise a combination of 1no. cellular storage, permeable paving, 2no. underdrained swales, and piped network to accommodate the design 1 in 100 year + 40% climate change storm events without flooding of the site.
- 7.10.7 Hertfordshire County Council as Lead Local Flood Authority (LLFA) have been consulted and initially objected to the drainage strategy (see section 5.6 above). Additional information has been provided and updated comments have confirmed the applicant has provided sufficient information to account for the local flood risk issues and surface water drainage at this location.

Following a review of the submitted documents, the LLFA have no objection subject to conditions being attached to any consent if this application is approved.

7.11 Climate Change and Sustainability

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

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

7.11.2 The Council's Design Guide SPD (2023) sets out additional requirements with respect to climate change. The guide 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.

7.11.3 The Design and Access Statement accompanying the application advises all the dwellings would allow for thick external walls to ensure there is space to follow a 'fabric first' approach allowing for high levels of insulation. The dwellings would be designed with flexibility for adaptation, based on M4(1) Building Regulation standards. Indicative solar photovoltaic panels would be incorporated on the roofs and installed if required to meet Building Regulations. If required, Air Source Heat Pumps would be installed for heating and hot water.

7.11.4 In terms of energy efficiency, a Fabric First approach would be taken to achieve Building Regulations as a minimum. The development would use high levels of thermal insulation to reduce energy requirements, and heating appliances would be selected to have low emission levels in accordance with the requirements of Part L of the Building Regulations and for the dwelling SAP calculations. Water saving measures such as flow restrictors, aerated taps and dual flush toilets would be incorporated into the design to ensure that the development achieves a water efficiency standard of no greater than 110 litres per person per day.

7.11.5 The impact of the changing climate and the greater risk of overheating in buildings is addressed within the design through ensuring that openings within south-facing elevations are not expansive, thus mitigating unwanted solar gain within summer months whilst still allowing living areas within the dwellings to be bright. Further analysis of thermal comfort through the undertaking of the CIBSE TM52 overheating assessment is proposed to be addressed during the detailed design stage of the project.

- 7.11.6 Turning to sustainable construction, it is recommended the applicant submit a SWMP (Site Waste Management Plan). This is to ensure that materials used in construction are properly recycled where possible. It is recommended that if planning permission were to be granted, a condition would be imposed requiring the applicant to submit a SWMP prior to the commencement of development.
- 7.11.7 Given the above, and subject to conditions securing the measures identified to address adaptation to climate change, the development would be in accordance with Local Plan Policy FP1 as well as ensuring a suitable site waste management plan would be provided.

7.12 Community Infrastructure Levy

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

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

- 7.12.2 CIL is a non-negotiable charge. The exact charge will be determined by the Council's CIL officer after an application has been granted in accordance with the CIL Charging Schedule and the Community Infrastructure Levy Regulations 2010 (as amended). Opportunities for relief or exemption from the CIL charge exist and will be taken into account in the calculation of the final CIL charge.
- 7.12.3 CIL replaces the need for S106 agreements to specify financial and/or land contributions for non-site-specific infrastructure projects. This allows infrastructure to be planned on a borough-wide scale rather than on a site-by-site basis as mitigation against the impacts of individual proposals. A CIL Form 1: Additional Information has been submitted along with the application. The development would be CIL liable at £100/m².

7.13 Human Rights and Equalities

- 7.13.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.
- 7.13.2 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the equalities implications of the decision that they are taking. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the Council's obligations under the Public Sector Equalities Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.

- 7.13.3 The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 7.13.4 In terms of inclusive access, the scheme has been designed to be DDA (Disability Discrimination Act) compliant. The dwellings would have level access for pushchair and wheelchair users in order to meet EQIA. The residents living in the existing Walpole Court Sheltered Living accommodation are due to be relocated to the independent living units at phase 1 in the next couple of months, prior to demolition. The proposed development would not have any material impact on persons with any of the protected characteristics listed under the Equalities Act. The dwellings would be designed with flexibility for adaptation, based on M4(1) Building Regulation standards.

8 CONCLUSIONS

- 8.1 The application proposes the provision of housing and the Council's housing delivery is at 57% of identified need according to the latest HDT results. Accordingly, the "tilted balance" as set out at paragraph 11(d) of the NPPF is engaged, which means that the Local Plan policies most relevant in determining the application are to be treated as out of date and planning permission should be granted unless:
- i. the application of policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing the development; or
 - ii. the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 8.2 The proposed development would constitute development on previously development land and would provide a net increase of 24 dwellings on the site, which would make a positive contribution towards meeting the Council's housing targets. Whilst the proposal is contrary to the Government's policy on First Homes, which requires that 25% of affordable housing be provided as First Homes, affordable housing for the proposed scheme (6 units) has been provided as part of the Kenilworth Close phase 1 development on the adjacent site to the north. In addition, replacement independent living accommodation has also been provided at the Kenilworth Close phase 1 development. The proposal is therefore considered acceptable in terms of the loss and reprovision of this specialist accommodation.
- 8.3 The proposal would also confer the typical array of benefits associated with development in terms of employment and other economic activity. Given the scale of the development, these benefits are also attributed moderate weight.
- 8.4 The application has demonstrated that the development would be capable of providing a good standard of accommodation with regards to overall size, floor-to-ceiling heights and adaptability to occupants with reduced mobility. The provision of good quality housing carries significant weight in favour of the proposal. Matters of access, appearance, landscaping, layout and scale as well as impact on infrastructure have been assessed and found to be acceptable. These are neutral matters.

- 8.5 When considered in their entirety, the benefits of the proposal would clearly outweigh the limited adverse impacts relating to the policy conflicts identified. Accordingly, the proposal is considered to accord with the development plan when read as a whole.
- 8.6 The NPPF is a material consideration, especially so in light of the application of the tilted balance. However, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. To the contrary, the adverse impacts would be clearly outweighed by the benefits, as set out above. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

9 RECOMMENDATION

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

- S278 Agreement (covering the junction alterations and public realm works on highway land to be adopted by HCC Highway Authority)
- Local apprenticeships and construction jobs
- Management Company to manage areas of unadopted open space, highways and SuDS.
- £23,486 Biodiversity Financial Contribution towards delivery of 10% biodiversity net gain
- £316,193 Secondary Education Contribution to Hertfordshire County Council
- S106 monitoring fee

- 9.2 The detail of which would be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor, as well as the imposition of suitable safeguarding conditions.

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

1. The development 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:

23042SU1.01; 23042SU1.02; 23042.02.SU1.03; 23042WD2.01A; 23042WD2.02A;
 23042WD2.03; 23042WD2.04; 23042WD2.05; 23042WD2.06; 23042WD2.102;
 23042WD2.103; 23042WD2.104; 23042WD2.105; 23042WD2.106; 23042WD2.107;
 23042WD2.108; 23042WD2.109; 23042WD2.110; 23042WD2.111; 23042WD2.112;
 23042WD2.113; 23042WD2.114; 23042WD2.201; 23042WD2.202; 23042WD2.203;
 23042WD2.204; 23042WD2.205; 23042WD2.206; 23042WD2.207; 23042WD2.208;
 23042WD2.209; 23042WD2.210; 23042WD2.211; 23042WD2.212; 23042WD2.213; 11897
 TCP 01;

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

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

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

3. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 08.00; and 18.00; on Mondays to Fridays and between the hours of 08.00; and 13.00; on Saturdays.
REASON:- To safeguard the amenities of the occupiers of neighbouring properties.
4. No development shall take place (including site clearance or demolition) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved construction management plan. The construction management plan shall include details of the following:
- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to site;
 - c) Traffic and pedestrian management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k) Measures to deal with environmental impacts such as vehicle emissions, dust, noise, vibration, light, and odour.
- REASON:** In the interests of the living conditions of neighbouring occupiers and highway Safety.
5. Prior to the commencement of the development hereby permitted, a detailed Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall detail how waste materials generated as a result of the proposed demolition and/or construction works will be disposed of, and the level and type of soil to be imported to the site as part of the development.
REASON: In order to reduce the level of waste generated during the demolition and construction phases of development and to recycle all waste materials where possible.
6. Prior to the commencement of the development hereby permitted, a preliminary intrusive ground investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for harm to human health and pollution of the water environment. The method and extent of this investigation shall be agreed in writing by Local Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.
REASON: To prevent harm to human health and pollution of the water environment.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing by the local planning authority.
REASON: To prevent unacceptable risks to human health as a result of contamination.

8. The development to which this permission relates shall be carried out in accordance with the external materials specified on drawings 23042WD2.201, 23042WD2.202, 23042WD2.203, 23042WD2.204, 23042WD2.205, 23042WD2.206, 23042WD2.207, 23042WD2.208, 23042WD2.209, 23042WD2.210, 23042WD2.211, 23042WD2.212 and 23042WD2.213 unless otherwise agreed and approved in writing by the Local Planning Authority.
REASON:- To ensure a satisfactory appearance for the development.
9. The proposed car parking spaces, cycle parking storage sheds and turning areas as shown on the proposed detailed site plan (Ref- 23042wd2.02A) shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan and retained thereafter available for that specific use prior to the occupation of the dwellings that they will serve.
REASON: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (2018).
10. The proposed footways and Vehicle Cross Overs (VXOs) as indicated on the detailed site plan (Ref-23042wd2.02A) along Blenheim Way (frontage of proposed plots 24 to 14 and side frontage of plot 1) shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction prior to the occupation of the dwellings that they will serve.
REASON: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 114 – 116 of the NPPF (2023).
11. Notwithstanding the details shown in this application, the treatment of all boundaries including any walls, fences, gates or other means of enclosure and details of acoustic screening around gardens as recommended by the Noise and Vibration report by Cass Allen ref. RP01-23592-R0 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved boundary treatments shall be completed and permanently maintained as such before the dwellings are occupied.
REASON: To ensure a satisfactory standard of development in the interests of amenity and that it has an acceptable appearance.
12. The development to which this permission relates shall be carried out in accordance with the recommendations within the Noise and Vibration report by Cass Allen ref. RP01-23592-R0 or any alternative to be submitted to and approved by the Local Planning Authority.
REASON: To ensure a satisfactory standard of development in the interests of amenity.
13. The development to which this permission relates shall be carried out in accordance with the mitigation measures, including a preliminary bat roost assessment and bat roost emergence survey on building 2 as specified in the Preliminary Ecological Appraisal authored by Geosphere Environmental reference 7993,EC,PEA,AG,SJ,KL,24-01-24,V2 unless otherwise agreed in writing by the Local Planning Authority.
REASON: To prevent unacceptable harm to habitats and species.
14. All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird nesting season cannot be reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
REASON: Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).
15. No dwelling shall be occupied until details of the siting of 24 integrated swift bricks (one per dwelling) have been submitted to and approved by the Local Planning Authority. These bricks shall be fully installed prior to occupation and retained as such thereafter.

- REASON:** To increase the ecological and biodiversity value of the site and for the wider benefits to wildlife.
16. Before any development commences, including any site clearance or demolition works, any trees on the site to be retained shall be protected by fencing or other means of enclosure in accordance with BS5837:2012 and the approved Tree Protection Plan ref. 11897 TPP 01.
REASON: To ensure that the retained tree(s) are not damaged or otherwise adversely affected during site operations.
17. No tree shown retained on the approved plans, or subsequently approved landscaping scheme, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped within five years of the completion of development without the written approval of the Local Planning Authority.
REASON: To ensure the protection of those trees which should be retained in the interests of visual amenity.
18. If any retained tree referred to in condition 17; is removed, uprooted or destroyed or dies within 5 years of the completion of development, a replacement tree should be planted in the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
REASON: To ensure the replacement of those trees which should be retained in the interests of visual amenity.
19. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and details of the treatment of all hard surfaces. The scheme shall include details of all existing trees and hedgerows on the land and details showing all trees to be removed, or retained, together with details of all new planting to take place including species, size and method of planting.
REASON: To ensure a satisfactory appearance for the development.
20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of the development whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
21. All hard surfacing comprised in the approved details of landscaping shall be carried out within 3 months of the first occupation of the building(s) or the completion of the development, whichever is the sooner.
REASON:- To ensure a satisfactory appearance for the development.
22. Development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall ensure the delivery of the agreed number of habitat units as a minimum (1.88 habitat units, 0.15 hedgerow units) to achieve a net gain in biodiversity and include the following.
- a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.
 - b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
 - d) Preparation of an annual work schedule for each habitat parcel (to be applied as a 30-year work plan capable of being rolled forward in perpetuity).
 - e) Details of the body or organisation responsible for implementation of the plan.
 - f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
 - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

- h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

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

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

The approved plan will be implemented in accordance with the approved details.

REASON: To ensure measurable biodiversity net gain in accordance with Stevenage Impact of Development on Biodiversity SPD (2021) and NPPF.

23. The measures to address adaptation to climate change as set out within the Design and Access Statement by Kyle Smart Associates dated January 2024 shall be implemented and permanently maintained in accordance with the approved details.

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

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

REASON: To minimise pollution of the environment and to protect foraging and commuting bats.

25. The refuse and recycling stores for each dwelling as shown on drawing number 23042WD2.02A shall be provided and made ready for use prior to first occupation of the dwellings they will serve and shall be retained in that form and kept available for those purposes thereafter.

REASON: To ensure that adequate refuse and recycling facilities are available to serve the development.

26. 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.

REASON:- To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order to safeguard the amenities of the neighbouring properties from overlooking / loss of privacy and to ensure sufficient parking is available.

27. Following demolition, and prior to the commencement of construction of the proposed development, BRE 365 infiltration testing shall be provided at the depth and location of the proposed soakaways to demonstrate and confirm the detailed design of the drainage strategy (based on FRA & Drainage Strategy (6682-DR001 Revision 4, March 2024) and Drawings (6682-1910 Revision P3, March 2024))., If these results show that infiltration is not a viable option, the scheme shall follow 'Plan B' as set out in the FRA and Drainage Strategy, A set of construction drawings of the final surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The approved scheme shall then be constructed as per the agreed drawings, method statement, and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No

alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

REASON:- To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Stevenage Borough Council.

28. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

1. A timetable for its implementation.

2. Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

3. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

4. Information on how each individual property owner will manage the shared responsibility of soakaways crossing multiple property boundaries.

REASON:- To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Stevenage Borough Council

29. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

REASON:- To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Stevenage Borough Council.

30. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

REASON:- To prevent flooding and pollution offsite in accordance with the NPPF.

31. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

REASON:- To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

INFORMATIVES

1. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
2. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
4. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
5. 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.
6. 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.

7. 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, Campus East, Welwyn Garden City, Hertfordshire, AL8 6AE.

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).

8. Prior to construction the developer is advised to contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design. The reason for this is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' - Security of Building Regulations".
9. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Pro-active Statement

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

10. BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. The Stevenage Local Plan 2011-2031.
4. Stevenage Borough Council Supplementary Planning Documents – Parking Provision and Sustainable Transport SPD (2020); Developer Contributions SPD (2021); The impact of Development on Biodiversity SPD (2020); Design Guide SPD (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.

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 : 23/00372/COND
Date Received : 15.05.23
Location : Courtlands Todds Green Stevenage Herts
Proposal : Discharge of conditions 24 (boundary treatments); 28 (external lighting) and 34 (construction methodology) attached to planning permission reference number 21/00971/FPM
Date of Decision : 05.04.24
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.

2. Application No : 23/00377/COND
Date Received : 16.05.23
Location : Land To The North Of Stevenage Off North Road And Weston Road Stevenage Herts
Proposal : Partial discharge of condition 35 (Drainage Strategy) attached to planning permission reference number 17/00862/OPM (Infrastructure Reserved Matters Reference 22/00808/RMM).
Date of Decision : 28.03.24
Decision : **The Condition(s)/Obligation(s) cannot be discharged but are deemed Acceptable**
- Please note that the condition(s) cannot be discharged given that a breach of planning control has occurred in this instance. However, the Local Planning Authority would not seek any enforcement action against the breach at this time. Notwithstanding this, the Local Planning Authority still reserves the right to undertake enforcement action if a further breach of the condition(s) occurs at a later date.
- The case officer's letter is attached providing further information.
3. Application No : 23/00432/FP
Date Received : 03.06.23
Location : 11 High Street Stevenage Herts SG1 3BG
Proposal : Retrospective change of use from restaurant (Use Class E) with ancillary residential accommodation to 1 no. three bedroom dwelling (Use Class C3).
Date of Decision : 04.04.24
Decision : **Planning Permission is GRANTED**
4. Application No : 23/00433/LB
Date Received : 03.06.23
Location : 11 High Street Stevenage Herts SG1 3BG
Proposal : Retrospective Listed Building Consent for conversion of restaurant (Use Class E) with ancillary residential accommodation to 1 no. three bedroom dwellinghouse (Use Class C3).
Date of Decision : 04.04.24
Decision : **Listed Building Consent is GRANTED**

5. Application No : 23/00945/FP
Date Received : 21.12.23
Location : Symonds Lodge Symonds Green Lane Stevenage Herts
Proposal : Erection of first floor rear extension, single-storey porch and erection of part single-storey, part two-storey side extension to create 1 no. two bedroom dwellinghouse, new vehicle access, parking area and ancillary works.
Date of Decision : 08.05.24
Decision : **Planning Permission is GRANTED**
6. Application No : 24/00065/COND
Date Received : 01.02.24
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Discharge of conditions 7 (Construction Management Plan) 8 (Drainage) and 9 (Drainage) attached to planning permission reference number 22/00931/FPM
Date of Decision : 26.03.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
7. Application No : 24/00072/FPH
Date Received : 05.02.24
Location : 8 Hayfield Stevenage Herts SG2 7JP
Proposal : Retention of single storey rear extension and garage conversion
Date of Decision : 25.03.24
Decision : **Planning Permission is GRANTED**
8. Application No : 24/00083/FPH
Date Received : 07.02.24
Location : 539 Lonsdale Road Stevenage Herts SG1 5DY
Proposal : Part two storey, part single storey front extension
Date of Decision : 08.04.24
Decision : **Planning Permission is GRANTED**

9. Application No : 24/00084/AD
Date Received : 08.02.24
Location : Marquis Of Lorne 132 High Street Stevenage Herts
Proposal : Installation of 1no. externally illuminated pictorial sign, 2no. externally illuminated amenity boards and 1no. externally illuminated fascia name board
Date of Decision : 26.03.24
Decision : **Advertisement Consent is GRANTED**
10. Application No : 24/00086/COND
Date Received : 08.02.24
Location : Aldi Stores Fairlands Way Stevenage Herts
Proposal : Discharge of condition 8 (CMP), 10 (Climate Change), 11 (Landscaping Scheme), 12 (Cycle Store) attached to planning permission reference 23/00736/FP
Date of Decision : 26.03.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
11. Application No : 24/00088/FPH
Date Received : 09.02.24
Location : 12 Birdwing Walk Stevenage Herts SG1 4FT
Proposal : Single storey rear extension
Date of Decision : 30.04.24
Decision : **Planning Permission is GRANTED**
12. Application No : 24/00090/LB
Date Received : 10.02.24
Location : Marquis Of Lorne 132 High Street Stevenage Herts
Proposal : Listed building consent for the installation of 1no. externally illuminated pictorial sign, 2no. externally illuminated amenity boards and 1no. externally illuminated fascia name board
Date of Decision : 26.03.24
Decision : **Listed Building Consent is GRANTED**

13. Application No : 24/00096/FP
Date Received : 13.02.24
Location : The Taste Of India 48A High Street Stevenage Herts
Proposal : Change of use from restaurant to hot food takeaway at ground and first floor and external alterations to shopfront
Date of Decision : 04.04.24
Decision : **Planning Permission is GRANTED**
14. Application No : 24/00103/FPH
Date Received : 16.02.24
Location : 63 Bandley Rise Stevenage Herts SG2 9ND
Proposal : Proposed balcony to rear elevation.
Date of Decision : 05.04.24
Decision : **Planning Permission is GRANTED**
15. Application No : 24/00125/COND
Date Received : 19.02.24
Location : Coreys Cottage, Coreys Mill Tates Way Stevenage Herts
Proposal : Discharge of Condition 3 (Sample of Materials) and Condition 4 (Windows and Doors) attached to planning permission reference number 22/00441/LB
Date of Decision : 08.04.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**
16. Application No : 24/00126/LB
Date Received : 19.02.24
Location : Marquis Of Lorne 132 High Street Stevenage Herts
Proposal : Listed building consent for 4no spotlights at eaves height and re-paint window frames and garage doors
Date of Decision : 02.04.24
Decision : **Listed Building Consent is GRANTED**

17. Application No : 24/00130/FPH
Date Received : 21.02.24
Location : 33 Chepstow Close Stevenage Herts SG1 5TT
Proposal : Part two storey, part first floor side extension and first floor front extension
Date of Decision : 09.04.24
Decision : **Planning Permission is GRANTED**
18. Application No : 24/00135/FP
Date Received : 23.02.24
Location : 1 Pepsal End Stevenage Herts SG2 8LW
Proposal : Two storey side extension to create 1no. one bedroom dwelling with associated parking and landscaping.
Date of Decision : 17.04.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposal fails to demonstrate that adequate provision for car parking can be provided on site for the proposed dwelling in accordance with the Council's standards set out in the Parking Provision and Sustainable Transport Supplementary Planning Document (2020). The proposal would, therefore be likely to result in on street parking on the main carriageway, to the detriment of highway safety and neighbour amenity, contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 to 2031 (adopted 2019), and the Council's Parking Provision and Sustainable Transport SPD (2020), the National Planning Policy Framework (2023) and Planning Practice Guidance.
19. Application No : 24/00138/FPH
Date Received : 24.02.24
Location : 356 Jessop Road Stevenage Herts SG1 5ND
Proposal : Single storey front extension
Date of Decision : 26.03.24
Decision : **Planning Permission is GRANTED**

20. Application No : 24/00142/FP
Date Received : 26.02.24
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Installation of sprinkler tanks, pump house and distribution pipes.
Date of Decision : 08.05.24
Decision : **Planning Permission is GRANTED**
21. Application No : 24/00143/FP
Date Received : 26.02.24
Location : 71 Whitney Drive Stevenage Herts SG1 4BH
Proposal : Demolition of existing dwelling and erection of 1no. 3 bedroom and 1no. 4 bedroom dwellings
Date of Decision : 19.04.24
Decision : **Planning Permission is GRANTED**
22. Application No : 24/00147/FPH
Date Received : 27.02.24
Location : 44 Whitney Drive Stevenage Herts SG1 4BJ
Proposal : Single storey rear extension and garage extension
Date of Decision : 28.03.24
Decision : **Planning Permission is GRANTED**

23. Application No : 24/00149/CLPD
Date Received : 29.02.24
Location : 106 York Road Stevenage Herts SG1 4HF
Proposal : Certificate of Lawfulness (Proposed) for alterations to include hardstanding and a fence
Date of Decision : 30.04.24
Decision : **Certificate of Lawfulness is REFUSED**

For the following reason(s);

On the basis of the information submitted, the enclosure of the land with a 2m high timber fence would not constitute permitted development under Schedule 2, Part 2, Class A (a)(ii) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and, therefore, requires planning permission.
24. Application No : 24/00150/AD
Date Received : 29.02.24
Location : McDonalds Monkswood Retail Park Elder Way Stevenage
Proposal : The minor relocation of approved freestanding totem under 23/00379/AD
Date of Decision : 03.04.24
Decision : **Advertisement Consent is GRANTED**
25. Application No : 24/00152/TPTPO
Date Received : 01.03.24
Location : 30 Daltry Road Stevenage Herts SG1 4AW
Proposal : Removal of 1no. Silver Birch tree (T3) protected by Tree Preservation Order 71
Date of Decision : 11.04.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**

26. Application No : 24/00153/TPTPO
Date Received : 01.03.24
Location : 16 Chancellors Road Stevenage Herts SG1 4AP
Proposal : Removal of 1no. Oak tree (T1) protected by Tree Preservation Order 10
Date of Decision : 28.03.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
27. Application No : 24/00154/TPTPO
Date Received : 01.03.24
Location : 4 Foster Close Stevenage Herts SG1 4SA
Proposal : Reduction of crown height and spread on 2no. Oak trees (T2 and T3) protected by Tree Preservation Order 10
Date of Decision : 04.04.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
28. Application No : 24/00155/FPH
Date Received : 02.03.24
Location : 536 Ripon Road Stevenage Herts SG1 4NL
Proposal : Retention of outbuilding in rear garden
Date of Decision : 30.04.24
Decision : **Planning Permission is GRANTED**
29. Application No : 24/00157/COND
Date Received : 04.03.24
Location : MBDA UK Six Hills Way Stevenage Herts
Proposal : Discharge of Conditions 10 (materials) and 11 (water supply and fire hydrants) attached to planning permission reference number 22/00468/FPM
Date of Decision : 08.04.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

30. Application No : 24/00159/FPH
Date Received : 04.03.24
Location : 20 Hayfield Stevenage Herts SG2 7JP
Proposal : Hip to gable loft conversion with rear dormer, garage conversion and part two storey, part single storey side extension
Date of Decision : 15.04.24
Decision : **Planning Permission is GRANTED**
31. Application No : 24/00161/FP
Date Received : 05.03.24
Location : Garages G001-022 Sisson Close Stevenage Herts
Proposal : Demolition of 22no. garages and replacement with 16no. garages on existing slab and foundations
Date of Decision : 18.04.24
Decision : **Planning Permission is GRANTED**
32. Application No : 24/00162/FPH
Date Received : 05.03.24
Location : 9 Oakfields Stevenage Herts SG2 8NE
Proposal : Single storey rear extension
Date of Decision : 04.04.24
Decision : **Planning Permission is GRANTED**
33. Application No : 24/00163/TPCA
Date Received : 05.03.24
Location : Barnwell Upper School Barnwell Stevenage Herts
Proposal : Removal of x3 Conifer trees
Date of Decision : 04.04.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE IN A CONSERVATION AREA**

34. Application No : 24/00165/TPTPO
Date Received : 05.03.24
Location : 1-9 Olde Swann Court Stevenage Herts SG1 3WB
Proposal : (T1) Lime - Crown reduce by up to 2 metres, back to previous points. (T2) Sycamore - Crown reduce by up to 2 metres, back to previous points. (T3) Sycamore - Crown reduce by up to 2 metres, back to previous points. (T4) Hornbeam - Crown reduce by 1-2 metres, lift & cut back over bays. (T5) Lime - Crown reduce by up to 2 metres, back to previous points. Cut back basal epicormic. (T6) Hornbeam - Crown reduce by up to 2 metres, back to previous points. (T7) Lime - remove dead/decayed stem over site, reduce remaining stem overhanging site by 2-3 metres. Remove major deadwood (tree in decline) protected by Tree Preservation Order 61
Date of Decision : 09.04.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
35. Application No : 24/00167/FPH
Date Received : 06.03.24
Location : 30 Alleyns Road Stevenage Herts SG1 3PP
Proposal : First floor side extension and hip to gable roof extension
Date of Decision : 22.04.24
Decision : **Planning Permission is GRANTED**
36. Application No : 24/00168/CLEU
Date Received : 07.03.24
Location : 51 Ramsdell Stevenage Herts SG1 1QY
Proposal : Certificate of lawfulness for the existing use of the building as an HMO
Date of Decision : 12.04.24
Decision : **Certificate of Lawfulness is APPROVED**

37. Application No : 24/00169/FPH
Date Received : 07.03.24
Location : 44 Collenswood Road Stevenage Herts SG2 9ES
Proposal : Erection of rails and privacy panel to front and side of existing flat roof to create first floor balcony and amendments to previously approved roof design of two storey rear extension
Date of Decision : 30.04.24
Decision : **Planning Permission is GRANTED**
38. Application No : 24/00171/FPH
Date Received : 07.03.24
Location : 37 Shackleton Spring Stevenage Herts SG2 9DF
Proposal : Installation of car parking bay
Date of Decision : 22.04.24
Decision : **Planning Permission is REFUSED**

For the following reason(s);

The proposed development, due to its substandard size and design is likely to result in vehicles being unable to safely manoeuvre onto and off the driveway due to the inadequate width which would give rise to conditions prejudicial to the free flow of traffic and pedestrian and highway safety in the vicinity of the application site. The proposal is therefore contrary to Policy IT5 of the Stevenage Borough Local Plan 2011 - 2031 (2019), the Council's Parking Provision SPD (2020), the National Planning Policy Framework (2023) and the National Planning Practice Guidance.
39. Application No : 24/00177/AD
Date Received : 11.03.24
Location : Mecca Bingo Danestrete Stevenage Herts
Proposal : Advertisement consent for digital signage consisting of 55" LED monitor.
Date of Decision : 23.04.24
Decision : **Advertisement Consent is GRANTED**

40. Application No : 24/00178/AD
Date Received : 11.03.24
Location : Courtlands Todds Green Stevenage Herts
Proposal : Retention of 4.55m x 3m advertisement board within field boundary adjacent to J8 of the A1(M)
Date of Decision : 25.04.24
Decision : **Advertisement Consent is GRANTED**
41. Application No : 24/00185/FP
Date Received : 11.03.24
Location : 19 Denton Road Stevenage Herts SG1 1SX
Proposal : Change of use from public amenity land to residential use
Date of Decision : 09.04.24
Decision : **Planning Permission is GRANTED**
42. Application No : 24/00189/TPTPO
Date Received : 12.03.24
Location : 8 Chestnut Walk Stevenage Herts SG1 4DD
Proposal : Reduction by 30% due to excessive shading of T1 Oak tree protected by Tree Preservation Order TPO 85 and reduction by 50% due to excessive shading of Sycamore tree within the conservation area
Date of Decision : 25.04.24
Decision : **CONSENT TO CARRY OUT WORKS TO A TREE, THE SUBJECT OF A TREE PRESERVATION ORDER**
43. Application No : 24/00192/FPH
Date Received : 13.03.24
Location : 45 Homestead Moat Stevenage Herts SG1 1UE
Proposal : Single storey rear extension, single storey front and side extensions to existing garage, and raising height of the garage roof
Date of Decision : 03.05.24
Decision : **Planning Permission is GRANTED**

44. Application No : 24/00194/FPH
Date Received : 14.03.24
Location : 17 Pepsal End Stevenage Herts SG2 8LW
Proposal : Single storey rear conservatory extension
Date of Decision : 30.04.24
Decision : **Planning Permission is GRANTED**
45. Application No : 24/00195/CLPD
Date Received : 14.03.24
Location : 119 Chancellors Road Stevenage Herts SG1 4TZ
Proposal : Certificate of lawfulness for single storey rear extension
Date of Decision : 07.05.24
Decision : **Certificate of Lawfulness is APPROVED**
46. Application No : 24/00201/FPH
Date Received : 19.03.24
Location : 84 St. Margarets Stevenage Herts SG2 8RE
Proposal : Single storey side and rear extension.
Date of Decision : 22.04.24
Decision : **Planning Permission is GRANTED**
47. Application No : 24/00212/COND
Date Received : 22.03.24
Location : 17 Church Lane Stevenage Herts SG1 3QS
Proposal : Discharge of conditions 3 (Construction Management Plan) and 6 (Solar Panels) attached to planning permission reference number 23/00923/FPH
Date of Decision : 25.04.24
Decision : **The discharge of Condition(s)/Obligation(s) is APPROVED**

48. Application No : 24/00213/FPH
Date Received : 22.03.24
Location : 92 Briardale Stevenage Herts SG1 1TR
Proposal : Single storey rear extension, front porch and window to side following demolition of existing rear outbuilding
Date of Decision : 30.04.24
Decision : **Planning Permission is GRANTED**
49. Application No : 24/00219/HPA
Date Received : 26.03.24
Location : 7 West Close Stevenage Herts SG1 1PW
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 4.5m, for which the maximum height will be 3.73m and the height of the eaves will be 2.44m
Date of Decision : 22.04.24
Decision : **Prior Approval is NOT REQUIRED**
50. Application No : 24/00231/HPA
Date Received : 28.03.24
Location : West View 39 St. Davids Close Stevenage Herts
Proposal : Single storey rear extension which will extend beyond the rear wall of the original house by 7m, for which the maximum height will be 4m and the height of the eaves will be 3m
Date of Decision : 07.05.24
Decision : **Prior Approval is NOT REQUIRED**
51. Application No : 24/00240/NMA
Date Received : 03.04.24
Location : Matalan Site Danestrete Stevenage Herts
Proposal : Non-Material amendment to reserved matters approval 20/00643/RMM to amend wording of condition 27 (Noise).
Date of Decision : 09.05.24
Decision : **Non Material Amendment AGREED**

52. Application No : 24/00242/NMA
Date Received : 04.04.24
Location : Centric Gunnels Wood Building Gunnels Wood Road
Stevenage
Proposal : Non-material amendment to planning permission 21/01362/FPM to install additional pedestrian gates adjacent to Units 3 and 4; relocate the gate at the rear of unit 2 to the side elevation, extension of the 2.4m high paladin fence boundary, and installation of knee rail fencing along part of site frontage
Date of Decision : 26.04.24
Decision : **Non Material Amendment AGREED**
53. Application No : 24/00243/NMA
Date Received : 04.04.24
Location : Aldi Stores Fairlands Way Stevenage Herts
Proposal : Non material amendment to planning permission 23/00736/FP to add solid canopy to south and east elevations
Date of Decision : 23.04.24
Decision : **Non Material Amendment AGREED**
54. Application No : 24/00257/NMA
Date Received : 08.04.24
Location : Land To The North Of Stevenage Weston Road Stevenage
Herts
Proposal : Non material amendment to amend wording of Condition 35 (Drainage) attached to outline planning approval 17/00862/OPM.
Date of Decision : 26.04.24
Decision : **Non Material Amendment AGREED**

55. Application No : 24/00261/CLPD
Date Received : 09.04.24
Location : 12 Dove Road Stevenage Herts
Proposal : Lawful Development Certificate (Proposed) for a rear dormer window, installation of 3 no. roof lights and solar panels.
Date of Decision : 17.04.24
Decision : **Certificate of Lawfulness is APPROVED**
56. Application No : 24/00278/NMA
Date Received : 17.04.24
Location : 24 Wood Drive Stevenage Herts SG2 8NY
Proposal : Non material amendment to planning permission 24/00017/FPH for single storey front extension, conversion of garage and amended vehicular access.
Date of Decision : 23.04.24
Decision : **Non Material Amendment AGREED**

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.

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Meeting: Planning and Development
Committee

Date: 23 May 2024

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

Author – Linda Sparrow

Lead Officer – Zayd Al-Jawad

Contact Officer – Zayd Al-Jawad

1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

2.1 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.2 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

3. DECISIONS RECEIVED

3.1 None

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